Barclays Official

CALIFORNIA CODE OF REGULATIONS

Title 3. Food and Agriculture

Complete Title

Vol. 4



BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
425 Market Street • Fourth Floor • San Francisco, CA 94105
800-888-3600

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS

REVISED EDITION

This edition of *Barclays Official California Code of Regulations*, revised on April 1, 1990, has been published under the direction of the California Office of Administrative Law which is solely responsible for its contents. Comments or questions regarding regulations published in this edition should be addressed to the State of California, Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814, (916) 323–6225. Errors reported will be promptly corrected in subsequent supplements.

OFFICIAL PUBLICATION

Courts are required to take judicial notice of contents of regulations published in the *Official California Code of Regulations* (Gov. Code, § 11344.6). *Barclays Official California Code of Regulations*, as revised April 1, 1990, has been certified by the Office of Administrative Law as the official publication of the State of California for this purpose pursuant to title 1, *California Code of Regulations*, section 190.

CODE SUPPLEMENTS

Amendments to the official Code are certified weekly by the Office of Administrative Law for publication by Barclays. These amendments, when certified and published, become part of the *Official California Code of Regulations*, beginning with Register 90, No. 14, dated April 7, 1990, and include all regulations filed with the Secretary of State on or after April 1, 1990. Amendment subscriptions to the entire revised Code, or to parts of it, are available from the publisher. For a descriptive brochure and order form, write Barclays Official California Code of Regulations, P.O. Box 2008, San Francisco, CA 94126 or telephone 800–888–3600.

CODE CITATION

Cite all materials in the *Official California Code of Regulations* by title number and section number. Example: Title 3, *California Code of Regulations*, section 432 (Short form: Cal. Code Regs., tit. 3, § 432).

COPYRIGHT NOTICE

© 2008, STATE OF CALIFORNIA.

This material may not be commercially reproduced or sold in print or electronic forms without written permission of Thomson/West.

TITLE 3. FOOD AND AGRICULTURE

NOMENCLATURE CROSS-REFERENCE

(NOTE: Effective April 1, 1990, the Office of Administrative Law authorized the renaming of the hierarchical headings used within the Titles of the *California Code of Regulations*. Until the agencies implement these changes in their regulations, use the following Cross–Reference Table for the new organizational headings used in this Title.)

OLD HIERARCHY Chapter ... Division Subchapter ... Chapter Group ... Subchapter Article ... Article Section ... Section

Title 3. Food and Agriculture

TABLE OF CONTENTS

	Page	Page	
Division 1.	Administration 1	Article 8.	Imitation Ice Cream and Imitation Ice Milk
Chapter 1.	General 1	Article 9.	Products Resembling Milk
Chapter 1.1.	Department of Food and		Products 20
	Agriculture—Conflict of Interest Code	Article 10.	Sterilization and Handling Practices
Chapter 1.2.	Department of Pesticide Regulation—Conflict of Interest	Article 11.	Milk Products Plant Score Card
	Code	Article 12.	Identification of
Chapter 2.	Examination for County Officers/ Employees	Article 13.	Containers
Article 1.	Qualifications 2		Licenses 26
Article 2.	Examination 5	Article 14.	Official and Approved
Article 3.	License of Eligibility 6		Testing Methods and Protocols
Article 4.	Seasonal County Standardization Inspector 6.1	Article 14.5.	Nonfat Milk Solids Testing and Reporting
Chapter 3.	Regulation for Implementation of the California Environmental Quality Act of 1970	Article 14.6.	Testing of Raw Milk for Butterfat by Light Transmission
Article 1.	Incorporation by Reference 6.1	Article 14.7.	Testing of Raw Milk for
Chapter 4. Article 1.	Permit Reform Act		Butterfat and Other Milk Constituents by Infrared Light Transmission
Afficie 1.	Department of Food and Agriculture—Permit Reform	Article 14.8.	Third Party Testing
	Act 7	Article 15.	Registration of Dairy
Article 2.	Department of Pesticide		Containers Brands
	Regulation—Permit Reform Act	Article 16.	Milk Products Plant Construction
Division 2.	Animal Industry9	Article 17.	Condemnation of Milk Products
Chapter 1.	Dairies	Article 18.	Milk Separation
Article 1.	Wholesome Feeds 9	Article 19.	Operators of Pasteurization
Article 2.	Market Cream9		Equipment
Article 3.	Neutralization of Cream for Butter 9	Article 20.	Milk Products Plant Floor Drains
Article 4.	Special Varieties of Cheese 9	Article 21.	Milk Inspection Services
Article 5.	Frozen Dairy Products	Article 22.	Permanent Market Milk Dairy
Article 6.	Neutralization of Ice Cream		Buildings
Article 7.	Mix	Article 23.	Evaporated Milk or Condensed Milk 48
111010 7.	Milk 17	Article 24.	Butter Grades 48

Page i (7-25-2008)

	Page		Page
Article 25.	Labeling and Advertising of Milk Products, Imitation	Article 2.	Feed Lot Inspection of Cattle 70.7
	Milk Products and Products	Article 3.	Inspection at Slaughter 71
	Resembling Milk Products 50	Article 4.	Branding and Inspection 72
Chapter 2.	Livestock Disease Control	Chapter 4.	Meat Inspection
	(Animal Quarantine) 51	Subchapter 1.	
Article 1.	Removal of Cattle, etc.,	Article 1.	Meat and Poultry Inspection 74
	from Slaughterhouse Pens, etc	Article 2.	Supplemental Requirements, Licensing and Inspection 76.2
Article 1.5.	Bovine Brucellosis 51	Article 3.	Facilities for Inspection
Article 2.	Movement of Cattle into		and Sanitation 76.5
	California from Mexico 58.4	Article 4.	Ante–Mortem Inspection 76.6
Article 2.5.	Interstate Movement of	Article 5.	Post–Mortem Inspection 76.8
	Cattle and Specified Animals into California 58.6	Article 6.	Disposal of Diseased or Otherwise Adulterated Carcasses and Parts
Article 3.	Interstate and Intrastate Movement of Sheep and	Article 7.	Humane Slaughter of
	Goats	Afficie 7.	Livestock
Article 3.5.	Brucella ovis Free Flock	Article 8.	Handling and Disposal of
	Certification 60.2		Condemned or Other Inedible
Article 4.	Vessel and Aircraft Garbage		Products at Official Establishments
	Disposal 60.3	Article 9.	Marking Products and
Article 5.	Control Fowl Pest and	Afficie 7.	Containers
	Asiatic Newcastle Disease 60.4	Article 10.	Labeling, Marking Devices,
Article 5.5.	Pollorum Disease and Fowl		and Containers 76.16
	Typhoid of Poultry	Article 11.	Entry Into Official
Article 6.	Vesicular Exanthema in Swine— Quarantine Regulation		Establishments; Reinspection and
Article 7.	Swine Diseases from Garbage 63		Preparation of Products 76.18
	_	Article 12.	Definitions and Standards of
Article 8.	Swine Disease Programs		Identity or Composition 76.23
Article 8.5.	Interstate and Intrastate Movement of Swine	Article 13.	Preparation and Processing Operations
Article 9.	Reportable Conditions for	Article 14.	Records and Reports 76.2:
Article 9.	Animals and Animal	Subchapter 2.	
	Products 70.1	Article 36.	Definitions and General
Article 10.	Cattle Health Advisory Task		Provisions7
	Force 70.1	Article 37.	Licenses 7
Article 11.	Emergency Control and Eradication of Animal	Article 37.1.	Renderers, Collection
	Diseases 70.2		Centers, and Transporters of Inedible Kitchen Grease
Article 12.	Bovine Trichomonosis Control Program	Article 38.	Horsemeat and Pet Food
Article 12	Interstate Movement of	. Milelo 50.	Importers
Article 13.	Poultry 70.6	Article 39.	Horse Slaughter for Human
CI 2	•		Food 7
Chapter 3.	Livestock Identification 70.7	Article 40.	Pet Food 7
Article 1.	Modified Point of Origin	Article 41.	Transportation of Dead Animals
	Inspection Areas 70.7		(MIIII al 3

Page ii (7-25-2008)

	Page		Page
Article 42.	Collection Centers and	Article 19.	Labeling94
	Facilities 80	Article 20.	Reinspection and Preparation
Article 43.	Renderers 80		of Products
Article 44.	Retaining and Rejecting 81	Article 21.	Samples for Laboratory Examination
Article 46.	Denaturing 81	Article 22.	Canning
Article 47.	Hours of Operation and Overtime	Article 23.	Preparation of Uninspected
Article 48.	General Provisions	Article 24.	Articles
Chapter 5.	Poultry Inspection 83		"Retained" 97
Subchapter 1.	General Provisions 83	Article 25.	Products for Other Uses 97
Article 1.	Definitions	Article 26.	Reports
Article 2.	Applicability of	Article 28.	State Food and Drug Laws 97
A	Regulations	Article 30.	New York Dressed Fowl 98
Article 3. Article 4.	Scope of Inspection	Subchapter 2.	State–Federal Cooperative Inspection
Article 5.	Application for Poultry	Chantan 6	•
Afficie 3.	Plant License	Chapter 6.	Drugging of Horses
Article 6.	Official Numbers and	Chapter 7.	Control of Diseased Animals
	Compliance with Regulations 84	Article 1.	Permits for Transportation and Sale of Diseased Animals to Slaughterers,
Article 7.	Buildings and Plant Facilities85	Article 2.	Salesyards and Stockyards 99 Disposition of Animals
Article 8.	Maintenance of Sanitary	Afficie 2.	Manifesting Disease
	Conditions and Precautions Against Contamination of	Article 3.	Quarantine
	Products 87	Chapter 8.	Animal Biologics 102.8
Article 9.	Products and Equipment	Article 1.	Definitions
	Contaminated by Polluted	Article 2.	Licenses 102.8
4 .: 1 .10	Water	Article 3.	License Fees 102.8
Article 10.	Sanitation Regulations Applicable to Rabbits Only 90	Article 4.	Animals 102.8
Article 11.	Application for Examination	Article 5.	Product Registration 102.8
Atticle 11.	and Poultry Meat Inspector	Article 6.	Product Registration Fees 102.9
	License 90	Chapter 9.	Informal Hearings 102.9
Article 12.	Compliance with Law and Regulations 90	Article 1.	Informal Hearing Requirements 102.9
Article 13.	Poultry Meat Inspectors 90	Division 3.	
Article 14.	Marking Receptacles and		Economics 103
	Tagging Unsanitary Equipment91	Chapter 1.	Fruit and Vegetable Standardization
Article 15.	Ante-Mortem Inspection 91	Subchapter 1.	Canning Tomatoes
Article 15.1.	Humane Slaughter of Poultry 91	Subchapter 2.	Dried Fruits and Nuts 107
Article 16.	Post Mortem Inspection 92.2	Subchapter 3.	Eggs 107
Article 17.	Denaturing and Disposing of Condemned Carcasses and	Subchapter 4.	Fresh Fruits, Nuts and Vegetables112
	Products	Article 1.	Markings 112
Article 18.	Marking and Identifying	Article 1.1.	Standardization Assessment

Page iii (7-25-2008)

	Page		Page
Article 2.	Inspection Procedures	Article 38.	Plums and Fresh Prunes 194
Article 2.1.	Administrative Civil Penalty	Article 39.	Pomegranates 197
	Guidelines 116.1	Article 40.	Potatoes 199
Article 3.	Definitions	Article 41.	Quinces
Article 4.	Containers 118	Article 42.	Sweet Potatoes 201
Article 5.	Emergency Standards for	Article 43.	Tomatoes
	Quality and Appeals 124.1	Article 44.	Walnuts
Article 6.	Exempt Fruits, Nuts and Vegetables	Subchapter 5.	Grapes for By–Products 204
Article 6.1.	State Organic Program Appeal	Subchapter 6.	Honey 204
	and Mediation Procedures 126	Subchapter 7.	Seed Potatoes 205
Article 6.5.	Direct Marketing 126.1	Article 1.	Standards, Rules and
Article 7.	Apples		Regulations for California Certified Seed Potatoes
Article 8.	Apricots 136	Subchapter 8.	Emergency Standards
Article 9.	Artichokes 138	Subchapter 9.	Poultry and Rabbit Meat
Article 10.	Asparagus 139	Subchapter 9.	Classes
Article 11.	Avocados 141	Article 1.	Inspection and Application 205
Article 12.	Bell Peppers	Subchapter 10.	Raw Products Inspection
Article 13.	Berries	•	for Processing Analysis
Article 14.	Broccoli 146		Different 206
Article 15.	Brussels Sprouts 146.1	Article 1.	Inspection of Grapes for Wine and By-Products
Article 16.	Cabbage 147	Article 2.	Garlic and Onions for
Article 17.	Cantaloupes	Article 2.	Dehydration
Article 18.	Carrots	Chapter 2.	Markets
Article 19.	Cauliflower 150	Article 1.	Reports by Grape Processors 212
Article 20.	Celery		
Article 21.	Cherries	Chapter 2.2.	Market Enforcement
Article 22.	Citrus	Subchapter 1.	Licensing
Article 23.	Green Corn	Article 1.	General Provisions
Article 24.	Dates	Article 2.	The Application Process 212.1
Article 24.5.	Garlic	Article 3.	Investigations
Article 25.	Table Grapes and Raisins 173	Article 4.	Private Disputes
Article 25.5.	Juice Grapes 178	Article 5.	Discipline of Licensees
Article 27.	Lettuce	Article 6.	Dismissals, Range of Discipline, and
Article 28.	Melons, Other Than Cantaloupes		Settlements 212.6
Article 29.	Mushrooms 187	Article 7.	Hearing Procedures 212.6
Article 30.	Nectarines	Chapter 2.5.	Export Market Development 212.7
Article 31.	Olives	Article 1.	Criteria for State Funds and
Article 32.	Onions		Cooperator Funds 212.7
Article 32. Article 33.	Green Onions and Shallots 190	Chapter 3.	Milk Stabilization and Marketing
Article 33. Article 34.	Peaches		of Milk and Dairy Products 213
Article 34. Article 35.	Pears	Subchapter 1.	Unlawful Practices in
Article 35. Article 36.	Peas		Marketing Milk and Dairy Products
Article 36. Article 37.	Oriental Persimmons	Article 1.	General Provisions
ALLICIE 3/.	Oriental Leisminions 194	AIUCIC I.	Opheral Flovisions 213

Page iv (7-25-2008)

	Page		Page
Article 2.	Record Keeping Requirements 215	Subchapter 1.	Fertilizing Materials
Article 3.	Advertising and Sales	Article 1.	Standards and Labeling 225
	Promotion	Article 2.	Samples 228.1
Article 4.	Gifts and Free Services 216	Article 3.	Licensing 228.2
Article 5.	Terms and Conditions, Price	Article 4.	Registration 228.2
	Differences and Meeting Competition	Article 5.	Tonnage Reporting
Article 6.	Generally Acceptable Cost	Subchapter 2.	Economic Poisons 228.2
	Accounting Procedures—Sales	Article 1.	General Provisions
	by Distributors	Article 2.	Definitions
Article 7.	Generally Acceptable Cost Accounting Procedures—	Article 3.	Exemptions
	Retail Sales by Wholesale	Article 4.	Registration Procedures
	Customers	Article 5.	Data Requirements
Article 11.	Sales of Packaged Market	Article 6.	Labeling
	Milk Below Minimum Prices Established by the	Article 7.	Criteria 230
	Director, When and If Such	Article 8.	Findings of the Director 230
	Prices Are Established 220	Article 9.	Mill Assessment 231
Subchapter 2.	Milk, Market Milk and	Article 9.5.	Mill Assessment Disbursement Criteria
	Dairy Products	Article 10.	Violations
Article 1. Article 2.	General Provisions	Article 11.	Pesticide Regulatory Program231
Article 3.	Payment by Handlers to Producers for Manufacturing	Article 12.	Application for Registration
	Milk and Market Milk	Article 13.	Transfer of Registration 232
Article 4.	Contracts for Purchase of Manufacturing Milk or	Article 14.	Commercial Pest Control Service
Article 6.	Market Milk	Article 15.	Toxicity Definitions and Caution Statements
	Subdistributor Prices of Certain Fluid Milk and	Article 16.	Labeling
	Fluid Cream	Article 17.	Misbranding
Subchapter 3.	Petitions and Hearings 221	Article 17.1.	Advertising and Sales
Article 1.	Procedures for Filing of		Documents 232
	Petitions and Conduct of	Article 17.2.	Mill Assessments 232
Subchapter 4.		Article 17.3.	Mill Assessment Reimbursement to Counties 232
	Trust Fund	Article 18.	Products Containing Lead 232
Article 1.	Eligibility for Coverage	Article 19.	Restricted Materials 232
Article 2.	Payment of Claims 224	Article 20.	Restricted Materials 232
Chapter 4.	Shipping Point Inspection	Article 21.	Applicator Certification 235
Chapter 5.	California Beef Council Law Assessments	Article 22.	Regulation of Environmentally Harmful Materials Used by
Division 4.	Plant Industry225		Structural Pest Control Operators
Chapter 1.	Chemistry 225	Article 23.	Pesticide Worker Safety 235

	Page		Page
Subchapter 3.	Tolerances and Exemptions from Tolerances for Pesticide Chemicals in or on Raw Agricultural	Article 1.1. Article 2.	Bee Colony Assessments
	Commodities	Article 3.	Bee Disease Quarantine 259
Chapter 2. Subchapter 1.	Field Crops239Bonded Warehouses239	Subchapter 2. Article 1.	Nursery Stock
Subchapter 2.	Commercial Feed		Trees
Article 1. Article 2.	Definitions	Article 1-A. Article 1-B.	Registration of Citrus Trees Found Free from Psorosis Symptoms
Article 3. Article 4.	Special Mixes	Afficie 1-B.	Registration and Certification of Improved Meyer Lemon Trees
	Labeling and Use Requirements	Article 2.	Registration of Citrus Seed Trees
Article 5.	Commercial Feeds Containing Drugs and Special Provisions	Article 2-A.	Registration and Certification of Caneberry Plants
Article 6. Article 7.	Advertising	Article 3.	Registration and Certification of Deciduous Fruit and Nut Trees
Article 8. Article 9.	Containers	Article 4.	Registration and Certification of Pome Fruit Tree Nursery Stock
Article 10. Article 11.	Removal from Sale	Article 5.	Registration and Certification of Grapevines
Article 12. Article 13.	Damaged Feed	Article 6.	Certification of Avocado Nursery Stock
Article 13.	Violations	Article 6.1.	Registration of Avocado Trees
Subchapter 3.	Field Crops Standards, Inspection and	Article 7.	California Certified Seed Potatoes
Article 1.	Certification 256.4 Standards 256.4	Article 8.	California Certified Seed Garlic
Article 2.	Field Crops Inspection and Certification and Fees 256.5	Article 9.	Regulations for California Certified Strawberry Plants
Subchapter 4. Subchapter 5.	Grain Warehouses	Article 10.	Nursery Stock Nematode Certification
A .' 1 1	Preservation	Article 11.	Nursery Inspection 288
Article 1. Article 2.	Definitions	Article 12.	Nursery Stock Grades and Standards 290.1
Article 3.	Protocols	Article 13.	Origin Inspection of Nursery Stock from Other States 290.2
Chapter 3.	Entomology and Plant Quarantine 258.1	Article 14.	License to Sell Nursery Stock
Subchapter 1. Article 1.	Apiaries	Article 15.	California Certified and/or Registered Nursery Stock Programs 29

Page vi (7-25-2008)

	Page		Page
Subchapter 3.	Pest Control Operations 293	Article 1.	General Provisions 342
Article 1.	Definitions	Article 2.	Standards for Grapes 342.2
Article 2.	Agricultural Pest Control	Article 3.	Standards for Plants
	Operator Licenses 293	Article 4.	Standards for Citrus Fruit 342.6
Article 3.	Permits to Operate Without a	Article 5.	Grapevine Loss Assistance
	License 293		Program 342.7
Article 4.	Aircraft Pilot's Pest	Subchapter 6.	Plant Disease Control 342.8
Article 5.	Control Certificates	Chapter 5.	Rodent and Weed Control and Seed Inspection
	Hire 293	Subchapter 1.	San Joaquin Valley
Article 6.	Pest Control Operations 293	3 5	Quality Cotton District 342.11
Article 7.	Recommendations and Usage 294	Article 1.	Definitions
Article 8.	Agricultural Pest Control	Article 1.1.	Quality Standards 343
	Adviser Licenses 294	Article 2.	General 343
Article 9.	Pesticide Dealer Licenses 294	Article 2.5.	California Upland and
Article 10.	Pesticide Storage,		California Pima Cotton
	Transportation and Disposal	Article 3.	Nonapproved Cotton Breeding and Performance Testing 344
Subchapter 4.	Plant Quarantine 297	Article 4.	Nonapproved Cotton
Article 1.	Definitions		Agronomic Research 344.1
Article 2.	General Provisions of Quarantine Regulations 297	Article 4.3.	Nonapproved Naturally Colored Cotton Research
Article 3.	Exterior Quarantine	Article 4.5.	California Naturally Colored
	(Regulations)		Cotton 344.1
Article 4.	Interior Quarantine	Article 5.	Procedure and Enforcement 344.3
	(Regulations) 312	Article 6.	Refusal of Applications 344.4
Article 5.	Miscellaneous Rulings 340.1	Subchapter 2.	Crop Seed Certification
Article 6.	Airport and Marine Terminal		and Screenings 344.4
	Inspection	Subchapter 3.	Seed Inspection 344.4
Subchapter 5.	Insect Pest Control 340.4(a)	Article 1.	Definitions and
Article 1.	Pest Control Areas 340.4(a)	A-violo 2	Construction
Article 2.	Pest Eradication Areas 340.4(a)	Article 2.	Labeling
Article 3.	Host-Free Districts 340.11	Article 3.	Inspection and Sampling
Article 4.	Fees for Pest Control and	Article 4.	Certification
	Eradication 340.13	Article 5.	Analysis and Testing
Chapter 4.	Plant Pathology	Article 6.	Enforcement and Procedure 349
Subchapter 1.	Host-Free Districts and	Article 7.	Origin Inspection of Seed
	Periods (Western Celery	Article 8.	Schedules
	Mosaic)	Article 9.	Registration and Assessment 353
Article 1.	Territorial Limits and Periods 340.14	Article 10.	Seed Complaint Mediation 353
Subshanter 2	Meyer Lemon	Subchapter 4.	Vertebrate Pests
Subchapter 2.	·	Article 1.	Vertebrate Pest Control Research
Article 1.	Quick Decline of Citrus 340.16	Ch C	
Subchapter 3.	Eradication Areas	Chapter 6.	Weed Free Areas and Weed Eradication Areas
Subchapter 4.	Nematodes	Article 1.	Klamath Weed
Subchapter 5.	Pierce's Disease Control Program	Article 1. Article 2.	Puncture Vine
	**************************************	1 11 11010 2.	* ******** ***************************

Page vii (7-25-2008)

	Page		Page
Article 3.	Wild Scotch Broom 355	Article 10.	Labeling 380
Article 4.	Russian Thistle 355	Article 11.	Subpackaging 382
Article 5.	Alligatorweed 356	Article 12.	Consultation and Public
Article 6.	Dudaim Melon 356		Review 382
Article 7.	Hydrilla 356	Article 13.	Research Authorization 383
Article 8.	South American Spongeplant 357	Article 14.	Violations 384
Subchapter 5	. Wild Bird and Animal	Article 15.	Data Cost–Sharing
	Importations	Subchapter 2.	Cancellations and Suspensions
Subchapter 6	. Noxious Weed Species	Article 1.	Cancellations
Chapter 7.	Miscellaneous Rulings	Article 2.	Suspensions
Subchapter 1		Subchapter 3.	Assessments
D: ::::::	Address Harrison Address	Article 1.	Mill Assessment Collection 386.1
Division 5.	Miscellaneous Matters 358.4	Article 2.	Mill Assessment Disbursement
Division 6.	Pesticides and Pest Control	Titlele 2.	Criteria
	Operations	Subchapter 4.	Restricted Materials
Chapter 1.	Pesticide Regulatory Program 359	Article 1.	Restricted Materials
Subchapter 1	. Definition of Terms 359	Article 2.	Possession and Use
Article 1.	Definitions for Division 6 359		Limitations 390
Subchapter 2	. Program Certification 364	Article 3.	Permit System 391
Article 1.	Purpose 364	Article 4.	Field Fumigation Use
Article 2.	Standards 364	Article 5.	Requirements 394
Article 3.	Consultation 365	Subchapter 5.	Use Requirements
Subchapter 3		Subchapter 3.	Pesticide Residue
•	Penalties 365	Article 1.	Tolerances and Exemptions 406
Article 1.	Guidelines 365	Chapter 3.	Pest Control Operations 406
Subchapter 4	•	Subchapter 1.	Licensing
	Investigation Proceedures	Article 1.	General License
Article 1.	Procedures		Requirements 406
Afficie 1.	Sampling	Article 2.	Agricultural Pest Control
Subchapter 5			Operator Licenses 409
1	Regulations 366.1	Article 3.	Qualified Applicators 410
Article 1.	Sunset Review Schedule 366.1	Article 4.	Pest Control Aircraft Pilot's Certificate
Chapter 2.	Pesticides 366.1	Article 5.	Agricultural Pest Control
Subchapter 1		ruticie 5.	Adviser Licenses 411
Article 1.	General Provisions 366.1	Article 6.	Pest Control Dealer
Article 2.	Registration Requirements 369		Licenses 412
Article 3.	Supplemental Data	Article 7.	Private Applicators 414
	Requirements	Subchapter 2.	Work Requirements 414
Article 4.	Conditional Registration 378	Article 1.	Pest Control Operations
Article 5.	Exemptions		Generally
Article 6.	Adverse Effects Disclosure 379	Article 2.	Pest Control Business Operations
Article 7.	Renewals 379	Article 3.	Protection of Bees
Article 8.	Reevaluation Criteria 379	Article 4.	Storage, Transportation and
Article 9.	Trade Secret	mucio	Disposal41

Page viii (7-25-2008)

	Page		Page
Subchapter 3. Article 1.	Pesticide Worker Safety	Subchapter 3.	Aquatic and Marine Environments
Article 2. Article 3.	General Safety Requirements 420	Article 1.	Pesticide Contamination Protection
Article 4. Article 5.	Field Worker Safety	Subchapter 5. Article 1.	Surface Water
Article 6.	Pesticides 424.6(d) Use Requirements 424.6(e)	Division 7.	Fairs and Expositions425
Chapter 4. Subchapter 1.	Environmental Protection	Chapter 1.	Fair Improvement Allocation Procedures
Article 1.	Pesticide Contamination Prevention	Article 1.	Fair Improvement Allocation Procedures
Subchapter 2.	Air 424.8	Chapter 2.	Revenue Generating Contracts 426
Article 1.	Toxic Air Contaminants 424.8	Article 1.	Vendor Contracts 426
Article 2.	Volatile Organic Compounds 424.8	Article 2.	Motorized Racing Contracts 426

Page ix (7-25-2008)

Barclays Official

CALIFORNIA CODE OF REGULATIONS

Title 3. Food and Agriculture

Division 1. Administration

Vol. 4



Division 1. Administration

TABLE OF CONTENTS

	Page		Page
Chapter 1. § 1. § 1.1.	General	§ 131. § 132. § 133.	Rating by Interview. Notice of Examination Result. Appeals and Protests.
	Pesticides.	Article 3.	License of Eligibility 6
Chapter 1.1.	Department of Food and Agriculture—Conflict of	§ 151. § 152.	License of Eligibility. Renewal of Eligibility for Incumbents.
	Interest Code	§ 153.	Renewal of Eligibility for Non-Incumbents.
Chapter 1.2.	Department of Pesticide	§ 154.	Extension of Eligibility for Servicepersons.
	Regulation—Conflict of Interest	§ 155.	Charter County Licenses.
	Code 2	Article 4.	Seasonal County
Chapter 2.	Examination for County Officers/		Standardization Inspector 6.1
enapter 2.	Employees 2	§ 171.	Seasonal County Standardization Inspectors.
Article 1.	Qualifications 2	§ 172.	Qualifying Examinations.
§ 101.	General Qualifications.	§ 173.	Period of Employment Eligibility.
§ 102.	Citizenship and Age.	Chapter 3.	Regulation for Implementation of
§ 103.	Minimum Qualifications—County	Chapter 5.	the California Environmental
§ 104.	Agricultural Commissioner. Minimum Qualifications—Deputy		
3 104.	County Agricultural Commissioner.		Quality Act of 1970 6.1
§ 105.	Minimum Qualifications—County	Article 1.	Incorporation by Reference 6.1
6 105 1	Agricultural Inspector/Biologist.	§ 200.	Objectives, Criteria and Procedures.
§ 105.1 § 106.	•	§ 201.	Responsible Official.
§ 100.	Minimum Qualifications—County Sealer of Weights and Measures.	§ 202.	Review.
§ 107.	Minimum Qualifications—Deputy	§ 203.	Lead Responsibility.
	County Sealer of Weights and Measures.	Chapter 4.	Permit Reform Act 7
§ 108.	Minimum Qualifications—County	Article 1.	Department of Food and
§ 108.1	Weights and Measures Inspector. Special Examination for County		Agriculture—Permit Reform
3 100.1	Weights and Measures Inspector.		Act 7
§ 109.	Inspector Qualifications Limitations.	§ 300.	Permit Processing Times (Including Licenses, Permits, Registrations and
Article 2.	Examination 5	§ 301.	Certificates). Appeal Procedure.
§ 121. § 122.	Examinations.	· · ·	
§ 122. § 123.	Confidential Records. Minimum Rating Required.	Article 2.	Department of Pesticide
§ 124.	Qualifying for Lower Class.		Regulation—Permit Reform
§ 125.	Announcement.		Act 8
§ 126.	Fee.	§ 305.	Permit Processing Times (Including
§ 127. § 128.	Explanations. Prohibited Acts.		Licenses, Permits, Registrations and
§ 128. § 129.	Prohibited Marks.	§ 306.	Certificates). Appeal Procedures.
§ 130.	Rating of Written Examinations.	§ 307.	Limitations on Licensure of Aliens.

Page i (1-28-2005)

TITLE 3. FOOD AND AGRICULTURE

Division 1. Administration

Chapter 1. General

§ 1. Service of Notices.

For the purpose of subdivision (c) of Section 11505 of the Government Code, notices which are required to be served by registered mail may be served by certified mail pursuant to Section 8311 of the Government Code, and shall be mailed to the licensee at the premise for which his license is issued. Any licensee who desires to have such notices mailed to him at an address other than his licensed premise shall file with the department a specific request for that purpose, and in such case notices shall be sent to the licensee at such address. Such licensee shall notify the department of a change in address, and specifically request the department to mail notices to the changed address.

NOTE: Authority cited for Subchapter 1: Section 16 (renumbered 407, 1967 Stats. C. 15), Food and Agricultural Code. Reference: Section 11505, Government Code.

HISTORY

- 1. New section filed 12–5–62; effective thirtieth day thereafter (Register 62, No. 25).
- Amendment filed 6–9–71 as procedural; effective upon filing (Register 71, No. 24).

§ 1.1. Conflict of Interest Prohibition: Pesticides.

- (a) Each officer and employee of the Department of Pesticide Regulation whose duties involve enforcement or execution of the pesticide provisions of the Food and Agricultural Code shall comply with the Conflict of Interest Code provisions applicable to all Department employees. In addition, no such officer or employee shall hold any direct or indirect interest in the sale, manufacture, or distribution of any pesticide, as provided in this section.
- (b) This section prohibits ownership of a financial interest in any business entity holding any of the following licenses or certificates:
- (1) Certificate of Pesticide Registration, Food and Agricultural Code Section 12815;
- (2) Pest Control Business License, Food and Agricultural Code Section 11701:
- (3) Pest Control Dealer License, Food and Agricultural Code Section 12101;
- (4) Agricultural Pest Control Adviser License, Food and Agricultural Code Section 12001;
- (5) Pest Control Aircraft Pilot's Certificate, Food and Agricultural Code Section 11901;
- (6) Structural Pest Control Company Registration, Business and Professions Code Section 8610.
- (c) This section does not prohibit ownership of an interest in or securities of:
- (1) A mutual fund or other investment company regulated pursuant to the Securities Act of 1933, the Investment Company Act of 1940, or comparable state or federal law, provided no interest is held as an officer or manager of the investment company or its adviser, and provided further the investment company does not specialize in securities of chemical companies.
- (2) A business not included in subsection (b) that may sell pesticides incidental to the sale of general merchandise, such as food markets, variety stores, department stores, and hardware stores, provided no interest is held as an officer or manager of the business.
- (d) This section does not prohibit the ownership of bank accounts, annuities and similar interests in commercial banks, insurance companies

and other state or federally regulated financial institutions that may hold or manage investments, provided the Department officer or employee has no direct authority over the investments.

(e) Lists of business entities regulated with regard to pesticides, as designated in subsection (b)(1)–(6), shall be available in the Division licensing the business entities. Since the list of regulated companies is subject to change and security holdings may be affected by acquisitions, mergers and entry into new fields, Department officers and employees should review their holdings at least annually and at other times as circumstances require.

NOTE: Authority cited: Section 12781, Food and Agricultural Code. Reference: Section 12783, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–16–78; effective thirtieth day thereafter (Register 78, No. 3).
- 2. Renumbering of former Section 2 (Subchapter 1) to Section 1.1 filed 6–15–83; effective thirtieth day thereafter (Register 83, No. 25).
- 3. Change without regulatory effect amending section heading, section and Note filed 6-5-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 23).

Chapter 1.1. Department of Food and Agriculture—Conflict of Interest Code

NOTE: Pursuant to a regulation of the Fair Political Practices Commission (Title 2, CCR, section 18750(k)(2)), an agency adopting a conflict of interest code has the options of requesting that the code either be (1) printed in the CCR in its entirety or (2) incorporated by reference into the CCR. Here, the adopting agency has requested incorporation by reference. However, the full text of the regulations is available to the public for review or purchase at cost at the following locations:

DEPARTMENT OF FOOD AND AGRICULTURE
1220 N STREET, ROOM 104
SACRAMENTO, CALIFORNIA 95814
FAIR POLITICAL PRACTICES COMMISSION
1100 K STREET
SACRAMENTO, CALIFORNIA 95814
ARCHIVES
SECRETARY OF STATE
1020 O STREET
SACRAMENTO, CALIFORNIA 95814

The Conflict of Interest Code is designated as Chapter 1.1 of Division 1 of Title 3 of the California Code of Regulations, and consists of sections numbered and titled as follows:

Chapter 1.1. Department of Food and Agriculture— Conflict of Interest Code

Section

2. General Provisions Appendix

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 87300 and 87311, Government Code.

HISTORY

- 1. New Subchapter 1.1 (Sections 2–2.7, consecutive) filed 2–6–78; effective thirtieth day thereafter. Approved by Fair Political Practices Commission 11–17–77. Printed in Register 78, No. 13 for technical reasons.
- 2. Repealer of Subchapter 1.1 (Sections 2–2.7) and new Subchapter 1.1 (Section 2 and Appendix) filed 3–3–82; effective thirtieth day thereafter. Approved by Fair Political Practices Commission 1–4–82 (Register 82, No. 10).
- Amendment of Appendix filed 6-15-83; effective thirtieth day thereafter. Approved by Fair Political Practices Commission 4-18-83 (Register 83, No. 25).
- Amendment of General Provisions and Appendix filed 11–25–97; operative 12–25–97. Approved by Fair Political Practices Commission 11–3–97 (Register 97, No. 48).
- Amendment of General Provisions and Appendix filed 12–22–99; operative 12–31–99. Approved by Fair Political Practices Commission 12–16–99 (Register 99, No. 52).
- Amendment of Appendix filed 12–27–2001; operative 12–27–2001. Approved by Fair Political Practices Commission 12–24–2001 (Register 2001, No. 52).

- Amendment of General Provisions and Appendix filed 2-22-2002; operative 2-22-2002. Approved by Fair Political Practices Commission 12-24-2001 (Register 2002, No. 8).
- Amendment of General Provisions and Appendix filed 11–16–2004; operative 12–16–2004. Approved by Fair Political Practices Commission 9–7–2004 (Register 2004, No. 47).

Chapter 1.2. Department of Pesticide Regulation—Conflict of Interest Code

NOTE: It having been found, pursuant to Government Code Section 11409(a), that the printing of the regulations constituting the Conflict of Interest Code is impractical, and these regulations being of limited and particular application, these regulations are not published in full in the California Code of Regulations. The regulations are available to the public for review, or purchase at cost, at the following locations:

DEPARTMENT OF PESTICIDE REGULATION 1020 N STREET, ROOM 100 SACRAMENTO, CALIFORNIA 95814

FAIR POLITICAL PRACTICES COMMISSION 428 J STREET, SUITE 800 SACRAMENTO, CALIFORNIA 95814

ARCHIVES SECRETARY OF STATE 1020 O STREET SACRAMENTO, CALIFORNIA 95814

The Conflict of Interest Code is designated as Chapter 1.2 of Division 1 of Title 3 of the California Code of Regulations, and consists of Sections numbered and titled as follows:

Chapter 1.2. Department of Pesticide Regulation— Conflict of Interest Code

Section

3.

General Provisions Appendix

NOTE: Authority cited: Section 12781, Food and Agricultural Code. Reference: Sections 87300 and 87311, Government Code.

HISTORY

- New chapter 1.2 (section 3 and Appendix) filed 9–16–92; operative 10–16–92.
 Approved by Fair Political Practices Commission 7–28–92 (Register 92, No. 38).
- Amendment of address filed 4-11-94; operative 5-11-94. Submitted to OAL for printing only (Register 94, No. 15).
- 3. Amendment of address and Appendix filed 5–23–97; operative 6–22–97. Approved by Fair Political Practices Commission 3–15–97 (Register 97, No. 21).

Chapter 2. Examination for County Officers/Employees

Article 1. Qualifications

§ 101. General Qualifications.

All candidates shall possess the general qualification of integrity, honesty, sobriety, dependability, industry, thoroughness, accuracy, good judgment, initiative, resourcefulness, courtesy, ability to work cooperatively with others, willingness and ability to assume the responsibilities and to conform to the conditions of work characteristic of the employment, and shall be able to perform the essential functions of the job as defined in any county specifications for the position. The foregoing general qualifications shall be deemed to be a part of the minimum qualifications of each classification and need not be specifically set forth therein.

NOTE: Authority cited: Sections 407 and 2101, Food and Agricultural Code; and Sections 12027 and 12202, Business and Professions Code. Reference: Sections 2101 and 2102, Food and Agricultural Code; and Section 12202, Business and Professions Code.

HISTORY

1. Repealer of Subchapter 2 (Sections 101 through 285) and new Subchapter 2 (Sections 101 through 173) filed 7–24–67; effective thirtieth day thereafter (Register 67, No. 30). For prior history, see Registers 53, No. 1; 57, No. 1; 57, No. 12 and 65, No. 17.

2. Amendment of section and Note filed 10-4-95; operative 10-4-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 40).

§ 102. Citizenship and Age.

NOTE: Authority cited: Secs. 407, Food and Agricultural Code; 12027, Business and Professions Code. Reference: 2101 and 2102, Food and Agricultural Code, and 12202, Business and Professions Code.

HISTORY

- 1. Repealer filed 7–28–70 as an emergency; effective upon filing (Register 70, No. 31).
- 2. Certificate of Compliance—Sec. 11422.1, Gov. Code, filed 9–8–70 (Register 70, No. 36).

§ 103. Minimum Qualifications—County Agricultural Commissioner.

The following are the minimum qualifications for admission to the license examination for County Agricultural Commissioner:

- (1) Possession of a valid statewide Deputy County Agricultural Commissioner license; and
- (2) Four years of experience in the enforcement of agricultural or weights and measures laws; at least two years of which shall have included management, supervisory, or program responsibility experience; and
- (3) A minimum of 80 hours of instruction in management and/or supervisory practices, obtained through organized classroom training, inservice training, or accredited correspondence courses.

The scope of the licensing may include the following:

Knowledge of: all laws relating to the office of County Agricultural Commissioner; agriculture; the structure and function of county government; Department of Food and Agriculture and Department of Pesticide Regulation policies and County Agricultural Commissioners' policy statements; principles of administration including program planning, personnel management, budgeting, training, supervision, public relations, office procedures, and records management; legal processes involved in County Agricultural Commissioner responsibilities; those California Code of Regulations provisions dealing with work directly related to the duties of the County Agricultural Commissioner and any rules and regulations of a similar nature.

Ability to: lead others; demonstrate initiative to improve supervisory and management skills; head a county department; handle the funds of the office in an economical manner; effectively evaluate the qualifications of and demonstrate good judgment in selecting assistants; organize and direct a staff of inspectors; analyze situations and people accurately; make independent decisions quickly on matters of importance; get along well with others; handle difficult situations accurately; take effective action; make decisions on controversial matters; speak and write effectively.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 2101–2103, Food and Agricultural Code.

HISTORY

- Amendment of Sections 103 through 105 filed 1–20–69; effective thirtieth day thereafter (Register 69, No. 4).
- 2. Amendment filed 1–30–73; effective thirtieth day thereafter (Register 73, No. 5)
- 3. Amendment filed 2–4–74; effective thirtieth day thereafter (Register 74, No. 6).
- 4. Amendment of subsection (1) filed 8–11–77; effective upon filing (Register 77, No. 33).
- Amendment filed 10-4-95; operative 10-4-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 40).

§ 104. Minimum Qualifications—Deputy County Agricultural Commissioner.

The following are minimum qualifications for admission to the licensing examination for Deputy County Agricultural Commissioner:

- (1) Possession of valid statewide County Agricultural Inspector/Biologist licenses in all categories for which licenses are issued; and
- (2) Two years of experience in the enforcement of agricultural or weights and measures laws or in agricultural pest control or in the production, processing, or marketing of agricultural commodities. This experience must have been at a level comparable to county agricultural or weights and measures inspector; and

(3) Education: Possession of a bachelor's degree from an accredited four-year college with specialization in one or more appropriate disciplines in agricultural or biological sciences as determined by the Secretary of the Department of Food and Agriculture. This requirement does not apply to any person holding a valid certificate of qualification prior to January 1, 1985.

The scope of the licensing examination may include the following:

Knowledge of: all laws relating to the office of County Agricultural Commissioner; agriculture; the structure and function of county government; Department of Food and Agriculture and Department of Pesticide Regulation policies and County Agricultural Commissioners' policy statements; principles of administration including program planning, personnel management, budgeting, training, supervision, public relations, office procedures, and records management; legal processes involved in County Agricultural Commissioner responsibilities; those California Code of Regulations provisions dealing with work directly related to the duties of the County Agricultural Commissioner and any rules and regulations of a similar nature.

Ability to: lead others; demonstrate initiative to improve supervisory and management skills; demonstrate potential as a first line supervisor; handle the funds of the office in an economical manner; effectively evaluate the qualifications of and demonstrate good judgment in selecting assistants; organize and direct a staff of inspectors; analyze situations and people accurately; make independent decisions quickly on matters of importance; get along well with others; handle difficult situations accurately; take effective action; make decisions on controversial matters; speak and write effectively.

NOTE: Authority cited: Sections 407 and 2101, Food and Agricultural Code. Reference: Section 2106, Food and Agricultural Code.

HISTORY

- Amendment filed 1–30–73; effective thirtieth day thereafter (Register 73, No. 5).
- 2. Amendment filed 2-4-74; effective thirtieth day thereafter (Register 74, No. 6).
- 3. Amendment of subsection (1) filed 8-11-77; effective thirtieth day thereafter (Register 77, No. 33).
- Amendment of section and new Note filed 10-4-95; operative 10-4-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 40).

§ 105. Minimum Qualifications—County Agricultural Inspector/Biologist.

The following are the minimum qualifications for admission to the licensing examination for County Agricultural Inspector/Biologist:

Either I

Possession of one or more valid statewide specific category licenses as a County Agricultural Inspector/Biologist;

Or II

Education:

Possession of a Bachelor's degree from an accredited four-year college with specialization in one or more appropriate disciplines in agricultural or biological sciences as determined by the Secretary.

The scope of the licensing examination may include the following: Wide knowledge of: provisions of the Food and Agricultural Code, California Code of Regulations, and related Federal laws and regulations pertaining to the following specific categories for which the candidate elects to qualify:

- 1. Pesticide Regulation
- 2. Investigation and Environmental Monitoring
- 3. Integrated Pest Management
- a. Insect and Disease Pest Management
- b. Vertebrate Pest Management
- c. Weed Control
- d. Apiary Regulation
- 4. Commodity Regulation
- 5. Pest Prevention and Plant Regulation
- a. Plant Quarantine and Pest Detection
- b. Nursery and Seed Regulation

General knowledge of: laws, regulations and functions relating to the office of County Agricultural Commissioner; the agricultural industry in California.

Ability to: interpret and apply the provisions of laws and regulations relating to the office of the County Agricultural Commissioner; deal tactfully and effectively with persons contacted on enforcement matters; establish and maintain cooperative relations with others; analyze situations accurately and take effective action; speak and write effectively.

Persons holding certificates in all of the former categories of Insect and Disease Pest Management, Vertebrate Pest Management, Weed Control and Apiary Regulation shall receive an Integrated Pest Management license. Persons holding certificates in only one, two or three of these former categories shall receive an Integrated Pest Management license limited to the respective subcategory(ies) in which previously certified. Such limited licenses shall remain valid subject to renewal requirements specified in Sections 152 and 153. Persons issued such limited licenses shall be allowed to qualify for the full license by successfully participating in an examination for the unlicensed subcategory(ies) as determined appropriate by the Secretary.

Persons holding a certificate in the former Fruit, Vegetable and Egg Quality Control category shall receive a Commodity Regulation license.

Persons holding certificates for the former categories of Plant Quarantine and Pest Inspection and Nursery and Seed Regulation shall be issued a Pest Prevention and Plant Regulation license. Persons holding one of these two certificates shall receive a Pest Prevention and Plant Regulation license limited to the respective subcategory in which previously certified. Such limited licenses remain valid subject to renewal requirements specified in Sections 152 and 153. Persons issued such limited licenses shall be allowed to qualify for the full license by successfully participating in an examination for the unlicensed subcategory as determined appropriate by the Secretary.

Persons holding a certificate in the former Pesticide Use Enforcement category shall receive a Pesticide Regulation license and an Investigation and Environmental Monitoring license.

NOTE: Authority cited: Sections 407 and 2101, Food and Agricultural Code. Reference: Sections 2102 and 2106, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 8–11–77; effective thirtieth day thereafter (Register 77, No. 33). For prior history, see Register 74, No. 6.
- Amendment filed 12–11–84 as an emergency; effective upon filing (Register 84, No. 51). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 4–10–85.
- 3. Reinstatement of section as it existed prior to emergency amendment filed 12–11–84 by operation of Government Code Section 11346.1(f) (Register 85, No. 16)
- 4. Amendment of section and Note filed 10-4-95; operative 10-4-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 40).

§ 105.1. Student Qualifications.

NOTE: Authority cited: Sec. 407, Food and Agricultural Code. Reference: Sec. 2102, Food and Agricultural Code.

HISTORY

- 1. New section filed 11–16–71; effective thirtieth day thereafter (Register 71, No. 47). For history of former section see Register 71, No. 1.
- Repealer filed 2-4-74; effective thirtieth day thereafter (Register 74, No. 6).
 Note: Through error, repealer first printed in Register 74, No. 35.

§ 106. Minimum Qualifications—County Sealer of Weights and Measures.

The following are the minimum qualifications for admission to the licensing examination for County Sealer of Weights and Measures:

- (1) Possession of a valid statewide Deputy County Sealer of Weights and Measures license; and
- (2) Four years of experience in the enforcement of weights and measures or agricultural laws; at least two years of which shall have included management, supervisory, or program responsibility experience; and
- (3) A minimum of 80 hours of instruction in management and/or supervisory practices, obtained through organized classroom training, inservice training, or accredited correspondence courses.

The scope of the licensing examination may include the following:

Knowledge of: all laws relating to the office of County Sealer of Weights and Measures; Department of Food and Agriculture policies; the structure and function of county government; principles of administration including program planning, personnel management, budgeting, training, supervision, public relations, office procedures, and records management; legal processes involved in County Sealer of Weights and Measures responsibilities; those California Code of Regulations provisions dealing with work directly related to the duties of the County Sealer of Weights and Measures and any rules and regulations of a similar nature.

Ability to: lead others; demonstrate initiative to improve supervisory and management skills; head a county department; handle the funds of the office in an economical manner; effectively evaluate the qualifications of and demonstrate good judgment in selecting assistants; organize and direct a staff of inspectors; analyze situations and people accurately; make independent decisions quickly on matters of importance; get along well with others; handle difficult situations accurately; take effective action; make decisions on controversial matters; speak and write effective-ly

NOTE: Authority cited: Section 12027, Business and Professions Code. Reference: Section 12202, Business and Professions Code.

HISTORY

- Amendment of Sections 106, 107 and 108 filed 1-20-69; effective thirtieth day thereafter (Register 69, No. 4).
- 2. Amendment filed 2-4-74; effective thirtieth day thereafter (Register 74, No. 6).
- Amendment filed 8-11-77; effective thirtieth day thereafter (Register 77, No. 33).
- 4. Amendment of section and Note filed 10–4–95; operative 10–4–95 pursuant to Government Code section 11343.4(d) (Register 95, No. 40).

§ 107. Minimum Qualifications—Deputy County Sealer of Weights and Measures.

The following are the minimum qualifications for admission to the licensing examination for Deputy County Sealer of Weights and Measures:

- (1) Possession of valid County Weights and Measures Inspector licenses in all categories for which licenses are issued; and
- (2) Two years of experience in the enforcement of weights and measures or agricultural laws or in the inspection, maintenance, repair or installation of weighing or measuring instruments or equipment; consumer protection or resolution of consumer complaints in a public or private consumer affairs agency; law enforcement or investigation work in a federal, state, or local jurisdiction; responsible quality control or quantity control work in the production of consumer commodities. This experience must have been at a level comparable to county weights and measures or agricultural inspector/biologist; and
- (3) Education equivalent to graduation from college with major work in chemistry, physics, mathematics, engineering, or other job related majors such as law enforcement, commerce and marketing. (Additional qualifying experience may be substituted for up to two years of the required college education on a year–for–year basis. Persons applying under this pattern must have a minimum of 15 semester units of college training in one or more of the qualifying majors). Persons holding the required valid licenses and permanently employed as a deputy commissioner, or weights and measures or agricultural inspector/biologist shall be deemed to meet the educational requirements of this section.

The scope of the licensing examination may include the following: Knowledge of: all laws relating to the office of County Sealer of Weights and Measures; Department of Food and Agriculture policies; the structure and function of county government; principles of administration including program planning, personnel management, budgeting, supervision, training, public relations, office procedures, and records management; legal processes involved in County Sealer of Weights and Measures responsibilities; those California Code of Regulations provisions dealing with work directly related to the duties of the County Sealer of Weights and Measures and any rules and regulations of a similar nature.

Ability to: lead others; demonstrate initiative to improve supervisory and management skills; demonstrate potential as a first line supervisor; handle the funds of the office in an economical manner; effectively evaluate the qualifications of and demonstrate good judgment in selecting assistants; organize and direct a staff of inspectors; analyze situations and people accurately; make independent decisions quickly on matters of importance; get along well with others; handle difficult situations accurately; take effective action; make decisions on controversial matters; speak and write effectively.

NOTE: Authority cited: Section 12027, Business and Professions Code. Reference: Section 12202, Business and Professions Code.

HISTORY

- 1. Amendment filed 2-4-74; effective thirtieth day thereafter (Register 74, No. 6).
- 2. Amendment filed 12–26–74; effective thirtieth day thereafter (Register 74, No. 52)
- 3. Amendment filed 8–11–77; effective thirtieth day thereafter (Register 77, No. 33).
- 4. Amendment of section and new Note filed 10–4–95; operative 10–4–95 pursuant to Government Code section 11343.4(d) (Register 95, No. 40).

§ 108. Minimum Qualifications—County Weights and Measures Inspector.

The following are the minimum qualifications for admission to the licensing examination for County Weights and Measures Inspector:

Either I

Possession of one or more valid statewide specific category licenses as a County Weights and Measures Inspector or County Agricultural Inspector/Biologist and permanently employed as a County Weights and Measures Inspector or County Agricultural Inspector/Biologist.

Or II

Education:

(1) Equivalent to graduation from college with major work in chemistry, physics, mathematics, engineering, or other job related majors such as law enforcement, commerce and marketing. (Registration in a recognized college as a senior majoring in one of these fields will admit applicants to the examination but a certificate will not be issued until graduation.)

Or

(2) Experience in one or more of the following may be substituted for up to two years of the required college education on a year–for–year basis: (1) enforcement of weights and measures or agricultural laws; (2) the inspection, maintenance, repair or installation of weighing or measuring instruments or equipment; (3) consumer protection or resolution of consumer complaints in a public or private consumer affairs agency; (4) law enforcement or investigation work in a federal, state or local jurisdiction; (5) responsible quality control or quantity control work in the production of consumer commodities. This experience must have been at a level comparable to county weights and measures or agricultural inspector/biologist. (Persons applying under this pattern must have a minimum of 15 semester units in job related courses. Applicants with a college major other than those listed who have the minimum 15 semester units of job related courses and two years of qualifying experience may qualify for the examination.)

Or III

- (1) Possession of an Associate in Science Degree in Measurement Science with a Weights and Measures Option granted by a California community college; and
- (2) One year of experience in the enforcement of weights and measures laws or in the inspection, maintenance, repair or installation of weighing or measuring instruments or equipment. This experience must have been at a level comparable to County Weights and Measures Inspector.

Persons who have attained the Associate in Science Degree as stated in (1) above will be permitted to apply for and take the examination but must provide evidence of one year of experience described in (2) above before a license will be issued.

Page 4 Register 95, No. 40; 10-6-95

The scope of the licensing examination may include the following:

Wide knowledge of: weights and measures provisions of the California Business and Professions Code, California Code of Regulations, and related Federal laws and regulations pertaining to the following specific categories for which the candidate elects to qualify:

- 1. Weight Verification
- a. Weighing Devices
- b. Weighmaster and Petroleum Products
- 2. Measurement Verification
- a. Measuring Devices
- b. Electric Measuring Devices
- c. Compressed Gases
- 3. Transaction and Product Verification
- a. Quantity Control of Packaged Commodities
- b. Weighmaster and Petroleum Products

Persons holding certificates in all of the former categories of Measuring Devices, Electric Measuring Devices and Compressed Gases shall receive a Measurement Verification license. Persons holding only one or two of these certificates shall receive a Measurement Verification license limited to the respective subcategory(ies) in which previously certified. Such limited licenses shall remain valid subject to renewal requirements specified in Sections 152 and 153. Persons issued such limited licenses shall be allowed to qualify for the full license by successfully participating in an examination for the unlicensed subcategory(ies) as determined appropriate by the Secretary.

Persons holding certificates for the former categories of Weighing Devices and Weighmaster and Petroleum Products shall be issued a Weight Verification license. Persons holding only one of these two certificates shall receive a Weight Verification license limited to the respective subcategory in which previously certified. Such limited licenses shall remain valid subject to renewal requirements specified in Sections 152 and 153. Persons issued such limited licenses shall be allowed to qualify for the full license by successfully participating in an examination for the unlicensed subcategory as determined appropriate by the Secretary.

Persons holding certificates for the former categories of Quantity Control of Packaged Commodities and Weighmaster and Petroleum Products shall be issued a Transaction and Product Verification license. Persons holding only one of these two certificates shall receive a Transaction and Product Verification license limited to the respective subcategory in which previously certified. Such limited licenses shall remain valid subject to renewal requirements specified in Sections 152 and 153. Persons issued such limited licenses shall be allowed to qualify for the full license by successfully participating in an examination for the unlicensed subcategory as determined appropriate by the Secretary.

General knowledge of: laws, regulations, and functions relating to the office of the County Sealer of Weights and Measures; measuring and weighing devices and standards.

Ability to: interpret and apply the provisions of laws and regulations relating to weights and measures; deal tactfully and effectively with persons contacted on enforcement matters, including investigative and testing procedures; establish and maintain cooperative relations with others; analyze situations accurately and take effective action; speak and write effectively.

NOTE: Authority cite: Section 12027, Business and Professions Code. Reference: Section 12202, Business and Professions Code.

HISTORY

- Amendment filed 12–10–76; effective thirtieth day thereafter (Register 76, No. 50). For prior history, see Register 74, No. 52.
 Amendment filed 8–11–77; effective thirtieth day thereafter (Register 77, No. 50).
- Amendment filed 8–11–77; effective thirtieth day thereafter (Register 77, No 33).
- 3. Amendment of section and Note filed 10–4–95; operative 10–4–95 pursuant to Government Code section 11343.4(d) (Register 95, No. 40).

§ 108.1. Special Examination for County Weights and Measures Inspector.

HISTORY

 New section filed 6-24-69 as an emergency; effective upon filing (Register 69, No. 26). Certificate of Non-compliance (repealer by operation of Section 11422.1, Gov. Code) filed 7–8–69 (Register 71, No. 1).

§ 109. Inspector Qualifications Limitations.

A county agricultural inspector/biologist or weights and measures inspector shall not be directed to perform duties in those categories in which not licensed except under qualified supervision.

NOTE: Authority cited: Section 407, Food and Agricultural Code and Section 12027, Business and Professions Code. Reference: Sections 2101–2103, Food and Agricultural Code and Section 12202, Business and Professions Code.

HISTORY

- 1. Amendment filed 1–20–69; effective thirtieth day thereafter (Register 69, No. 4).
- Amendment filed 8-11-77; effective thirtieth day thereafter (Register 77, No. 33).
- Amendment filed 10–4–95; operative 10–4–95 pursuant to Government Code section 11343.4(d) (Register 95, No. 40).

Article 2. Examination

§ 121. Examinations.

Examinations shall be of such character as fairly to test and determine the qualifications, fitness and ability of competitors actually to perform the duties of the classification for which they seek licenses. Examinations may be assembled or unassembled, written or oral, or in the form of a demonstration of skill, or any combination of these; and any investigation of character, personality, education and experience and any tests of intelligence, capacity, technical knowledge, manual skill, or physical fitness which the Secretary deems are appropriate, may be employed.

A candidate who holds a valid commissioner or sealer license may qualify for the other license by obtaining the appropriate deputy license and passing an oral examination.

NOTE: Authority cited: Section 407, Food and Agricultural Code and Section 12027, Business and Professions Code. Reference: Sections 2101–2103, Food and Agricultural Code and Section 12202, Business and Professions Code.

HISTORY

- 1. Amendment filed 1–20–69; effective thirtieth day thereafter (Register 69, No. 4).
- 2. Amendment filed 2-4-74; effective thirtieth day thereafter (Register 74, No. 6).
- 3. Amendment filed 10-4-95; operative 10-4-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 40).

§ 122. Confidential Records.

Applications when filed and all other examination materials, including examination questions and booklets, are the property of the Department and are confidential records open to inspection only if and when determined by the Director.

§ 123. Minimum Rating Required.

In order to qualify for a license of eligibility, a candidate must receive a grade of not less than 70 percent in the written examination; or the written or oral score shall be expressed as qualified or eliminated without the assignment of percentage ratings.

NOTE: Authority cited: Section 407, Food and Agricultural Code and Section 12027, Business and Professions Code. Reference: Sections 2101–2103, Food and Agricultural Code and Section 12202, Business and Professions Code.

HISTORY

- 1. Amendment filed 1–20–69; effective thirtieth day thereafter (Register 69, No. 4).
- Amendment filed 10-4-95; operative 10-4-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 40).

§ 124. Qualifying for Lower Class.

When examinations are held for a higher and a lower classification in the same series, it shall be within the discretion of the Secretary to pass a candidate for the lower classification if the candidate attains a passing score for the examination for the lower classification but does not receive a passing score in the examination applied for.

HISTORY

1. Amendment filed 8–11–77; effective thirtieth day thereafter (Register 77, No. 33).

2. Change without regulatory effect amending section filed 3–17–97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 12).

§ 125. Announcement.

Examinations shall be held at such times and places as the Secretary may determine.

HISTORY

 Change without regulatory effect amending section filed 3-17-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 12).

§ 126. Fee.

The Secretary may charge each candidate a fee to cover the actual cost of providing the license examinations. The fees for the County Agricultural Commissioner, the Deputy County Agricultural Commissioner, the County Agricultural Inspector/Biologist, the County Sealer of Weights and Measures, the Deputy County Sealer of Weights and Measures, and the County Weights and Measures Inspector examinations are seventy—five dollars (\$75) each.

NOTE: Authority cited: Sections 407 and 2101, Food and Agricultural Code; and Sections 12027 and 12202, Business and Professions Code. Reference: Section 2101, Food and Agricultural Code; and Section 12202, Business and Professions Code.

HISTORY

1. Repealer and new section filed 10–4–95; operative 10–4–95 pursuant to Government Code section 11343.4(d) (Register 95, No. 40).

§ 127. Explanations.

All necessary explanations will be made to the whole group taking the written examination and no question will be explained to any individual candidate. Examiners shall not make any comment that may assist any candidate to answer any question.

§ 128. Prohibited Acts.

Communication between candidates during examination is strictly forbidden; and candidates are forbidden to receive any unauthorized assistance in the examination. Before the commencement of an examination, candidates will be required to hand to examiner any unauthorized printed or written matter in their possession that might serve to aid them in the examination. Evidence of copying or collusion or deception or fraud in connection with any examination, application or request to be examined, may result in the cancellation of his examination and the debarment of the candidate from future examinations. Copies of the questions in the examination may not be made or taken from the examination room.

§ 129. Prohibited Marks.

Any candidate in any written examination who places any identifying mark upon examination papers, other than his identification number, may be deprived of all benefits under such examination.

HISTORY

1. Amendment filed 8–11–77; effective thirtieth day thereafter (Register 77, No. 33).

§ 130. Rating of Written Examinations.

All examination papers shall be marked and graded under the direction of the Secretary and in accordance with the examination announcement.

HISTORY

1. Change without regulatory effect amending section filed 3–17–97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 12).

§ 131. Rating by Interview.

The oral examination will deal with the candidate's general fitness and also with the category or categories for which the candidate has qualified in the written examination. In connection with any oral examination, a field or laboratory demonstration may be required.

HISTORY

1. Amendment filed 8–11–77; effective thirtieth day thereafter (Register 77, No. 33).

§ 132. Notice of Examination Result.

As soon as the scoring of an examination has been completed, each candidate shall be notified in writing of the examination results.

HISTORY

1. Amendment filed 8–11–77; effective thirtieth day thereafter (Register 77, No. 33).

§ 133. Appeals and Protests.

Any candidate may appeal to the Department to have examination papers reviewed on the ground of errors committed in the rating, if such appeal is made in writing within 30 days after the notice of the result of written examination has been mailed to the candidate. Upon a review of the candidate's examination papers, the rating may be changed in accordance with such review. When such review discloses errors which affect the examination papers of all candidates, then all the examination papers shall be reviewed. Except for protested items, examination material shall not be made available for review by candidates. Any candidate may appeal to the Department to have the decision of the oral examining board reviewed if such appeal is made in writing within 30 days after the notice of the result of the oral examination has been mailed to the candidate.

HISTORY

1. Amendment filed 8–11–77; effective thirtieth day thereafter (Register 77, No. 33)

Article 3. License of Eligibility

§ 151. License of Eligibility.

A successful candidate shall be given a statewide license of eligibility which shall be valid for five years unless revoked. An inspector/biologist's and inspector's license may also specify in which category or categories the candidate has qualified.

Upon expiration of a license, only the highest license for which the holder has eligibility in a series will be issued. When a lower license in a series expires, a renewal license will no longer be issued while a higher license is in effect. The holder shall retain eligibility in the lower classification as long as the higher license remains valid. If a State or county employee fails to renew the higher license at its expiration, a lower license will be renewed and issued for the classification in which he/she is employed and only for those categories in which he/she had eligibility. NOTE: Authority cited: Section 407, Food and Agricultural Code and Section 12027, Business and Professions Code. Reference: Sections 2101–2103, Food and Agricultural Code and Section 12202, Business and Professions Code.

HISTORY

- 1. Amendment of Sections 151, 152 and 153 filed 1–20–69; effective thirtieth day thereafter (Register 69, No. 4).
- 2. Amendment filed 8–11–77; effective thirtieth day thereafter (Register 77, No. 33).
- 3. Amendment of article 3 heading, repealer of paragraph following article 3 heading, and amendment of section heading and section filed 10–4–95; operative 10–4–95 pursuant to Government Code section 11343.4(d) (Register 95, No. 40).

§ 152. Renewal of Eligibility for Incumbents.

Upon request, a license of eligibility shall be renewed without further examination, provided the holder is employed at the time of its expiration, in a County Agricultural or Weights and Measures position or in the California Department of Food and Agriculture or in the Department of Pesticide Regulation. The renewal privilege in this section shall not prohibit the Secretary, whenever it is deemed necessary, from requiring a non–incumbent holder of a valid license to pass a requalifying examination for the renewal of such license.

NOTE: Authority cited: Section 407, Food and Agricultural Code; and Section 12027, Business and Professions Code. Reference: Section 2123, Food and Agricultural Code; and Section 12202, Business and Professions Code.

HISTORY

- 1. Amendment filed 8–11–77; effective thirtieth day thereafter (Register 77, No. 33).
- Amendment of section and new Note filed 10-4-95; operative 10-4-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 40).

§ 153. Renewal of Eligibility for Non-Incumbents.

Upon request, a holder of a license of eligibility who is not employed by a County Agricultural or Weights and Measures office or by the California Department of Food and Agriculture or by the Department of Pes-

Page 6 Register 97, No. 12; 3–21–97

ticide Regulation, but who otherwise meets the minimum qualifications for the class, or has served as an incumbent in the class, may renew his/her license at the time of its expiration upon successful completion of requalifying examinations.

NOTE: Authority cited: Section 407, Food and Agricultural Code; and Section 12027, Business and Professions Code. Reference: Section 2123, Food and Agricultural Code; and Section 12202, Business and Professions Code.

HISTORY

- 1. Amendment filed 8–11–77; effective thirtieth day thereafter (Register 77, No. 33).
- 2. Amendment of section and new Note filed 10-4-95; operative 10-4-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 40).

§ 154. Extension of Eligibility for Servicepersons.

Licenses of eligibility for any person who enters or enlists in the recognized military service of the United States which were valid upon the date of his entering such service shall be extended by the period of military service plus six (6) months upon application to the Department within ninety (90) days after the termination of such military service, including rehabilitation afforded by the United States or the State following recognized military service.

NOTE: Authority cited: Section 407, Food and Agricultural Code; and Section 12027, Business and Professions Code. Reference: Section 2123, Food and Agricultural Code; and Section 12202, Business and Professions Code.

HISTORY

- 1. Amendment filed 8–11–77; effective thirtieth day thereafter (Register 77, No. 33).
- 2. Amendment of section and new Note filed 10-4-95; operative 10-4-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 40).

§ 155. Charter County Licenses.

A license issued on the basis of Section 2103 of the Food and Agricultural Code or Section 12204 of the Business and Professions Code shall be valid only in the county for which issued.

NOTE: Authority cited: Section 407, Food and Agricultural Code; and Section 12027, Business and Professions Code. Reference: Section 2123, Food and Agricultural Code; and Section 12204, Business and Professions Code.

HISTORY

- 1. New section filed 8–11–77; effective thirtieth day thereafter (Register 77, No. 33).
- Amendment of section heading and section and new Note filed 10-4-95; operative 10-4-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 40).

Article 4. Seasonal County Standardization Inspector

§ 171. Seasonal County Standardization Inspectors.

The Secretary may conduct special qualifying examinations for persons to be seasonally engaged in standardization enforcement work.

HISTORY

1. Change without regulatory effect amending section filed 3–17–97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 12).

§ 172. Qualifying Examinations.

Qualifying examinations for persons to be engaged in seasonal standardization enforcement work shall be both written and oral and shall be directed to qualifying seasonal employees either in terms of commodities or groups of commodities.

§ 173. Period of Employment Eligibility.

Employment eligibility for persons in seasonal standardization enforcement work by commodities or groups of commodities shall be valid only for the normal inspection season following the qualifying examinations.

Upon request by a county, the Department may renew the employment eligibility of a person for a succeeding season, provided employment has been for a duration of at least twenty (20) working days in the preceding season in the commodity or group of commodities for which the employee has been qualified, and the employee had been separated from his position without fault or delinquency on his part.

Verification of employment for renewal must be confirmed by the county.

HISTORY

1. Amendment filed 8–11–77; effective thirtieth day thereafter (Register 77, No. 33)

Chapter 3. Regulation for Implementation of the California Environmental Quality Act of 1970

Article 1. Incorporation by Reference

§ 200. Objectives, Criteria and Procedures.

The Guidelines for Implementation of the California Environmental Quality Act of 1970 (CEQA) in effect on November 1, 1982 are herein incorporated by reference: Title 14, California Administrative Code, Section 15000 and following, Guidelines for Implementation of the California Environmental Quality Act of 1970.

NOTE: Authority cited: Section 21082, Public Resources Code; and Section 407, Food and Agricultural Code. Reference: Sections 21000–21003, 21080–21082.1, 21083.6, 21083.7, 21086, 21092, 21100–21108 and 21160–21166, Public Resources Code; and Section 15050(f), Title 14, California Administrative Code.

HISTORY

1. Repealer of Subchapter 3 (Articles 1–8, Sections 200–208.05) and new Subchapter 3 (Article 1, Sections 200–203) filed 12–8–82; effective thirtieth day thereafter (Register 82, No. 50). For prior history, see Registers 73, No. 28 and 73, No. 14.

§ 201. Responsible Official.

The director shall be responsible for determining the need for and preparation of environmental documents on specific actions in accordance with the Title 14 CEQA Guidelines. All divisions, bureaus, units and programs of the department shall be responsible for complying with the CEQA according to the Title 14 CEQA Guidelines.

NOTE: Authority cited: Section 21082, Public Resources Code; and Section 407, Food and Agricultural Code. Reference: Sections 21000–21003, 21080–21082.1, 21083.6, 21083.7, 21086, 21092, 21100–21108 and 21160–21166, Public Resources Code; and Section 15050(f), Title 14, California Administrative Code.

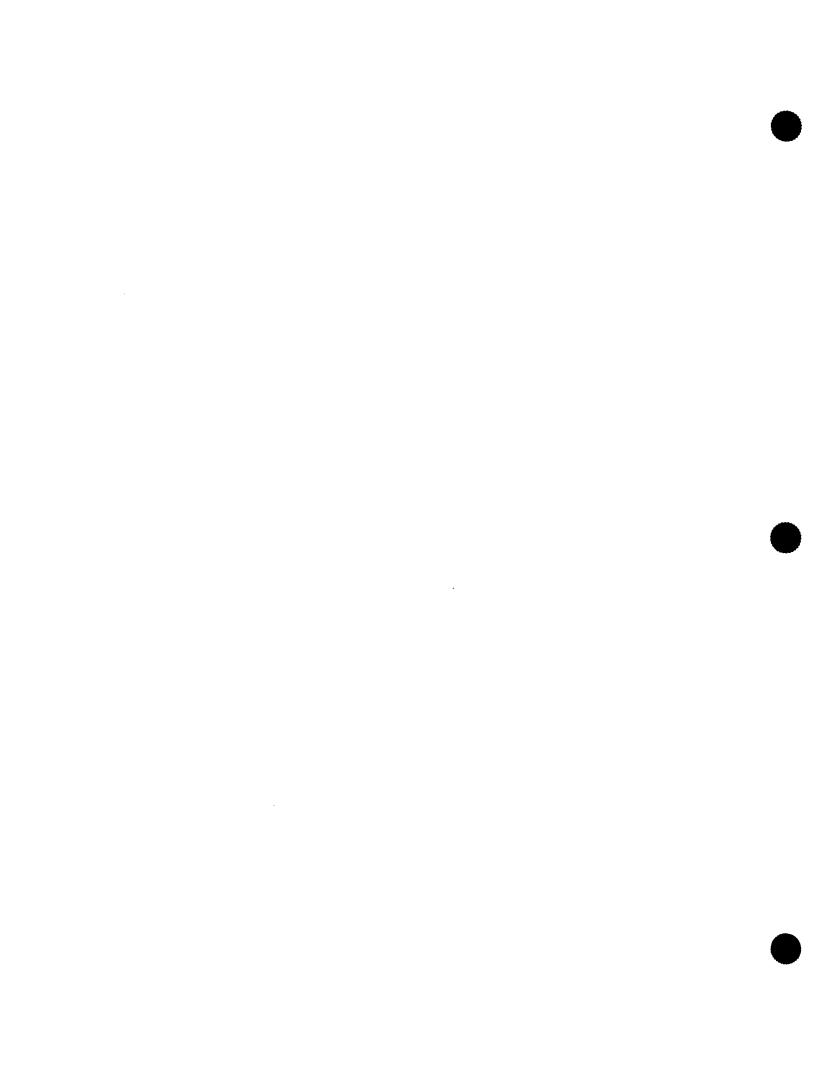
§ 202. Review.

The director shall have responsibility for providing expertise in categories specified in the Title 14 CEQA Guidelines for the review or preparation of environmental documents. Department officials acting in such a capacity shall focus on the sufficiency of environmental documents in discussing possible impacts on the environment and feasible alternatives or feasible mitigation measures that would significantly reduce adverse environmental impacts of the action. The director shall review environmental documents and approve or disapprove projects.

NOTE: Authority cited: Section 21082, Public Resources Code; and Section 407, Food and Agricultural Code. Reference: Sections 21000–21003, 21080–21082.1, 21083.6, 21083.7, 21086, 21092, 21100–21108 and 21160–21166, Public Resources Code; and Section 15050(f), Title 14, California Administrative Code.

§ 203. Lead Responsibility.

When two or more divisions, bureaus, units or programs are involved in an action, the director shall designate principal responsibility among divisions, bureaus, units and programs for compliance with the Title 14 CEQA Guidelines.



NOTE: Authority cited: Section 21082, Public Resources Code; and Section 407, Food and Agricultural Code. Reference: Sections 21000–21003, 21080–21082.1, 21083.6, 21083.7, 21086, 21092, 21100–21108 and 21160–21166, Public Resources Code; and Section 15050(f). Title 14, California Administrative Code.

Chapter 4. Permit Reform Act

Article 1. Department of Food and Agriculture—Permit Reform Act

§ 300. Permit Processing Times (Including Licenses, Permits, Registrations and Certificates).

(a) Within the number of calendar days of receipt of an application for

a permit shown in column A of subsection (c), the Department shall inform the applicant in writing that the application is either complete and accepted for filing, or that it is deficient, and what specific information or documentation is required to complete the application. An application is considered complete if all necessary fees and information required by the application form have been submitted.

(b) Within the number of calendar days after receipt of a complete application, as shown in column B of subsection (c), the Department shall approve or disapprove the application.

(c) The Department's minimum, median, and maximum time periods, in calendar days, for processing an application from the receipt of the initial application to the final decision, based on the Department's actual performance during the two years immediately preceding the proposal of this section, are shown in columns C, D, and E of the chart which follows:

	A	В	С	D	E
	Maximum time for notifying that applica— tion is com- plete or deficient	Maximum time after receipt of a complete application to approve or deny permit		TUAL DAYS TO PROC D ON PRIOR TWO Y	
Permit Type	(Days)	(Days)	Minimum	Median (Days)	Maximum
(1) Animal Health and Food Safety Services:					
Livestock Meat Inspector License ¹	14	60	1	29	325
Poultry Meat Inspector License ¹	14	60	5	76	162
Retail Meat Processing Establishment License	14	60	1	34	237
Custom Livestock Slaughter Establishment License 1	14	60	6	62	163
Poultry Plant License ¹	14	60	19	68	194
Pet Food Processor ¹	14	60	48	116	185
Horsemeat and Pet Food Importers	14	60	15	32	49
Dead Hauler License		60	4	11	13
—Renewal	14	60	2	4	5
Renderer License	14	60	22	37	216
—Renewal		60	7	10	33
Collection Center License		60	7	24	74
—Renewal	14	60	2	34	59
Inedible Kitchen Grease Transporter Registration	14	60	3	5	13
—Renewal	14	60	3	16	93
License for the Production of Biologics	30	30	12	27	169
—Renewal	30	30	2	21	47
License to Feed Garbage to Swine ¹	10	10	11	11	11
License for Vessel and Aircraft Garbage Collection ²	14	45	8	37	60
Limited Dairy Inspector Certificate ²	30	60	16	17	37
Registered Dairy Inspector Certificate ²	60	140	36	68	142
Certificate of Proficiency in the Analysis of Milk					
and Milk Products ²	30	90	1	28	76
Frozen Milk Products Plant License ¹	60	90	4	29	161
Milk Products Plant License	60	90	16	29	130
—Renewal	30	60	1	10	53
Semi-Frozen Milk Products Plant License 1	30	90	1	11	268
Bulk Milk Tanker Permit	60	90	No historica	l record.	
— Renewal	60	90	No historica	l record.	
(2) Division of Inspection Services:					
Commercial Feed License ¹	14	45	1	13	103
Fertilizing Materials License 1	14	60	1	25	153
Fertilizing Materials Registration	14	90	1	61	240
Renewal		90	4	54	239
Livestock Drug—Registration	14	60	1	28	162
—Renewal	14	45	1	16	243
Restricted Livestock Drug-License	14	60	1	12	83
—Renewal	14	45	1	22	58
(3) Division of Marketing Services					
Produce Dealer Act Licenses ^{1,3}	45	90	1	36	195
Processor or Cash Buying Processor License 1	45	90	9	48	147
Conjunctive License 1	45	90	8	60	183
Agent's License ¹	45	90	1	9	70
Milk Handler License ⁴	45	90	1	12	91
Renewal	45	90	1	16	188
(4) Plant Health and Pest Prevention Services					
Seed, Authorization to Sell		75	3	20	78
Renewal		60	1	10	39
Nursery Stock, License to Sell		60	16	37	123
—Renewal	14	45	6	16	43
Permit to Move and Use Live Plant Pests or Insects					
or Noxious Weeds ²	30	90	1	14	102
Permit to Move and Use Plant Quarantine					
Commodities ²	30	90	1	17	150
Cotton Research Authorization		60	No historica		

¹Median processing time for renewals does not exceed 7 days.

²Not subject to Renewal

³Includes Broker, Cash Buyer, Commission Merchant, Dealer, or any combination.

⁴Includes Handlers and Distributors.

NOTE: Authority cited: Section 15376, Government Code; and Section 407, Food and Agricultural Code. Reference: Section 15376, Government Code.

HISTORY

- 1. New section filed 11-28-89; operative 1-1-90 (Register 89, No. 49).
- 2. Change without regulatory effect pursuant to section 100, title 1, California Code of Regulations filed 5–2–90; operative 5–2–90 (Register 90, No. 24).
- 3. Amendment of subsection (c) filed 6–4–90; operative 7–4–90 (Register 90, No. 29).
- 4. Editorial correction of printing error duplicating subsections (a)–(c) (Register 90, No. 46).
- Amendment of subsection (c) filed 2-25-91; operative 3-27-91 (Register 91, No. 13).
- Change without regulatory effect amending article heading and subsection (c) filed 9-2-93 pursuant to title 1, section 100, California Code of Regulations (Register 93, No. 36).
- 7. Amendment of subsection (c)(4) filed 3-4-99 as an emergency; operative 3-4-99 (Register 99, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-2-99 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 3-4-99 order transmitted to OAL 6-16-99 and filed 7-27-99 (Register 99, No. 31).
- Amendment of subsection (c)(1) filed 10–25–2001 as an emergency; operative 10–25–2001 (Register 2001, No. 43). A Certificate of Compliance must be transmitted to OAL by 2–22–2002 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 10-25-2001 order transmitted to OAL 2-15-2002 and filed 4-2-2002 (Register 2002, No. 14).
- 11. Amendment of subsection (c)(1) filed 7–1–2002; operative 7–31–2002 (Register 2002, No. 27).
- 12. Amendment of subsection (c)(1) filed 4–3–2003; operative 5–3–2003 (Register 2003, No. 14).

§ 301. Appeal Procedure.

(a) The following information shall be included on application forms for all Department permits subject to Government Code Sections 15374–15378:

"The Department of Food and Agriculture has established time periods for the processing of permit applications, in compliance with Government Code Sections 15374–15378. Failure to comply with these time periods may be appealed to the Director of Food and Agriculture, 1220 N Street, P.O. Box 942871, Sacramento, CA 94271–0001, pursuant to regulations set forth in Title 3, California Code of Regulations, Section 301. Under certain circumstances, the Director may order that the applicant receive a reimbursement of filing fees."

- (b) An applicant whose application for a permit has not been processed by the Department within the time periods established by Section 300 may appeal in writing to the Director of the Department of Food and Agriculture. The appeal shall set forth a concise statement of facts and chronology of events regarding the application. An appeal concerning a permit application on which a final decision has been made must be filed within 30 days of the date the applicant was notified of the decision.
- (c) The Director shall promptly review an appeal filed under this section and shall issue a decision within 30 days after conducting any investigation of the matter which the Director deems appropriate.
- (d) If the Director finds that a program exceeded the time limit for informing the permit applicant that an application is complete or is deficient and requires additional information to be processed, the Director shall direct the program to make its determination by a specified date and so inform the applicant.
- (e) The time period within which the Department must make a decision to issue or deny the permit commences with the date the complete application is received. If the Director finds that the Department exceeded the time period for acting on a completed application without the good

cause defined by Government Code Section 15376(h), all filing fees paid by the permit applicant will be refunded.

NOTE: Authority cited: Sections 15376 and 15378, Government Code; and Section 407, Food and Agricultural Code. Reference: Sections 15376 and 15378, Government Code.

HISTORY

1. New section filed 11-28-89; operative 1-1-90 (Register 89, No. 49).

Article 2. Department of Pesticide Regulation—Permit Reform Act

§ 305. Permit Processing Times (Including Licenses, Permits, Registrations and Certificates).

NOTE: Authority cited: Section 15376, Government Code; and Section 11456, Food and Agricultural Code. Reference: Section 15376, Government Code.

HISTORY

- 1. Change without regulatory effect adopting new article 2 (sections 305–306) filed 9–2–93 pursuant to title 1, section 100, California Code of Regulations (Register 93, No. 36).
- 2. Editorial correction of table (Register 97, No. 21).
- 3. Amendment of subsection (c) chart filed 11–3–2003 as an emergency; operative 1–1–2004 (Register 2003, No. 45). This action is a permanent emergency change for which no Certificate Compliance is needed pursuant to Food and Agricultural Code section 11502.5.
- 4. Editorial correction of HISTORY 3 (Register 2004, No. 37).
- 5. Change without regulatory effect repealing article 2 and section filed 12-20-2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No. 52).

§ 306. Appeal Procedures.

NOTE: Authority cited: Section 15376, Government Code; and Section 11456, Food and Agricultural Code. Reference: Section 15376, Government Code.

HISTORY

- 1. Change without regulatory effect adopting new section filed 9–2–93 pursuant to title 1, section 100, California Code of Regulations (Register 93, No. 36).
- 2. Change without regulatory effect amending subsection (a) filed 3–8–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 10)
- 3. Change without regulatory effect repealing section filed 12–20–2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No. 52).

§ 307. Limitations on Licensure of Aliens.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 263, 2101, 2102, 2103, 6721, 9212, 10981, 12591, 14321, 14591, 18990, 19000, 19010, 19240, 19260, 19280, 19300, 19320, 24741, 25051, 33112, 33112.1, 33222, 33226, 33227, 35011, 35041, 35071, 35101, 35131, 35132, 35134, 35161, 35163, 35167, 35168, 35169, 38931, 55481, 55521, 56181, 57131, 61492 and 62143, Food and Agricultural Code; and 8 U.S.C.S. §§ 1621, 1641 and 1642

HISTORY

- 1. New section and appendix A filed 3-23-98 as an emergency; operative 4-7-98 (Register 98, No. 13). A Certificate of Compliance must be transmitted to OAL by 8-5-98 or emergency language will be repealed by operation of law on the following day.
- 2. Repealed by operation of Government Code section 11346.1(g) (Register 98, No. 32).
- New section filed 8-7-98 as an emergency; operative 8-7-98 (Register 98, No. 32). A Certificate of Compliance must be transmitted to OAL by 12-7-98 or emergency language will be repealed by operation of law on the following day.
- 4. New section refiled 12–8–98 as an emergency, including amendment of subsection (a); operative 12–8–98 (Register 98, No. 50). A Certificate of Compliance must be transmitted to OAL by 3–8–99 or emergency language will be repealed by operation of law on the following day.
- Repealed by operation of Government Code section 11346.1(g) (Register 2000, No. 8).
- 6. New chapter 5 (section 307) and section filed 2-22-2000 as an emergency; operative 2-22-2000 (Register 2000, No. 8). A Certificate of Compliance must be transmitted to OAL by 6-21-2000 or emergency language will be repealed by operation of law on the following day.
- 7. Repealer of section and appendix A by operation of Government Code section 11346.1(g) (Register 2001, No. 48).

* * *

Barclays Official CALIFORNIA CODE OF REGULATIONS

Title 3. Food and Agriculture

Division 2. Animal Industry

Vol. 4



Division 2. Animal Industry

TABLE OF CONTENTS

		Page		Page
Chapter 1.	Dairies	9	Article 5.	Frozen Dairy Products 16
			§ 429.	Frozen Dairy Products; Weight.
Article 1.	Wholesome Feeds	9	§ 430.	Weight of Fresh Egg Yolks.
§ 400.	Wholesome Feeds		§ 431.	Optional Dairy Ingredients.
§ 401.	Identification of D	airy Animals	§ 432.	Chocolate Ice Cream.
-	Carrying Pesticide		§ 433.	Trade Name Products.
	3.6		§ 434.	"Ice Cream," "Ice Milk," "Sherbet."
Article 2.	Market Cream	9	§ 435.	"Package" Construed.
Article 3.	Neutralization of Cr	eam for	§ 436.	Sherbet.
	Butter		§ 437. § 438.	Stabilizers.
6 410			§ 439.	Temperature. Yami Yogurt Sherbet.
§ 410.	Neutralization of C	ream for Butter.	§ 440.	Frozen Milk Products Returns.
Article 4.	Special Varieties of	Cheese 9	§ 440.1.	Diabetic or Dietetic Ice Cream and
§ 415.	Varieties.			Diabetic or Dietetic Ice Milk.
§ 415.	01. Hoop Cheese.		§ 441.	Frozen Yogurt Mix—Fruits and
§ 415.	Kefir Cheese.			Flavorings.
§ 415.	Ricotta Cheese with	h Fruit Added.	§ 441.1.	Frozen Yogurt Mix and Lowfat
§ 415.	Goat Cheese.			Frozen Yogurt Mix Temperature
§ 415.	 Grated Cheese and 	Shredded		Requirements and Approved
	Cheese; Composit		2 444 2	Sweeteners.
§ 415.		-	§ 441.2.	Frozen Yogurt Dessert and Lowfat
	(Other Varieties);	Composition and		Frozen Yogurt Dessert Ingredient
	Labeling.		§ 441.3.	Listing.
§ 415.			§ 44 1.5.	Frozen Yogurt Dessert, Lowfat Frozen Yogurt Dessert—Dietary
8 415	Composition and I			Labeling.
§ 415	 Blended Grated Cl Shredded Cheese; 		A .: 1 . C	
	Labeling.	Composition and	Article 6.	Neutralization of Ice Cream
§ 416.		s Cheese.		Mix
§ 416.			§ 443.	Neutralization of Ice Cream Mix.
Ü	Product.		Article 7.	Acidophilus or Modified
§ 417.	Pasteurized Blende	ed Cheese.	rifficie 7.	•
§ 418.	Pasteurized Proces	s Cheese with		Milk 17
	Other Ingredients.		§ 448.	Modified Milk Products.
§ 419.	Pasteurized Proces	s Pimento	§ 449.	Eggnog.
\$ 420	Cheese. Pasteurized Blende	nd Chassa with	Article 8.	Imitation Ice Cream and
§ 420.	Other Ingredients.	ed Cheese with		Imitation Ice Milk
§ 421.		s Cheese Food.	§ 455.	Stabilizers.
§ 422.	Pasteurized Proces		§ 456.	Edible Oil or Fat.
§ 422.			§ 457.	Milk Solids Not Fat.
· ·	Spread.		§ 458.	Fruit Imitation Ice Cream and Ice
§ 422.	Pasteurized Lowfa	t Cheese Spread		Milk.
	with Fruits, Vegeta	bles, Spices, or	§ 459.	Nut or Candy Imitation Ice Cream
" 100	Meats.	eru o	" 460	and Imitation Ice Milk.
§ 422.		Milk Cheese	§ 460.	Labeling.
8 422	Spread. 8. Pasteurized Skim I	Mills Change	§ 461. § 462.	"Container" Construed. "Bulk" Construed.
§ 422.	Spread with Fruits		§ 462. § 463.	Reports.
	Spices, or Meats.	, vegetables,	§ 464.	Weight.
§ 422.		ns	§ 465.	Artificial Color and Flavor.
§ 423.	_		§ 466.	Labeling.
§ 424.		ents.	§ 467.	Advertising and Labeling.
§ 425.			-	
§ 426.			Article 9.	Products Resembling Milk
§ 427.				Products
§ 428.	Hard Grating Chee		§ 468.	Definitions.
§ 428.	 Cottage Cheese La 	bels.	§ 469.	Healthfulness and Purity.
§ 428.			§ 470.	Labeling—Location.
	Identity, Label of C	Optional	§ 471.	Labeling—Required Information.
	Ingredients.		§ 472.	Out-of-State Nondairy Products.
§ 428			§ 473.	Sale Outside of California.
	Spread with (and)		§ 474.	Serving as Beverages.
	Identity, Label Sta		§ 475. 8 476	Bottling and Packaging.
	Optional Ingredien	us.	§ 476.	Origin of Market Milk Constituents.

Page i (7-25-2008)

		Page		Page
Article	10.	Sterilization and Handling Practices	§ 521. § 522.	Mixing Samples and Acid. Operation of Centrifuge.
	§ 479.	Sterilization and Handling Practices.	§ 523. § 524.	Reading Cream Tests. Reading Milk Tests.
	§ 480.	Definition. Sterilization Process.	§ 525. § 526.	Keeping Records of Tests. Character of Work.
	§ 480.5.	Pipeline Milking Machine Installations.	§ 527.	Observation of Laws, Rules and Regulations.
	§ 480.5–1.	In-Place Cleaning in Plants.	§ 528.	Gerber Testing.
	§ 480.6. § 480.7.	Suitable Milk House. Dairy Farm Tank Installations.	§ 529. § 530.	Gerber Test Methods. Accuracy of Equipment.
	§ 480.8.	Sanitary Milk Pumps.	§ 531.	Applicable Sections.
	§ 480.9.	Inspection and Permitting of Bulk Milk Tankers.	§ 532. § 533.	Mojonnier Testing. Accuracy of Equipment.
	Appendix A § 480.75.	A	§ 534. § 535.	Examination of Glassware. Applicable Sections.
	§ 480.76.	Tanks. Emergencies and Equipment	Article 14.5.	Nonfat Milk Solids Testing
	§ 460.70.	Failures on Market Milk Farm	12000 100	and Reporting
	§ 481.	Tanks. Milk Cans in Barns.	§ 536.	Operations and Methods.
	§ 481.5.	Practices to Be Observed When	§ 537. § 538.	Samples and Records. Preserving and Compositing of
	\$ 402	Pouring Milk in Tank. Dairy Farm Score Card.	3 330.	Samples.
	§ 482. § 483.	Producer–Distributor Score Card.	§ 539.	Test Room Equipment for Nonfat Milk Solids Testing.
Article	11	Milk Products Plant Score	§ 540.	Averaging of Tests.
Tittele	11.	Card	§ 541. § 542.	Samples. Character of Work.
	§ 488.	Milk Products Plant Score Card.	Article 14.6.	Testing of Raw Milk for
Article	12.	Identification of		Butterfat by Light
		Containers	<i>(, 7.10</i>	Transmission
	§ 493.	Identification of Containers.	§ 543. § 544.	Milko–Tester. Milko–Tester Operation.
Article	13.	Personal Examinations and Licenses	§ 545.	Applicable Sections.
	§ 498.	Pasteurizer's Examination and	Article 14.7.	Testing of Raw Milk for
		License.		Butterfat and Other Milk
	§ 499. § 499.5.	Tester's Examination and License. Butter Grader's Examination and		Constituents by Infrared Light Transmission
	§ 500.	License.	§ 546.	Infrared Milk Analyzer (IRMA).
	§ 500.	Sampler's and Weigher's Examination and License.	§ 547.	Operation of IRMA.
	§ 501.	Technician's Examination and License.	Article 14.8.	Third Party Testing
	§ 502.	Standard Methods for Examination	§ 550. § 551.	Purpose. Definitions.
	§ 503.	of Dairy Products. Duplicate Records.	§ 552.	Interplant Bulk Sales of
	§ 504.	Bacteriological Record Sheets.	§ 553.	Commingled Milk. Procedures for Designation.
	§ 505. § 506.	Changing Records. Bacteriological Record Sheets.	§ 554.	Resolution of Test Variations.
	§ 507.	Incubation Temperature.	Article 15.	Registration of Dairy
	§ 508.	Butter Grader's License.		Containers Brands
Article	14.	Official and Approved	§ 561.	Registration of Dairy Containers Brands.
		Testing Methods and	§ 562.	Association Brand Registration.
	§ 509.	Protocols	Article 16.	Milk Products Plant
		Methods.	0.555	Construction
	§ 510.	Official Final Action Methods of Analysis.	§ 567. § 568.	Milk Plant Construction. Fruit Juices.
	§ 511.	Approved Testing Methods of Comparable Accuracy.	Article 17.	Condemnation of Milk
	§ 512.	Testing Procedures and Equipment.		Products 34
	§ 512.1. § 512.2.	Testing Equipment. Character of Work and Tolerances.	§ 571. § 572.	Condemnation of Milk Products
	§ 512.3.	Licensing.	§ 573.	Condemnation of Milk Products. Sediment Tests.
	§ 513. § 513.5.	Infrared Instrumentation.	§ 574.	Overflow Milk.
	§ 513.5. § 514.	Operation of Infrared Instruments. Samples, Sampling and Weighing.	§ 575.	Reconstitution or Recombining of Market Milk Products.
	§ 515.	Sample Bottles.	§ 576.	Prevention of Drug Residues.
	§ 516. § 517.	Milk Preservatives. Storage and Testing of Samples.	§ 576.1.	Detection of Drug Residues in Milk Reporting.
	§ 518.	Test Room Equipment.	Article 18.	Milk Separation
	§ 519. § 520.	Accuracy in Weighing Cream Tests. Accuracy in Measuring Milk Tests.	§ 577.	Milk Separation.

Page ii (7-25-2008)

		Page		Page
Article	e 19.	Operators of Pasteurization	§ 663.	Toilet and Hand Wash-Basin.
		Equipment	§ 664.	Supply Storage.
	\$ 501		§ 665.	Water Supply.
	§ 581.	Pasteurization Requirements and Equivalency.	Article 23.	Evaporated Milk or Condensed
	§ 582.	Operators of Pasteurization		Milk
	§ 583.	Equipment. General Requirements.	§ 675.	
	§ 584.	Holding Method.	P 676	Milk.
	§ 585.	High-Temperature, Short-Time	§ 676.	Evaporated Goat Milk or Condensed Goat Milk.
	§ 586.	Pasteurization. Preheated Cream.	§ 677.	
At.i1			§ 678.	Cheese.
Article	20.	Milk Products Plant Floor	§ 679.	Evaporated Skim Milk or Condensed Skim Milk.
	v 507	Drains	4 .: 1 04	
	§ 587.	Milk Products Plant Floor Drains.	Article 24.	Butter Grades 48
Article		Milk Inspection Services	§ 686. § 687.	
	§ 590.	Registered Dairy Inspector.	~	č
	§ 598. § 599.	Milk Inspection Services. Conditions of Approval.	Article 25.	Labeling and Advertising of
	§ 600.	Inspection.		Milk Products, Imitation
	§ 601.	Laboratory and Field Examinations		Milk Products and Products
		of Market Milk and Market Milk		Resembling Milk Products 50
	§ 602.	Products. Frequency of Inspections.	§ 690.	Required Labeling Generally.
	§ 603.	Communicable Diseases.	§ 691.	e e
	§ 604.	Laboratory Results.	§ 692.	Frozen Dairy Products Sold at Retail.
	§ 604.1.	Confirmation of Compliance Testing	§ 693.	Supplemental Requirements.
	§ 605.	on Finished Fluid Milk Products. Publications.	§ 694.	Providing Ingredient and Nutritional
	§ 606.	Dairy Farm Follow-Up Inspection	0.40=	Information to Other Distributors.
		Fees.	§ 695. § 696.	Compliance Dates. Compliance Rulings.
	§ 607.	Buttermilk.	§ 698.	Delayed Effective Dates.
	§ 607.5.	Grade A Condensed of Dry Milk Products.	3	
	§ 608.	Ungraded Milk.	Chapter 2.	Livestock Disease Control
	§ 609.	Special Designations.		(Animal Quarantine) 51
	§ 610.	Use of Breed Designations in Labeling of Market Milk and Milk	Autiala 1	Domoval of Cattle ata
		Products.	Article 1.	Removal of Cattle, etc.,
	§ 611.	Examining Physician.		from Slaughterhouse Pens,
	§ 612. § 613.	Physical Examinations. Laboratory Examinations.		etc
	§ 613. § 614.	Procedure for Physical	§ 750.	Removal of Cattle, etc., from Slaughterhouse Pens, etc.
	-	Examinations.		
	§ 615.	Specimen Examinations. Miscellaneous.	Article 1.5.	Bovine Brucellosis 51
	§ 616. § 617.	Cow Clipping.	§ 752.	Vaccine, Vaccination, and Test
	§ 618.	Mechanical Capping.	§ 752.	Reagents. 1. Official Tattoo of Calfhood
	§ 619.	Milk Filters.	8 /	Vaccination.
	§ 620. § 621.	Status of Market Milk Dairies. Bulk Milk Dispensers.	§ 752.3	
	§ 622.	Protection of Water Supplies in	§ 752.:	Vaccination. Testing.
		Dairies and in Milk Products Plants.	§ 752.4	
	§ 623. § 624.	Personal Cleanliness. Vitamins and Minerals Added to	§ 752.	
	8 024.	Milk or Milk Products.	§ 752.6 § 753.	
	§ 625.	Somatic Cell Counts.	§ 753. § 753.	Moving Intrastate. 1. Interstate Entry.
	§ 626.	Market Milk Temperature	§ 753.	2. Moving Restricted Cattle.
	§ 627.	Requirements. Quality Assurance Date.	§ 753.	
A			§ 754. § 754.	Area Classification. Control Areas.
Article	22.	Permanent Market Milk Dairy	§ 754.	
	0.645	Buildings 45	§ 754.:	
	§ 645.	Permanent Market Milk Dairy Buildings.	§ 754.	(Interstate). 4. Brucellosis Area Certification.
	§ 646.	Site.	§ 734.3 § 754.3	
	§ 646.1.	Surroundings, Corrals and Ramps.	§ 754.	* *
	§ 647.	Elevations.	a -	Cattle—Moved Interstate.
	§ 648. § 649.	Milk Room. Painting.	§ 754.	
	§ 649. § 650.	Tanker Loading or Washing.		Antigen, Sections 10342 and 10326, California Food and Agricultural
	§ 658.	General Provisions.		Code.
	§ 659.	Milking Barn.	§ 754.5	
	§ 660. § 661.	Painting. Roof Drainage.	§ 754.	from the State of Texas. 21. Brucellosis Regulation—Entry of
	§ 662.	Feed Storage Facilities.	ş 734.	Cattle from Certain Areas.

Page iii (7-25-2008)

	Page		Page
Article 2.	Movement of Cattle into	§ 776.	Permits for Removal of Food
	California from Mexico 58.4	× 777	Stores.
§ 755.	Definitions.	§ 777. § 778.	Enforcing Officers. Subject to Other Rules and
§ 755.1.	General Requirements.	§ 776.	Regulations.
§ 755.2.	Certificate of Veterinary Inspection.		nogumions.
§ 755.3.	Interstate Livestock Entry Permits.	Article 5.	Control Fowl Pest and
§ 755.4.	Requirements for Entry into California.		Asiatic Newcastle Disease 60.4
§ 755.5.	Mexico Origin Cattle Maintained in California.	Article 5.5.	Pollorum Disease and Fowl
§ 755.6.	Violations.		Typhoid of Poultry 61
Article 2.5.	Interstate Movement of	§ 784.	Definitions. [Repealed]
Article 2.5.		§ 784.1. § 784.2.	Intrastate Movement. [Repealed] Interstate Movement. [Repealed]
	Cattle and Specified	8 704.2.	interstate Movement, [Repeated]
	Animals into California 58.6	Article 6.	Vesicular Exanthema in Swine—
§ 756.	Definitions.		Quarantine Regulation
§ 756.1.	General Requirements.	§ 790.	Definition of Terms.
§ 756.2. § 756.3.	Certificate of Veterinary Inspection. Interstate Livestock Entry Permits.	§ 790.1.	Districts Under Quarantine.
§ 757.	Cattle Scabies.	§ 790.2.	Destruction of Swine to Prevent the
§ 758.	Tuberculosis — Requirements for		Spread of Vesicular Exanthema.
§ 758.1.	Entry into California. Tuberculosis — Designated Pens in	§ 791.	Movements of Swine and Swine Products from a Quarantined
9 755	Feedlots.	v 701 1	District.
§ 759.	Violations.	§ 791.1.	Movement of Garbage.
§ 759.1.	Designation of Special Risk Areas.	§ 792.	Cleaning and Disinfecting of Conveyances and Facilities.
§ 759.2.	Permit and Inspection Requirements To Prevent Tuberculosis.	§ 792.1.	The Cleaning and Disinfecting
§ 759.3.	Bovine Tuberculosis: Restricting	Article 7.	Swine Diseases from Garbage 63
\$ 750.4	Dairy Breeds from Mexico.	§ 793.	Licensing.
§ 759.4. § 759.5.	Bovine Tuberculosis — Michigan. Movement of Cattle from Mexico	§ 794.	New Construction and Installations.
g 137.3.	Into California.	§ 794.1.	Garbage Cooking Operations.
		§ 794.2.	Feeding Operations.
Article 3.	Interstate and Intrastate	§ 794.3.	Sanitation Requirements.
	Movement of Sheep and	§ 794.4. § 794.5.	Direct Fire Cooking Equipment. Steam Treating Equipment.
	Goats	8 7 94.5.	Steam Treating Equipment.
§ 760.	Definitions.	Article 8.	Swine Disease Programs 64
§ 760. § 760.1.	General Requirements.	§ 795.	Approved Methods of Immunizing
§ 760.2.	Certificate of Veterinary Inspection.		Swine Against Hog Cholera Prior to
§ 760.3.	Interstate Livestock Entry Permits.	e 705 10	Entering California.
§ 760.4.	Ovine Brucellosis — Requirements	§ 795.10.	Use of Live Hog Cholera Virus Limited.
\$ 760 F	for Entry of Rams into California.	§ 795.11.	Sale of Modified Live Hog Cholera
§ 760.5.	Scrapie — Requirements for Entry of Sheep and Goats into California.	3 / > 5	Vaccine Restricted; Reporting
§ 760.6.	Scrapie — Intrastate Movement of		Requirements.
•	Sheep and Goats.	§ 795.12.	Use of Modified Live Hog Cholera
§ 760.7.	Scabies — Requirements for Entry	x 705 13	Virus Vaccine Limited. Holding of Hog Cholera Infected or
8.7(0.0	of Sheep and Goats into California.	§ 795.13.	Exposed Swine on Premises.
§ 760.8. § 760.9.	Records Retention. Violations.	§ 795.14.	Transportation of Swine Restricted
§ 761.	Canadian Sheep Prohibited Because		(Intrastate).
	of Scrapie, Section 211, Agricultural	§ 795.15.	Transportation of Swine into and from Saleyard Restricted.
	Code.	§ 795.16.	Cleaning and Disinfecting of Public
Article 3.5.	Brucella ovis Free Flock	*	Stockyards Which Contained
Article 3.3.			Diseased Swine.
	Certification	§ 795.17.	Quarantine and Destruction of
§ 765.	Brucella ovis Free Flock		Swine Infected with or Exposed to
§ 765.1.	Certification Requirements. Scrapie Disease of Sheep	§ 795.18.	Hog Cholera. Hog Cholera Disease of Swine
8 703.1.	Quarantined Areas.	3 / 22.10.	Quarantine Area.
	-	§ 795.19.	Hog Cholera—Interstate Movement.
Article 4.	Vessel and Aircraft Garbage Disposal	§ 795.30.	Swine Brucellosis—Intrastate
§ 770.	Definitions.	§ 795.31.	Movement. Swine Brucellosis—Interstate
§ 770. § 771.	Retention and Maintenance on	g 133.31.	Movement.
o	Vessels, Aircraft or Other Vehicles.	§ 795.32.	Swine Brucellosis: Interstate
§ 772.	Collection or Transportation of	•	Movement.
	Discharged Garbage.	§ 795.33.	Swine Brucellosis—Movement for
0.770			
§ 773. 8 774	Segregation of Garbage. Methods of Garbage Disposal		Exhibition Purposes and Purebred
§ 773. § 774. § 775.	Segregation of Garbage. Methods of Garbage Disposal. Vessel and Aircraft Garbage	§ 795.34.	Sales. Swine Brucellosis Control Area

Page iv (7-25-2008)

	Page		Page
§ 795.35.	Established Swine Brucellosis	Article 13.	Interstate Movement of
	Control Areas.		Poultry 70.6
§ 795.50.	Prevention of Pseudorabies:	§ 821.	
	Importation and Movement of	§ 821.	
§ 795.60.	Swine in California. Swine Pseudorabies—Control.	§ 821.	
§ 795.60. § 795.61.	Swine Pseudorables—Control. Swine Pseudorables—Identification.	§ 821.	
§ 795.62.	Swine Pseudorabies–Mandatory	§ 821.4	•
3 / / 2 . 0 2 .	Herd Eradication.	§ 821.:	
A	Internation and Internation	Chapter 3.	Livestock Identification 70.7
Article 8.5.	Interstate and Intrastate	•	
	Movement of Swine	Article 1.	Modified Point of Origin
§ 796.	Definitions.		Inspection Areas 70.7
§ 796.1. § 796.2.	General Requirements.	§ 850.	Description of Modified Point of
§ 796.2. § 796.3.	Certificate of Veterinary Inspection. Interstate Livestock Entry Permits.		Origin Inspection Areas.
§ 796.4.	Pseudorabies — Movement of	Article 2.	Feed Lot Inspection of
v	Swine into California for Purposes		Cattle 70.7
	Other Than Slaughter.	§ 856.	Records Required for Incoming
§ 796.5.	Swine Brucellosis — Movement of		Cattle at Registered Feed Lot.
	Swine into California for Purposes	§ 857.	Records Required for Cattle
§ 796.6.	Other Than Slaughter. Movement of Swine into California		Shipped from Registered Feed Lot.
g 170.0.	for Immediate Slaughter.	§ 858.	Records to Be Made Available to
§ 796.7.	Annual Import Permit for Slaughter	§ 859.	Inspector. Cattle to Be Maintained Separately.
·	Plants.	§ 860.	Brand Inspection Certificate
§ 796.8.	Designated Swine Feedyard.	3 000.	Requirements.
§ 796.9.	Violations.	§ 861.	No Charge for Feedlot Reinspection
Article 9.	Reportable Conditions for		for the Same Owner.
Article 7.	•	Article 3.	Inspection at Slaughter 71
	Animals and Animal	§ 870.	Monitoring Inspections at
	Products 70.1	9	Slaughterhouses.
§ 797.	List of Reportable Conditions for	§ 871.	Records Required—Licensed
	Animals and Animal Products.		Slaughterers.
Article 10.	Cattle Health Advisory Task	§ 872.	Collection and Payment of Beef
1	Force	§ 873.	Council Fees. Brand Inspection Certificate
\$ 707.5		8 075.	Requirements at Slaughter.
§ 797.5.	Cattle Health Advisory Task Force.	§ 885.	Hide and Carcass Identification Tag.
Article 11.	Emergency Control and	§ 886.	Responsibility for Tagging Hides
	Eradication of Animal		and Carcasses.
	Diseases	§ 887.	Part of Hide and Carcass Tag to
\$ 700		§ 888.	Accompany the Hide. Brand Inspector's Responsibility for
§ 798.	Venezuelan Equine Encephalomyelitis.	8 000.	Hide and Carcass Identification
§ 798.1.	Venezuelan Equine		Tags.
•	Encephalomyelitis: Control and	§ 889.	Control of Hide and Carcass
	Vaccination.	0.000	Identification Tags.
§ 799.	Vesicular Stomatitis.	§ 890.	Distribution of Hide and Carcass
§ 800.	Asiatic Newcastle Disease.	§ 891.	Identification Tags. Removal of Tags.
§ 800.1.	[Repealed] Asiatic Newcastle Disease	•	-
3 000.1.	Quarantine Area.	Article 4.	Branding and Inspection 72
§ 801.	Duck Virus Enteritis. [Repealed]	§ 895. § 895.1	Branding Positions. Cattle Record Branding Positions.
§ 802.	Avian Influenza—Interstate	§ 895.2 § 895.2	
6 002 1	Movement. [Repealed]	§ 896.	Brand Registration Procedure.
§ 802.1. § 802.2.	Avian Influenza. Avian Influenza Quarantine Area.	§ 897.	Special Modified Point of Origin
§ 802.2. § 810.	Contagious Equine Metritis.		Boundary Movement Permit.
§ 810.1.	Contagious Equine	§ 897.1	
-	Metritis—Importation of Equidae	§ 897.2	Request Additional Inspection. Conditions for Providing Additional
	from Countries Known to Have	8 097.2	Inspection Service at
	Contagious Equine Metritis.		Slaughterhouses.
Article 12.	Bovine Trichomonosis Control	§ 897.3	Contract for Brand Inspection.
THEORETE.		§ 897.4	, ,
8 000	Program 70.3	§ 898.	Inspection of Hides.
§ 820. § 820.1.	Definitions. Certificate of Veterinary Inspection.	§ 898.1 § 899.	
§ 820.1. § 820.2.	Interstate Livestock Entry Permits.	§ 899.1 § 899.1	Inspection of Cattle—Saleyards. Hours of Inspection at Salesyards.
§ 820.3.	Requirements for Entry of Bulls into	§ 899.2	
,	California.	0 / 1	Time.
§ 820.4.	Sale of Bulls within California.	Chapter A	Meat Inspection
§ 820.5.	Approval for Testing and Diagnosis.	Chapter 4.	Meat Inspection
§ 820.6. 8 820.7	Reporting of Positive Test Results.	Subchapter 1.	
§ 820.7. § 820.8.	Trichomonosis Infected Cattle. Violations.	Article 1.	Meat and Poultry Inspection 74
, J=0.0.			

Page v (7-25-2008)

	!	Page			Page
§ 900.	Definitions.		§ 903.6.	Livestock Affected with Anthrax;	
§ 900.1.	Incorporation by Reference.		v	Cleaning and Disinfection of	
§ 900.2.	Code of Federal Regulations (CFR)			Infected Livestock Pens and	
	Terminology.			Driveways.	
§ 900.3.	Scope of Inspection.		§ 903.7.	Cattle Affected with Anasarca and	
A .: 1 0	G 1 .1D :		8 003 8	Generalized Edema.	
Article 2.	Supplemental Requirements,		§ 903.8. § 903.9.	Swine Erysipelas. Onset of Parturition.	
	Licensing and Inspection	76.2	§ 903.10.	Vaccine Livestock.	
§ 901.	Authority of Livestock Meat		§ 903.11.	Emergency Slaughter.	
	Inspectors, Processing Inspectors,		§ 903.12.	Disposition of Condemned	
	and Persons Responsible for			Livestock.	
	Operation of Custom Livestock		§ 903.13.	Brucellosis-Reactor Goats.	
	Slaughterhouses and Meat		§ 903.14.	Vesicular Diseases.	
§ 901.1.	Processing Establishments. Condemnation and Retention of		§ 903.15.	Livestock Suspected of Biological Residues.	
3 701.11.	Product.		§ 903.16.	Livestock Used For Research.	
§ 901.2.	Grounds for Disciplinary Action.		§ 903.17.	Official Marks and Devices for	
§ 901.3.	Licenses.		3 703.17.	Purposes of Ante-Mortem	
§ 901.4.	Examinations.			Inspection.	
§ 901.5.	Mandatory Maintenance Training.		Article 5.	Post–Mortem Inspection	76.8
§ 901.6.	Animals Killed off Premises.			Extent and Time of Post–Mortem	70.0
§ 901.7.	Presence of Inspector on Premises.		§ 904.	Inspection.	
§ 901.8. § 901.9.	Inspector Responsibilities. Custom Livestock Slaughterhouse		§ 904.1.	Identification of Carcass with	
8 901.9.	or Meat Processing Establishment:		3 70	Certain Severed Parts Thereof and	
	Approval of Plans, Notice of			with Animal From Which Derived	
	Approval, and Granting of a		§ 904.2.	Carcasses and Parts in Certain	
	License.			Instances to be Retained.	
§ 901.10.	Official Numbers; Separation from		§ 904.3.	Retained Carcasses and Parts;	
	Non-licensed Plants.		8.004.4	Identification and Tagging.	
§ 901.11.	Schedule of Operations		§ 904.4 <i>.</i>	Condemned Carcasses and Parts to	
			§ 904.5.	be Marked; Tanking; Separation. Removal of Spermatic Cords,	
Article 3.	Facilities for Inspection		8 304.5.	Pizzles, and Preputial Diverticuli.	
	and Sanitation	76.5	§ 904.6.	Passing and Marking of Carcasses	
§ 902.	General Requirements.		,	and Parts.	
§ 902.1.	Facilities for Inspection — Program		§ 904.7.	Anthrax; Carcasses Not to be	
	Employees.			Eviscerated; Disposition of Affects	ed
§ 902.2.	Other Facilities and Conditions			Carcasses; Hides, Hoofs, Horns,	
	Provided by Official			Hair, Viscera and Contents, and Fa	
§ 902.3.	Establishments.			Handling of Blood and Scalding V Water; General Cleanup and	at
§ 902.3. § 902.4.	Inspectors. Official Establishment Grounds and			Disinfection.	
8 702.4.	Facilities.		§ 904.8.	Carcasses with Skin or Hide On;	
§ 902.5.	Equipment and Utensils.		3 7 2 1121	Cleaning Before Evisceration;	
§ 902.6.	Sanitary Operations.			Removal of Larvae of Hypoderma	e,
§ 902.7.	Employee Hygiene.			External Parasites and Other	
§ 902.8.	Tagging Insanitary Equipment,		6.004.0	Pathological Skin Conditions.	
§ 902.9.	Utensils, Rooms, or Compartments. Development of Sanitation Standard		§ 904.9.	Cleaning of Hog Carcasses Before Incising.	
8 902.9.	Operating Procedures.		§ 904.10.	Abdominal and Thoracic Viscera t	0
§ 902.10.	Implementation of Sanitation		g 704.10.	be Removed; Sternum to be Split.	O
3 > 02.10.	SOP's.		§ 904.11.	Inflating Carcasses or Parts.	
§ 902.11.	Maintenance of Sanitation SOP's.		§ 904.12.	Handling of Bruised Parts.	
§ 902.12.	Corrective Actions.		§ 904.13.	Disposition of Lungs.	
§ 902.13.	Records Retention.		§ 904.14.	Inspection of Mammary Glands.	
§ 902.14.	Department Verification.		§ 904.15.	Contamination of Carcasses,	
A .: 1 A	A A M A T A A A A	5 66	§ 904.16.	Organs, or Other Parts.	
Article 4.	Ante-Mortem Inspection	76.6	§ 904.16. § 904.17.	Inspection of Kidneys. Saving of Blood from Livestock as	
§ 903.	Ante-Mortem Inspection in Pens of		ÿ >0 4 .17.	an Edible Product.	•
¢ 002 1	Official Establishments.		§ 904.18.	Identification of Carcasses and Par	rts
§ 903.1.	Livestock Suspected of Being Diseased or Affected with Certain		v	of Swine.	
	Conditions; Identifying Suspects;		§ 904.19.	Specified Risk Materials from	
	Disposition on Post–Mortem			Cattle; Handling and Disposition.	
	Inspection or Otherwise.		§ 904.20.	Transferring Caul or Other Fat.	
§ 903.2.	Dead, Dying, Disabled, or Diseased		Article 6.	Disposal of Diseased or	
	Livestock.			Otherwise Adulterated	
§ 903.3.	Livestock Showing Symptoms of				76.10
	Certain Metabolic, Toxic, Nervous,		0.00=	Carcasses and Parts	
	or Circulatory Disturbances,		§ 905.	Disposal of Diseased or Otherwise	•
	Nutritional Imbalances, or			Adulterated Carcasses and Parts; General.	
§ 903.4.	Infectious or Parasitic Diseases. Swine; Disposal Due to Hog		§ 905.1.	General. Tuberculosis.	
3 705.4.	Cholera.		§ 905.1. § 905.2.	Hog Cholera.	
§ 903.5.	Epithelioma of the Eye.		§ 905.3.	Swine Erysipelas.	
5 705.5.	Epitalonia of the Eye.		\$ 705.5.	o no isiyo perus.	

Page vi (7-25-2008)

	Page	9	Page
§ 905.4.	Diamond–Skin Disease.	§ 906.	Humane Handling and Slaughter of
§ 905.5. § 905.6.	Arthritis. Cattle Carcasses Affected with	§ 906.1.	Livestock. Safe and Humane Handling and
§ 905.0. § 905.7.	Anasarca or Generalized Edema. Actinomycosis and	§ 900.1.	Transportation of Fallow Deer to Custom Livestock Slaughter
	Actinobacillosis.		Establishments.
§ 905.8.	Anaplasmosis, Anthrax, Babesiosis, Bacillary Hemoglobinuria in Cattle,	Article 8.	Handling and Disposal of
	Blackleg, Bluetongue, Hemorrhagic		Condemned or Other Inedible
	Septicemia, Icterohematuria in		Products at Official
	Sheep, Infectious Bovine		Establishments
	Rhinotracheitis, Leptospirosis,	§ 907.	Disposition of Condemned Products
	Malignant Epizootic Catarrh, Strangles, Purpura Hemorrhagica,	g 907.	at Official Establishments.
	Azoturia, Infectious Equine	§ 907.1.	Carcasses of Livestock Condemned
	Encephalomyelitis, Toxic		on Ante-Mortem Inspection.
	Encephalomyelitis (Forage	§ 907.2.	Dead Animal Carcasses.
	Poisoning), Infectious Anemia	§ 907.3.	Specimens for Educational,
	(Swamp Fever), Dourine, Acute Influenza, Generalized		Research, and Other Non–Food Purposes.
	Osteoporosis, Glanders (Farcy),	§ 907.4.	Livers Condemned Because of
	Acute Inflammatory Lameness,	•	Parasitic Infestation and for Other
	Extensive Fistula, and Unhealed		Causes; Conditions for Disposal.
	Vaccine Lesions.	Article 9.	Marking Products and
§ 905.9.	Neoplasms.		Containers
§ 905.10. § 905.11.	Epithelioma of the Eye. Pigmentary Conditions; Melanosis,	§ 908.	Approval Required for Official
g 203.11.	Xanthosis, Ochronosis, (etc.).	\$ 700.	Marks.
§ 905.12.	Abrasions, Bruises, Abscesses, Pus	§ 908.1.	Use of Official Marks.
	(etc.).	§ 908.2.	Marking Devices.
§ 905.13.	Brucellosis.	§ 908.3.	Branding Ink.
§ 905.14.	Carcasses So Infected That	§ 908.4.	Products Shall Not be Removed from Official Establishments Unless
	Consumption of the Meat May Cause Food Poisoning.		Marked in Accordance with the
§ 905.15.	Necrobacillosis, Pyemia, and		Regulations.
·	Septicemia.	§ 908.5.	Products Marked with Official
§ 905.16.	Caseous Lymphadenitis.	0.000 6	Marks.
§ 905.17.	Icterus.	§ 908.6.	Marking of Meat Food Products and Poultry Meat Food Products.
§ 905.18. § 905.19.	Sexual Odor of Swine. Mange or Scab.	§ 908.7.	Special Markings for Meat Food
§ 905.20.	Hogs Affected with Urticaria, Tinea	3 700	Products and Poultry Meat Food
v	Tonsurans, Demodex Folliculorum,		Products.
0.007.01	or Erythema.	§ 908.8.	Marking of Outside Containers.
§ 905.21.	Tapeworm Cysts (Cysticercus	§ 908.9.	Marking Outside Containers of Inedible Grease, Inedible Tallow, or
§ 905.22.	Bovis) in Cattle. Hogs Affected with Tapeworm		Other Inedible Animal Fat or
3,500.22.	Cysts.		Mixtures.
§ 905.23.	Parasites Not Transmissible to Man;	§ 908.10.	Unmarked Inspected Products.
	Tapeworm Cysts in Sheep; Hydatid	§ 908.11.	Carcass Identification.
§ 905.24.	Cysts; Flukes; Gid Bladder-Worms. Emaciation.	Article 10.	Labeling, Marking Devices,
§ 905.24. § 905.25.	Carcasses of Young Calves, Pigs,		and Containers 76.16
0	Kids, Lambs, and Foals.	§ 909.	Definition and Required Features.
§ 905.26.	Unborn and Stillborn Animals.	§ 909.1.	Requirements; Supervision by
§ 905.27.	Livestock Suffocated and Hogs	§ 909.2.	Inspector. Approval of Abbreviations of Marks
§ 905.28.	Scalded Alive. Livers Affected with Carotenosis:	§ 909.2.	of Inspection.
8 703.20.	Livers Designated as	§ 909.3.	Labeling Approval.
	"Telangiectatic," "Sawdust," or	§ 909.4.	Approved Labels to be Used Only
0.005.00	"Spotted."		on Products to Which They Are
§ 905.29. § 905.30.	Vesicular Diseases. Listeriosis.	§ 909.5.	Applicable. False or Misleading Labeling or
§ 905.30. § 905.31.	Anemia.	§ 909.3.	Practices.
§ 905.32.	Muscular Inflammation,	§ 909.6.	Reuse of Official Inspection Marks
	Degeneration, or Infiltration.		and Containers.
§ 905.33.	Coccidioidal Granuloma.	§ 909.7.	Labeling, Filling of Containers,
§ 905.34.	Odors; Foreign and Urine.	8 000 8	Handling of Labeled Products.
§ 905.35.	Meat and Meat Byproducts from Livestock That Have Been Exposed	§ 909.8. § 909.9.	Product Relabeling Requirements. Custom Prepared Products.
	to Radiation.	§ 909.10.	Cured Products.
§ 905.36.	Biological Residues.	§ 909.11.	Packaging Materials.
-	-	§ 909.12.	Storage and Distribution of Labels
Article 7.	Humane Slaughter of		and Containers Bearing Official
	Livestock 76.13	§ 909.13.	Marks. Generically Approved Labeling.
	70.13	8 303.13.	Scheneary Approved Labeling.

Page vii (7-25-2008)

		Page		
	§ 909.14.	Rescindment of Labels.	§ 927.	Authority of Livestock Meat
				Inspectors, Processing Inspectors
Article	11.	Entry Into Official		and Persons Responsible for Operation of Livestock
		Establishments;		Establishments.
		Reinspection and	§ 928.	Condemnation and Retention of
		Preparation of Products 76.18	. § 929.	Product. Grounds for Disciplinary Action.
	§ 910.	Products and Other Articles	§ 930.	Required Marking.
	۷ 010 1	Entering Official Establishments.	§ 931.	Licenses.
	§ 910.1.	Reinspection, Retention, and Disposal of Meat and Poultry	§ 932.	Examinations.
		Products at Official Establishments.	§ 933. § 934.	Animals Killed off Premises. Presence of Inspector on Premises.
	§ 910.2.	Designation of Places for Receipt of	§ 950.	General Provisions.
		Products and Other Articles for Reinspection.	§ 951.	Loading Equipment.
	§ 910.3.	Preparation of Products;	§ 952. § 953.	Transportation Vehicles. Water and Feed.
	v	Supervision; Responsibilities of	§ 954.	Unloading.
	e 010 4	Official Establishments.	§ 955.	Humane Handling at Custom
	§ 910.4.	Product Procedures and Requirements.		Livestock Slaughter Establishments.
	§ 910.5.	Ingredients and Other Articles Used	Subchapter 2.	
		in Preparation of Products.	Article 36.	Definitions and General
	§ 910.6.	Samples of Products, Water, Dyes, Chemicals, etc., to Be Taken for		Provisions
		Examination.	§ 1180.	Definitions.
	§ 910.7.	Prescribed Treatment of Pork and	Article 37.	Licenses
	e 010 0	Pork Products to Destroy Trichinae.	§ 1180.1.	Licensing.
	§ 910.8.	Adulteration of Product by Polluted Water.	§ 1180.2.	Change of Ownership.
	§ 910.9.	Tagging Chemicals, Preservatives,	§ 1180.3.	Change of Executive Officers and
		Cereals, Spices, etc., California		Employees.
	\$ 010 10	Retained. Pesticide Chemicals and Other	Article 37.1.	Enforcement Fees for
	§ 910.10.	Residues in Products.		Renderers, Collection
	§ 910.11.	Requirements for the Production of		Centers, and Transporters
		Cooked Beef, Roast Beef, and		of Inedible Kitchen Grease 77
	§ 910.12.	Cooked Corned Beef Products. Compliance Procedure for Cured	§ 1180.3.1.	
	8 910.12.	Pork Products.	§ 1180.3.2.	Method for Collection.
	§ 910.13.	Use of Animal Drugs.	Article 38.	Horsemeat and Pet Food
	§ 910.14.	Determination of Added Water in Cooked Sausages.		Importers
	§ 910.15.	Cooling of Heated Potentially	§ 1180.4.	Shipping Permits.
	-	Hazardous Products.	§ 1180.5.	Equine Meat, Identification.
	§ 910.16.	Cooled Uncured Potentially	Article 39.	Horse Slaughter for Human
		Hazardous Product Holding Temperatures.		Food 78
	§ 910.17.	Hot Uncured Cooked Potentially	§ 1180.6.	Horse Slaughterer.
		Hazardous Product Holding	Article 40.	Pet Food 78
	§ 910.18.	Temperatures. Methods of Rapid Cooling.	§ 1180.7.	Facilities and Conditions to Be
	3 7 10.10.	mentals of tupid coomig.		Provided by Pet Food Slaughterers and Processors.
Article	12.	Definitions and Standards of	§ 1180.8.	Commingling of Foods.
		Identity or Composition 76.23	§ 1180.9.	Movement of Non-Denatured
	§ 911.	Product Definitions and Standards	§ 1180.10.	Products. Possible Conditions.
		of Identity or Composition.	§ 1180.10. § 1180.11.	Dead Animals.
	§ 911.1.	Mexican Style Chorizo.	§ 1180.12.	Labeling.
Article	12	Preparation and Processing	Article 41.	Transportation of Dead
Aiticie	13.			Animals 79
	§ 912.	Operations	§ 1180.13.	Transporting Dead Animals.
	§ 912.1.	Use of Food Ingredients.	§ 1180.14.	Restrictions on Hauling.
	§ 912.2.	Other Permitted Additives and	§ 1180.15. § 1180.16.	Records. Skin Removal Prohibited.
	010.0	Uses.	§ 1180.10. § 1180.17.	Vehicles Used in Hauling.
	§ 912.3.	Prohibited Uses.	§ 1180.18.	Vehicle Identification.
Article	14	Records and Reports 76.25	§ 1180.19.	Premises.
Atticle	§ 913.	Custom Livestock Slaughter	Article 42.	Collection Centers and
	3 / 13.	Reports.		Facilities
	§ 913.1.	Meat Processing Reports.	§ 1180.20.	Facilities.
	§ 920.	Amendment to Incorporation by Reference.	§ 1180.21. § 1180.22.	Buildings and Facilities. Operations.
	§ 921.	Mark of Inspection on Labels for	§ 1180.22. § 1180.23.	Vermin Control.
	•	Meat Food Products.	§ 1180.24.	Records.

Page viii (7-25-2008)

	Pa	age		Page
Article 43.	Renderers	80	§ 1210.	Construction and Use of Poultry Processing Plants.
§ 1180.25. § 1180.26.	Separation from Other Businesses. Method of Rendering.		§ 1211. § 1212.	Floors, Walls, Ceilings, Etc. Blood Disposal.
§ 1180.27. § 1180.28.	Vehicle Cleaning Area. Cans and Other Receptacles.		§ 1213.	Draining and Plumbing.
§ 1180.29.	Removal Permit.		§ 1214.	Water Supply.
§ 1180.30. Article 44.	Records.	01	§ 1215.	Sanitary Facilities and Accommodations: Specific Requirements.
§ 1180.31.	Retaining and Rejecting	01	§ 1216.	Lighting and Ventilation.
\$ 1100.51.	Products.		§ 1217.	Equipment and Utensils to Be Easily
§ 1180.32.	Tagging Reject.			Cleaned: Those for Inedible Products to Be Marked.
§ 1180.33.	Slaughtering of Animals for Zoo Use.		§ 1218. § 1219.	Accessibility. Restrictions on Use.
Article 46.	Denaturing	81	Article 8.	Maintenance of Sanitary
§ 1180.34.	Meat Inedible by Humans—Identification.		Titlele 6.	Conditions and Precautions
Article 47.	Hours of Operation and			Against Contamination of
	Overtime	82		Products 87
§ 1180.35. § 1180.36.	Hours of Operation. Overtime Work of Bureau		§ 1220.	Cleaning of Rooms and Compartments.
*	Employees.		§ 1221.	Cleaning of Equipment and Utensils.
Article 48.	General Provisions	82	§ 1222.	Operations and Procedures to Be
§ 1180.37.	Licensing Provisions.		§ 1223.	Clean and Sanitary. Temperatures and Cooling and
§ 1180.38.	Inspection of Raw Product on Request of Horsemeat and Pet Food		-	Freezing Procedures.
	Importers.		§ 1223.1.	Exception to Chilling Requirements.
§ 1180.39.	Disposal of Parts or Products of Animals Not Intended for Use as		§ 1224.	Vermin and Pets Excluded from Plant.
§ 1180.40.	Human Food. Permit for the Removal of Inedible		§ 1225.	Use of Compounds.
•	or Condemned Meat and Poultry		§ 1226. § 1227.	Employment of Diseased Persons. Inedible Operating and Storage
§ 1180.41.	Products. Registration of Transporters.		3 .227.	Rooms: Outer Premises, Docks,
	registration of Transporters.			Approaches, etc., Fly-Breeding Material: Nuisances.
•	ultry Inspection		§ 1228.	Used Tubs, Barrels, and Other Containers: Inspection and
Subchapter 1. (General Provisions	83		Cleaning.
Article 1. § 1200.	Definitions	83	§ 1229. Article 9.	Dead Poultry Carcasses. Products and Equipment
· ·			· indexe y.	Contaminated by Polluted
Article 2.	Applicability of	0.4		Water
§ 1201.	Regulations	84	§ 1230.	Products Contaminated by Polluted Water: Procedure for Handling.
Article 3. § 1202.	Scope of Inspection	84	Article 10.	Sanitation Regulations
-	•	0.4	6 1221	Applicable to Rabbits Only 90
Article 4. § 1203.	Organization of Force	84	§ 1231.	Processing, Chilling and Freezing.
Article 5.			Article 11.	Application for Examination
Afficie 3.	Application for Poultry Plant License	Q.1		and Poultry Meat Inspector License
§ 1204.	Licensing: Poultry Plant.	04	§ 1235.	Licensing Poultry Meat Inspectors.
§ 1205.	Approval: Plans, Information to Be		Article 12.	Compliance with Law and
	Furnished, Subsidiary Plants, Notice of Approval and Granting of			Regulations 90
	License.		§ 1236.	Reports of Violations of
Article 6.	Official Numbers and			Regulations.
	Compliance with		Article 13.	Poultry Meat Inspectors 90
	Regulations	84	§ 1237.	Designation of Minimum Number of Inspectors.
§ 1206.	Official Numbers: Subsidiary		§ 1238.	Poultry Meat Inspectors to Have
§ 1207.	Plants. Drawings and Specifications to Be			Right of Access to Plants at Any Reasonable Time.
	Furnished in Advance of Construction.		§ 1239.	Identification of Poultry Meat
§ 1208.	Compliance with Regulations.		§ 1240.	Inspectors. Interference with or Abuse of
Article 7.	Buildings and Plant		-	Poultry Meat Inspectors.
	Facilities	85	§ 1241.	Duties and Conditions of Employment of Poultry Meat
§ 1209.	Construction of Buildings.			Inspectors.

Page ix (7-25-2008)

Title 3

	Page		Page
§ 1242.	Hours of Operation of Poultry Plants.	§ 1257. § 1258.	Removal of Official Identification. Relabeling Product—Requirements Regarding.
Article 14.	Marking Receptacles and	§ 1259.	Rescindment of Label Approvals.
	Tagging Unsanitary	Article 20.	Reinspection and Preparation
	Equipment 91	Tittlete 20.	of Products
§ 1243.	Trucks and Receptacles for Diseased	§ 1260.	Reinspection of Products.
§ 1244.	Carcasses. Tagging Unsanitary Equipment,	§ 1260.1	
	Utensils, Rooms or Compartments.	Article 21.	Samples for Laboratory
Article 15.	Ante–Mortem Inspection 91	mucie 21.	Examination
§ 1245.	Ante-Mortem Inspection When Required and Where.	§ 1261.	Samples of Products, Water, etc., May Be Taken for Examinations.
Article 15.1.	Humane Slaughter of Poultry 91	Article 22.	Canning96
§ 1245.1.	General Provisions.	§ 1262.	Poultry Meat Food Products for
§ 1245.2. § 1245.3.	Definitions. Handling of Poultry for Slaughter.	3 1202.	Canning.
§ 1245.4.	Method of Humane Slaughter of Poultry.	Article 23.	Preparation of Uninspected
§ 1245.5.	General Requirements for Gas		Articles
	Chambers and Auxiliary	§ 1263.	Preparation of Animal Food or
	Equipment; Operator; Facilities and Procedures.		Similar Uninspected Articles in an Official Plant.
§ 1245.6.	Administration of Carbon Dioxide	A meiolo 24	
3	and Argon Gas; Required Effect;	Article 24.	Tagging Chemicals, etc.,
0.1045.7	Handling.	0.1261	"Retained" 97
§ 1245.7.	General Requirements for Electrical Stunning or Slaughter with Electric Current.	§ 1264.	Tagging Chemicals, Cereals, Spices, etc., "Retained."
§ 1245.8.	Electrical Stunning.	Article 25.	Products for Other Uses 97
§ 1245.9.	Electrocution to Cardiac Arrest.	§ 1265.	Product for Educational Uses,
§ 1245.10	•		Laboratory Examination, and Other Purposes.
§ 1245.11 § 1245.12		A .: 1 00	
§ 1245.13		Article 26.	Reports
§ 1245.14	I. Training.	§ 1266. § 1267.	Reports Required. Plants to Furnish Information for
§ 1245.15		§ 1207.	Reports.
	or Compartments to Prevent Inhumane Slaughter or Handling in Connection With Slaughter.	§ 1268.	Appeals from Poultry Meat Inspection Actions.
§ 1245.16		Article 28.	State Food and Drug Laws 97
Article 16.	Post Mortem Inspection 92.2	§ 1269.	Food and Drug Acts.
§ 1246.	Extent and Time of Post–Mortem Inspection.	§ 1270.	Facsimile of Tags to Be Used by Poultry Meat Inspector.
§ 1247.	Abdominal and Thoracic Viscera	Article 30.	New York Dressed Fowl 98
0.1040	and Giblets to Be Removed.	§ 1271.	New York Dressed Fowl.
§ 1248. § 1249.	Technique of Inspection. Disposal of Diseased Carcasses and	Subchapter 2.	State-Federal Cooperative
8 1249.	Parts.	Swoompion -	Inspection
§ 1250.	Diseases and Conditions Requiring Condemnation of Affected	Chapter 6.	Drugging of Horses
£ 1051	Carcasses.	§ 1280.	Purpose of Subchapter.
§ 1251.	Diseases Requiring Condemnation of Carcasses or Parts, Exceptions.	§ 1280.1	. Registration.
§ 1252.	Conditions Affecting Soundness,	§ 1280.2	
	Requiring Condemnation of	§ 1280.3 § 1280.4	
§ 1253.	Carcasses or Parts. Livers Affected with Abnormal	§ 1280.5	
8 1233.	Conditions: Disposal.	§ 1280.6	Medications.
A	•	§ 1280.7	
Article 17.	Denaturing and Disposing of	§ 1280.8 § 1280.9	
	Condemned Carcasses and	ş 1200.2	Violation.
	Products 93	§ 1280.1	O. Penalties.
§ 1254.	Disposition of Condemned Poultry Meat or Product.	§ 1280.1	1. Procedure upon Allegation of Violation.
Article 18.	Marking and Identifying	Chapter 7.	Control of Diseased Animals99
	Poultry Meat and Products 94		
§ 1255.	Approval of Abbreviations and	Article 1.	Permits for Transportation
-	Marks of Inspection.		and Sale of Diseased
Article 19.	Labeling 94		Animals to Slaughterers,
§ 1256.	Marking and Labeling Inspected		Salesyards and Stockyards 99
-	Products.	§ 1300.	

Page x (7-25-2008)

	Page		Page
§ 1300.1. § 1300.2. § 1300.3	Diseased Animals into California. Verification of Shipments Under Permit.	Article 2. § 1305.01. § 1305.02.	
§ 1300.4. Article 2.		Article 3. § 1305.03. § 1305.04.	, ,
§ 1300.1 § 1300.1	Receipt of Shipment. Sale or Disposal.	Article 4. § 1305.05.	Animals
\$ 1300.13 \$ 1300.14 \$ 1300.13	Livestock Manifesting Disease. Retention of Documents.	Article 5. § 1305.06. § 1305.07. § 1305.08.	11
Article 3. § 1301. § 1301.1. § 1301.2.	1	§ 1305.09. § 1305.10. § 1305.11.	Cancellation or Suspension of Registration. Records and Samples. Inspections.
\$ 1301.3. \$ 1301.4. \$ 1301.5. \$ 1301.6.	Epidemiological Investigation. Sample Collection. Release of Quarantine.	Article 6. § 1305.12. Chapter 9.	Product Registration Fees
\$ 1301.7. \$ 1301.8. \$ 1301.9.		Article 1.	Informal Hearing Requirements
Chapter 8. Article 1. § 1305.00	Definitions 102.8 Definitions 102.8 Definitions.	\$ 1310.\$ 1310.1.\$ 1310.2.\$ 1310.3.	Scope of Coverage. Filing Deadlines and Procedures. Hearing Schedule and Notification. Conduct of Hearings.

Page xi (7-25-2008)



Division 2. Animal Industry

Chapter 1. **Dairies**

Article 1. Wholesome Feeds

§ 400. Wholesome Feeds.

The phrase "properly fed and kept," as used in Section 35602 of the Food and Agricultural Code, is construed to mean that milk must be produced from animals fed only such feeds as will not impart strong disagreeable flavors or odors to the milk or the products thereof. (The intentional or willful feeding of mustard, purple-top turnips, rape, onions, etc., is specially prohibited and the use of pastures where such feeds as mustard, turnips, rape, onion, etc., are growing to such an extent that the quality of milk from cows grazing on such pastures is injured thereby (tainted) does not constitute proper feeding, whereas most natural grasses, alfalfa, clover, vetch, peas, ensilage, beets, carrots, coconut meal, grains, etc., which are not moldy or decayed are entirely suitable for feeding animals producing milk.) All feeds must be wholesome and fed in such quantities as will nourish and not impair the health of the animals. Milk-producing animals must not be subject to undue exposure so that their health is injured thereby.

NOTE: Authority cited for Subchapter 1: Section 16, and Chapters 1 to 10, inclusive, of Division 4, Agricultural Code (renumbered 407 and 35602, 1967 Stats. C. 15, Food and Agricultural Code).

HISTORY

- 1. Subchapter 1 originally printed 7-25-45 (Title 3).
- 2. Revision of Subchapter 1 filed 8-22-47; effective 10-1-47 (Register 9).

§ 401. Identification of Dairy Animals Carrying Pesticide Residue.

Whenever the Director has issued an order under Section 32741 of the Food and Agricultural Code determining that a female dairy animal is carrying pesticide residue in its body or has been fed feeds containing amounts of pesticide residue which will cause the milk produced from the animal to be adulterated with pesticide residues, the Director may identify such animal by use of a sealed chain, ear tag, band or other means deemed appropriate, or may require the owner or agent responsible for the animal to so identify it in accordance with the Director's instructions. No identification tag or device placed on such animal pursuant to this section shall be removed or altered without written permission of the Director or when such animal is consigned to slaughter by a representative of the United States Department of Agriculture, Meat Inspection Division. NOTE: Authority cited: Sections 16 and 442, Agricultural Code (renumbered 407 and 32741, 1967 Stats. C. 15, Food and Agricultural Code).

HISTORY

1. New section filed 6-11-64; designated effective thirtieth day thereafter (Register 64, No. 13).

Article 2. Market Cream

NOTE: Authority cited: Section 36637, Food and Agricultural Code. HISTORY

- 1. New Sections 407 and 407.1 through 407.11 filed 2-4-66; effective thirtieth day thereafter (Register 66, No. 4). For history of former Article 2, see Register 65,
- 2. Repealer of Sections 407 and 407.1-407.11 filed 4-25-75; effective thirtieth day thereafter (Register 75, No. 17).
- 3. Repealer of Sections 407.12–407.14 filed 4–25–75; effective thirtieth day thereafter (Register 75, No. 17). For prior history, see Register 70, No. 17.
- 4. Repealer of Sections 407.15-407.23 filed 6-18-84; effective thirtieth day thereafter (Register 84, No. 25). For prior history, see Registers 77, No. 9; 76, No. 29, 76; No. 12; 76, No. 1; 67, No. 36; 73, No. 32; 73, No. 21; and 72, No. 39.

Article 3. Neutralization of Cream for Butter

§ 410. Neutralization of Cream for Butter.

NOTE: Authority cited: Section 32909(b), Food and Agricultural Code. HISTORY

- 1. Amendment filed 4-25-75 as procedural and organizational; effective upon filing (Register 75, No. 17).
- 2. Repealer filed 7-15-97; operative 8-14-97 (Register 97, No. 29).

Special Varieties of Cheese Article 4.

§ 415. Varieties.

(a) In accordance with the requirements of Section 37402 of the Food and Agricultural Code, standards of composition, aging periods and labeling requirements are hereby established for special varieties of cheese as follows:

	Minimum		
	Milk Fat	Meximum	
** * .	Percent on	Percent	Aging
Variety	Dry Besis	Moisture	Period
Asadero		85	
Asiago (fresh or soft)	50	45	60 days
Asiago, medium		35	6 months
Asiago, old		32	1 year
Bakers	NS*	80	
Blue		46	60 days
Brandella Acidified Part Skim	30	52	·
Brick, brick for manufacturing	50	44	
Caciocavallo siciliano	42	40	90 days
Caciocavallo, uncured part skim	30	52	-
Caciocavallo, uncured whole milk	40	52	
Cook or Koch	NS *	80	
Edem		45	•
Farmers	20	80	
Feta	45-50	50	
Cammelost	NS •	52	
Goude	46	45	
Corgonzola		42	90 days
Gruyere	45	39	90 days
Hard	50	39	• • • •
Hard grating	32	34	6 months
Limburger	50	50	
Part skim milk cheese ****	30-44 ***	55	
Mozzarella, uncured, part skim		52	
Mozzarella, uncured, whole milk	40	52	
Muenster, Munster		46	
Neufchatel	20-33 **	65	
Nuworld	50	46	60 days
Parmesan, Reggiano	32	32	10 months
Part skim spiced	20-50	NS •	
Provolone, pasta filata	45	45	
Queso Anejo Skim	NS*	55	
Queso Enchilado Skirn	NS*	55	
Ricotta		80	
Part skim Ricotta	6-11**	80	
Whey-Ricotta	0-6**	80	
Romano		34	5 months
Roquefort, sheep's milk blue mold, blu			•
mold from sheep's milk		45	60 days
Samsoe		41	60 days
Sapsago	NS *	38	5 months
Semisoft	50	39-50	0 410114
Semisoft part skim	45-50	50	
Skim milk cheese ****	0-30 ***	55	
Sheep's milk blue-mold	50	45	60 days
Skim milk cheese for manufacturing	NS •	50	·, -
Soft ripened		NS •	
Spiced		NS •	
Swiss, Emmentaler		41	60 days
Swiss for manufacturing		41	60 days
Teleme		54	oo days
* NS—Means no standard			
PRO- modust basis			

- On product basis.
 Label must show fat content on a product basis. The declaration to be accurate within the limits of good manufacturing practice.
 - The term shall be preceded by or followed by a common, or usual name or an arbitrary or fanciful name which is not false or misleading in any particular.
- (b) Panella, Queso Blanco, Queso Fresco, and Jalapeno may be labeled skim cheese, part skim cheese, or whole milk cheese, as the case may be, in letters of the same size, style, and color of the varietal name. The moisture content shall not exceed 55 percent.
- (c) The special varieties of cheese listed herein shall be labeled with the varietal name and subject to standards of composition and method of

manufacture for the variety indicated. When no varietal name has been established, the fat and moisture standards should determine into what general classification the cheese falls, and such classification shall appear on the label preceded or followed by the specific or common name of such cheese; or if no specific or common name has become generally recognized therefor, an arbitrary or fanciful name which is not false or misleading in any particular.

- (d) All special varieties of cheese shall be made from pasteurized milk or held 60 days before offered for sale with the exception of those cheeses which require a holding time as part of the cheese–making process. In such cases, the minimum age shown in the above table shall apply. Pasteurized milk only shall be used for Muenster, Munster and Cook or Koch cheese. Caciocavallo cheese or Mozzarella cheese when sold fresh or uncured shall be made from pasteurized milk and/or pasteurized skim milk.
- (e) The labeling provisions of Sections 37971–37976 of the Food and Agricultural Code are applicable to all special varieties of cheese.
- (f) When milk other than cow's milk is used in whole or part, the label shall include the statement, "made from ______," the blank being filled in with the name or names of the milk used in the order of predominance by weight.
- (g) The following cheeses in the form of slices or cuts in consumer-sized packages may contain not more than 0.2 percent by weight of sorbic acid and shall be labeled "sorbic acid added to retard mold growth" or "sorbic acid added as a preservative," if such cheese contains sorbic acid: Cheddar cheese, cheese; washed curd cheese, soaked curd cheese; colby cheese; granular cheese; Swiss cheese, Emmentaler cheese; Gruyere cheese; brick cheese; Muenster cheese, Munster cheese; Monterey cheese, Monterey jack cheese; provolone cheese, pasta filata cheese; caciocavallo siciliano cheese; Asiago fresh cheese, Asiago soft cheese; Asiago medium cheese; Asiago old cheese; Mozzarella cheese; semisoft cheeses; semisoft part–skim cheeses; pasteurized process cheese with fruits, vegetables, or meats; pasteurized process cheese food with fruits, vegetables, or meats.
- (h) The following cheeses in the form of slices or cuts in consumer-sized packages may contain not more than 0.3 percent by weight of so-dium propionate, calcium propionate, or a combination of sodium propionate and calcium propionate and the label shall bear the statement "______ added to retard mold growth" or "_____ added as a preservative," the blank being filled in with the names of the substance or substances used, if the cheese contains either or both of the substances:

Pasteurized process cheese; pasteurized blended cheese; pasteurized process cheese with fruits, vegetables or meats; pasteurized process pimento cheese; pasteurized blended cheese with fruits, vegetables, or meats; pasteurized cheese food; pasteurized process cheese food with fruits, vegetables or meats.

NOTE: Authority cited: Sections 407 and 37402, Food and Agricultural Code. Reference: Sections 37402, 37971–37976, Food and Agricultural Code.

HISTORY

- 1. Amendment of subsection (a) filed 10–19–67; effective thirtieth day thereafter (Register 67, No. 42). For prior history, see Register 64, No. 13.
- 2. Repealer and new section filed 4–25–75; effective thirtieth day thereafter (Register 75, No. 17).
- 3. Amendment of subsection (a) filed 8–12–80; effective thirtieth day thereafter (Register 80, No. 33).

§ 415.01. Hoop Cheese.

Hoop cheese is the product prepared by pressing into forms dry curd cottage cheese as defined by Section 37641 of the Food and Agricultural Code. It shall contain not more than 80 percent of moisture by weight when sold to the consumer.

NOTE: Authority cited: Sections 407 and 37402, Food and Agricultural Code. Reference: Sections 37402, 37971–37976, Food and Agricultural Code.

HISTORY

1. New section filed 4–25–75; effective thirtieth day thereafter (Register 75, No. 17).

§ 415.02. Kefir Cheese.

Kefir cheese is a soft, uncured cheese made from one or more of the following pasteurized market milk products: milk, cream, concentrated milk, dried milk, skim milk, concentrated skim milk, or nonfat dry milk, cultured with Lactobacillus caucasicus bacteria to the desired acidity. Kefir cheese shall have a maximum moisture of 70 percent and a minimum milk fat of 5 percent on a product basis, and shall be labeled in accordance with the labeling provisions of Sections 37971 and 37976. NOTE: Authority cited: Sections 407 and 37402, Food and Agricultural Code. Ref-

HISTORY

erence: Sections 37402, 37971-37976, Food and Agricultural Code.

New section filed 4–25–75; effective thirtieth day thereafter (Register 75, No. 17).

§ 415.03. Ricotta Cheese with Fruit Added.

Fruit may be added to Ricotta cheese or part skim Ricotta cheese. Whether the fruit is a single variety or a combination of two or more varieties, the amount which is added shall not be less than 10 percent and not more than 25 percent by weight of the finished product. Any fruit which is added shall be clean, mature and sound. The fruit shall be frozen, canned, or dried, or have been heated to pasteurization temperature.

The standards for moisture and fat for Ricotta cheese or part skim Ricotta cheese with fruit added shall be the same as those for Ricotta cheese and part skim Ricotta cheese without such additions.

The label must include the variety of fruit in the title.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Section 37402, Food and Agricultural Code.

HISTORY

1. New section filed 8–12–80; effective thirtieth day thereafter (Register 80, No. 33).

§ 415.04. Goat Cheese.

Goat cheese is made from goat's milk. It shall contain not less than 40 percent of milk fat on a dry basis and contain not more than 50 percent of moisture when sold to the consumer. Goat cheese may contain spices which shall be identified on the principal display panel of the retail package. The cheese shall be labeled as "goat cheese" or "goat's milk cheese." The name may be preceded by an appropriate ethnic name if no cheese is equivalent to or closely resembles the name referred to.

NOTE: Authority cited: Sections 407 and 37402, Food and Agricultural Code. Reference: Section 37402, Food and Agricultural Code.

HISTORY

1. New section filed 2–26–82; effective thirtieth day thereafter (Register 82, No. 9)

§ 415.1. Grated Cheese and Shredded Cheese; Composition and Labeling.

(Section 37402, Food and Agricultural Code.)

- (a) (1) This section shall apply only to grated and shredded varieties of hard cheese specifically described and enumerated in the California Administrative Code. These are the following: Romano, Parmesan, Reggiano, Asiago Old and Hard Grating Cheese.
- (2) The grated or shredded cheeses for which definitions and standards of identity are prescribed by this section are foods prepared by grating, grinding, shredding or otherwise comminuting and mixing one or more cheeses of the same variety or cheeses of two or more varieties.
- (3) No ingredient other than the cheeses specifically mentioned and enumerated in this section shall be permitted in grated cheese or shredded cheese except:
- (A) A mold-inhibiting ingredient consisting of sorbic acid, potassium sorbate, sodium sorbate, or any combination of two or more of these in a total amount not to exceed 0.3 percent by weight of the finished product.
- (B) An anticaking agent consisting of silicon dioxide, calcium silicate, sodium silicoaluminate, or any combination of two or more of these in a total amount not to exceed 2 percent by weight of the finished product.

(((ز	1	he	label	shall	bear	the	sta	tement	
----	----	---	----	-------	-------	------	-----	-----	--------	--

1. "_____ added to retard mold growth" or "____ added as preservative" if a mold inhibitor is used, and

- 2. "_____ added as an anticaking agent" if an anticaking agent is used, (the blank(s) to be filled in with the name of the substance(s) used.)
- (4) Any cheese used as a component of grated cheese or shredded cheese shall be made from pasteurized milk or be held at a temperature of not less than 35 degrees Fahrenheit for not less than 60 days before it is used in preparing grated cheese and shredded cheese.
- (5) In the manufacture of grated cheese or shredded cheese, moisture may be removed from the cheese ingredients, but no moisture may be added.
- (6) If the final product is made from only one variety of cheese, the minimum milk fat shall not be less than that specified in the California Administrative Code for that variety of cheese. If the final product is made from two or more varieties of cheese, the minimum milk fat of the finished product shall not be less than the arithmetic average of the minimum milk fat of those types of cheese.
- (7) (A) In the case of grated cheese or shredded cheese made from two varieties of cheese, the weight of a single variety shall not be less than 25 percent of the total weight of both.
- (B) In the case of a grated or shredded cheese made from three or more varieties of cheese, the weight of each of any two varieties used therein shall not be less than one—third of the total weight of all cheese, and if Romano or Parmesan cheese is included, or both Romano and Parmesan are included therein, the weight of each of said varieties of Romano or Parmesan shall not be less than 25 percent of the total weight of all cheese.
- (b) The names specified for the grated cheeses or shredded cheeses for which definitions and standards of identity are prescribed by this section are as follows:
- (1) The name of the grated cheese or shredded cheese made from one variety of cheese shall be "Grated _____ Cheese" or "Shredded ____ Cheese," the blank to be filled in with the name of the cheese which is grated or shredded.
- (2) The name of a grated cheese or shredded cheese made from two or more varieties of cheese shall be "Grated _____ and ____ Cheese," the blanks to be filled in with the names of the cheeses which are grated or shredded in order of preponderance.

NOTE: Authority cited: Section 37402, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–12–60; effective thirtieth day thereafter (Register 60, No. 2).
- 2. Amendment of subsection (a)(3) filed 3–22–74; effective thirtieth day thereafter (Register 74, No. 12).
- (Register 74, No. 12).

 3. Amendment filed 4–25–75 as procedural and organizational; effective upon filing (Register 75, No. 17).

§ 415.2. Grated Cheese and Shredded Cheese (Other Varieties); Composition and Labeling.

- (a) (1) This section shall apply to all varieties of grated and shredded cheese or grated cheese foods except those specified in Section 415.1 of this article.
- (2) The grated or shredded cheese for which definitions and standards of identity are prescribed by this section are foods prepared by grating, grinding, shredding or otherwise comminuting and mixing one or more cheeses of the same variety or cheeses of two or more varieties.
- (3) No variety of cheese may be used in grated or shredded cheese described in this section except natural cheese for which the California Food and Agricultural Code or the California Administrative Code prescribes a maximum moisture of 52 percent or less. No other ingredients shall be permitted except substances defined in Section 415.1 (a)(3)(A), (B), and (C).
- (4) Any cheese used as a component of grated cheese or shredded cheese shall be made from pasteurized milk or be held at a temperature of not less than 35 degrees Fahrenheit for not less than 60 days before it is used in preparing grated cheese or shredded cheese.
- (5) In the manufacture of grated cheese or shredded cheese, moisture may be removed from the cheese ingredients, but no moisture may be added.

- (6) If the final product is made from only one variety of cheese, the minimum milk fat shall not be less than that specified in the California Food and Agricultural Code and this subchapter for that variety of cheese. If the final product is made from two or more varieties of cheese, the minimum milk fat of the finished product shall not be less than the weighted average of the minimum milk fat for those varieties of cheese in the California Food and Agricultural Code or California Administrative Code. In no case shall the minimum milk fat be less than 30 percent on a dry basis.
- (7) When grated or shredded cheese is made from three or more varieties of cheese, each cheese ingredient used must be present at a level of not less than two percent by weight of the finished product. If a grated or shredded cheese is made from three or more varieties of cheese and the weight of any two varieties used is less than one—third of the total weight of the cheese, the percent by weight of each cheese used shall be declared on the label.
- (b) The names specified for the grated cheeses or shredded cheeses for which definitions and standards of identity are prescribed by this section are as follows:
- (1) The name of the grated cheese or shredded cheese made from one variety of cheese shall be "Grated ______ Cheese" or "Shredded _____ Cheese," the blank to be filled in with the name of the cheese which is grated or shredded.
- (2) The name of the grated cheese or shredded cheese made from two or more varieties of cheese shall be "Grated ______ and _____ Cheese" or "Shredded _____ and ____ Cheese," the blanks to be filled in with the names of the cheeses which are grated or shredded in order of predominance.

NOTE: Authority cited: Sections 407 and 37402, Food and Agricultural Code.

HISTORY

- 1. New section filed 6–11–64; effective thirtieth day thereafter (Register 64, No. 13).
- 2. Amendment filed 3–29–65; effective thirtieth day thereafter (Register 65, No. 5)
- 3. Amendment of subsection (a) (6) and (a) (7) filed 7–19–72; effective thirtieth day thereafter (Register 72, No. 30).
- 4. Amendment of subsection (a)(3) filed 3–22–74; effective thirtieth day thereafter (Register 74, No. 12).

§ 415.3. Grated American Cheese Food; Composition and Labeling.

- (a) (1) Grated American cheese food is the food prepared by mixing, with or without the aid of heat, one or more of the optional cheese ingredients prescribed in paragraph (b) of this section, with one or more of the optional ingredients prescribed in paragraph (c) of this section, into a uniformly blended, partially dehydrated, powdered or granular mixture.
- (2) Grated American cheese food contains not less than 23 percent of milk fat.
- (b) The optional cheese ingredients referred to in paragraph (a) of this section are cheddar cheese, washed curd cheese, Colby cheese, and granular cheese.
- (c) The other optional ingredients referred to in paragraph (a) of this section are:
 - (1) Nonfat dry milk.
 - (2) Dried whey.
- (3) An emulsifying agent consisting of one or any mixture of two or more of the following: monosodium phosphate, disodium phosphate, dipotassium phosphate, trisodium phosphate, sodium metaphosphate (sodium hexametaphosphate), sodium acid pyrophosphate, tetrasodium pyrophosphate, sodium citrate, potassium citrate, calcium citrate, sodium tartrate, sodium potassium tartrate and sodium aluminum phosphate, in such quantity that the weight of the solids of such emulsifying agent is not more than 3 percent of the weight of the grated American cheese food.
- (4) An acidifying agent consisting of one or more of the following: A vinegar, lactic acid, citric acid, acetic acid or phosphoric acid.
 - (5) Substances defined in Section 415.1 (a)(3)(A), (B), and (C).
 - (6) Salt.
 - (7) Artificial coloring.

- (d) (1) The label of grated American cheese food shall bear the common name of the optional ingredients used as prescribed in paragraphs (b) and (c)(1), (2), (3), (4) and (5) of this section, except that the cheese ingredient may be designated as "American cheese."
- (2) If artificial coloring is used, the label shall bear the statement "artificially colored" or "contains artificial color."
- (e) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements specified in this section, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed or graphic matter.

NOTE: Authority cited: Sections 407 and 37402, Food and Agricultural Code.

- 1. New section filed 6–11–64; effective thirtieth day thereafter (Register 64, No. 13).
- Amendment of subsection (c) filed 3-22-74; effective thirtieth day thereafter (Register 74, No. 12).

§ 415.4. Blended Grated Cheese and Blended Shredded Cheese; Composition and Labeling.

- (a) (1) This section shall apply to all varieties of grated or shredded cheese which consists of one or more varieties of grated or shredded cheese described in Section 415.1 combined with one or more varieties of grated or shredded cheese described in Section 415.2 of this article.
- (2) The minimum milk fat of a grated or shredded cheese described in this section shall be not less than the arithmetic average of the minimum milk fat specified in the California Food and Agricultural Code or California Administrative Code for the varieties of cheese used, but in no case shall the minimum milk fat be less than 30 percent on a dry basis.
- (b) (1) The name specified for the grated or shredded cheeses for which definitions and standards of identity are prescribed by this section is "Blended Grated Cheese" or "Blended Shredded Cheese." All words in the name shall appear in the same size, style and color or type and on the same background, without intervening written, printed or graphic matter, and without preceding words, in the same size, style and color or type.
- (2) The name of each variety of cheese used in a grated or shredded cheese described in this section shall be included in order of preponderance in an ingredients clause which shall immediately and conspicuously precede or follow the name "blended grated cheese" or "blended shredded cheese" wherever the name appears on the label, so conspicuously as to be seen under customary conditions of purchase; provided that the ingredients clause shall appear in letters not more than one—half the height of the letters in the name of the product.

NOTE: Authority cited: Sections 407 and 37402, Food and Agricultural Code.

HISTORY

1. New section filed 6–11–64; effective thirtieth day thereafter (Register 64, No. 13).

§ 416. Pasteurized Process Cheese.

In accordance with the provisions of Sections 37822–37823 of the Food and Agricultural Code, the standards of composition and labeling requirements for products defined in Sections 37821, 37851, to 37854, 37881 to 37884, 37911 to 37913, 37941 to 37944, inclusive, of the Food and Agricultural Code are as contained in Sections 416 to 427, inclusive, of the California Administrative Code.

- (a) The moisture content of a pasteurized process cheese made from a single variety is not more than 1 percent greater than the maximum moisture prescribed for the variety of cheese used, but in no case more than 43 percent, except that the moisture content of pasteurized process wash curd cheese or pasteurized process colby cheese is not more than 40 percent; the moisture content of pasteurized process Swiss cheese, or pasteurized process Gruyere cheese is not more than 44 percent; and the moisture content of pasteurized process Limburger cheese is not more than 51 percent.
- (b) The moisture content of a pasteurized process cheese made from two or more varieties of cheese shall not be more than 1 percent greater than the arithmetical average of the maximum moisture content pre-

- scribed for the varieties of cheese used, but in no case is the moisture content more than 43 percent, except that the moisture content of the pasteurized process cheese made from two or more varieties of cheddar cheese, wash curd cheese, colby cheese, and granular cheese is not more than 40 percent, and the moisture content of a mixture of Swiss cheese and Gruyere cheese is not more than 44 percent.
- (c) The fat content of the solids of a pasteurized process cheese made from a single variety of cheese is not less than the minimum prescribed for the variety of cheese used, but in no case is less than 47 percent, except that the fat content of the solids of pasteurized process Swiss cheese is not less than 43 percent and the fat content of the solids of pasteurized process Gruyere cheese is not less than 45 percent.
- (d) The fat content of the solids of a pasteurized process cheese made from two or more varieties of cheese is not less than the arithmetical average of the minimum fat content prescribed for the varieties of cheese used, but in no case less than 47 percent, except that the fat content of the solids of a pasteurized processed Gruyere cheese made from a mixture of Swiss cheese and Gruyere cheese is not less than 45 percent.

NOTE: Authority cited: Sections 37821, 37822, 37823, 37851–37854, 37881–37884, 37911–37913, 37941–37944, Food and Agricultural Code.

HISTORY

1. Amendment filed 4–25–75 as procedural and organizational; effective upon filing (Register 75, No. 17).

§ 416.5. Pasteurized Process Cheese Product.

- (a) (1) Pasteurized process cheese product is the food prepared by comminuting and mixing, with the aid of heat, one or more of the optional cheese ingredients prescribed in paragraph (b) of this section, with or without one or more of the optional dairy ingredients prescribed in paragraph (c) of this section, with one or more of the optional ingredients prescribed by paragraph (d) of this section, into a homogeneous plastic mass
- (2) Pasteurized process cheese product shall have a moisture content of not more than 60 percent and a fat content of not less than 4 percent nor more than 17 percent.
- (3) The weight of the cheese ingredient referred to in paragraph (a) (1) of this section shall constitute not less than 51 percent of the weight of the pasteurized process cheese product.
- (4) Pasteurized process cheese product may be smoked, or the cheese from which it is made may be smoked before comminuting and mixing, or it may contain substances prepared by condensing or precipitating wood smoke.
- (5) The flavor and body of any optional cheese ingredients used may be modified by the addition of safe and suitable enzymes. For the purpose of this section, the common name of each enzyme-modified cheese ingredient shall be "enzyme-modified ______ cheese," the blank being filled in with the varietal name of the cheese so modified.
- (b) The optional cheese ingredients referred to in paragraph (a) of this section include all natural cheese varieties for which there is a specific definition and standard of identity including the special varieties described in Section 415 (a) of this article.
- (c) The optional dairy ingredients referred to in paragraph (a) of this section are milk or any safe and suitable product of milk.
- (d) The other optional ingredients referred to in paragraph (a) of this section are any of the following safe and suitable ingredients:
- (1) Emulsifying agents (such as phosphates, citrates, and tartrates) in such quantity that the weight of the solids of such emulsifying agents is not more than 3 percent of the weight of the finished food calculated as the anhydrous substance.
- (2) (A) Stabilizers consisting of one or any mixture of two or more vegetable gums, gelatin, algin (sodium alginate), propylene glycol alginate, or xanthan gum. The total weight of such substances is not more than 0.8 percent of the weight of the finished food.
- (B) When one or more of the optional ingredients listed in paragraph (d) (2) (A) of this section is used, dioctyl sodium sulfosuccinate may be used in a quantity not in excess of 0.5 percent of the weight of such ingredients.
 - (3) Acidifying agents.

Page 12 Register 97, No. 29; 7–18–97

- (4) Nutritive carbohydrate sweeteners.
- (5) Water.
- (6) Salt.
- (7) Coloring.
- (8) Spices and/or flavorings, none of which singly or in combination with other ingredients simulate the flavor of a cheese of any age or variety.
- (9) Mold–inhibiting ingredients on cuts or slices of pasteurized process cheese product in consumer sized packages.
- (10) Lecithin on cuts or slices of pasteurized process cheese product in consumer sized packages as an antisticking agent in an amount not to exceed 0.03 percent by weight of the finished food.
 - (11) Enzyme-modified cheese.
- (12) Any properly prepared cooked, canned or dried fruit, vegetable, meat, fish or poultry for flavoring purposes.
- (e) If the optional ingredients described in paragraph (d) (12) of this section are utilized, the name of the food is "pasteurized process cheese product with ______," the blank being filled in with the common or usual name or names of the fruits, vegetables, meat, fish or poultry used, in order of predominance by weight.
- (f) The name of the food is "pasteurized process cheese product" and its label shall bear a list of ingredients by common or usual name. Each of the ingredients used in the food shall be declared on the label in descending order of predominance except that if the cheese ingredient contains cheddar cheese, washed curd cheese, colby cheese, granular cheese, monterey cheese, or any mixture of two or more of these, such cheese or such mixture may be designated as "American cheese."
- (g) Whenever any word or statement emphasizing the name of any ingredient appears on the label (other than in an ingredient statement) so conspicuously as to be easily seen under customary conditions of purchase:
- (1) The full name of the food shall immediately and conspicuously precede or follow such word or statement in a type of at least the size as the type used in such word or statement, and
- (2) When a label featured cheese is less than 50 percent of the total cheese ingredients, the word "flavored" shall also immediately follow the word or statement in a type of the same size and style used in such word or statement.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Section 37402, Food and Agricultural Code.

HISTORY

- New section filed 8-10-73; effective thirtieth day thereafter (Register 73, No. 32).
- 2. Amendment filed 8–12–80; effective thirtieth day thereafter (Register 80, No. 33).

§ 417. Pasteurized Blended Cheese.

- (a) The milk fat standard and the moisture standard for pasteurized blended cheese are those prescribed for pasteurized process cheese.
- (b) Pasteurized blended cheese shall not contain any emulsifying agent or acidifying agent. In a mixture of two or more cheeses, cream cheese or Neufchatel cheese may be used. In a mixture of two or more cheeses containing cream cheese or Neufchatel cheese, the moisture content shall not be more than the arithmetical average of the maximum moisture standard prescribed for the varieties of cheese used and the fat content of the solids shall not be less than 47 percent.

§ 418. Pasteurized Process Cheese with Other Ingredients.

Pasteurized process cheese with fruits, vegetables, or meats or mixtures thereof, except as otherwise provided, may have a moisture content of 1 percent more and a milk fat content of 1 percent less than that prescribed for the corresponding pasteurized process cheese.

§ 419. Pasteurized Process Pimento Cheese.

Pasteurized process pimento cheese is the food which conforms to definition and standard of identity for pasteurized process cheese with fruits, vegetables or meats except that its moisture content is not more than 41

percent and the fat content of its solids is not less than 49 percent. The cheese ingredient is American cheese. The only flavoring material is pimento in such quantity that the weight of the solids thereof is not less than 0.2 percent of the weight of the finished product.

§ 420. Pasteurized Blended Cheese with Other Ingredients.

Pasteurized blended cheese with fruits, vegetables, or meats may have a moisture content of 1 percent more and a milk fat content of the solids may be 1 percent less than the limits prescribed for pasteurized blended cheese.

§ 421. Pasteurized Process Cheese Food.

- (a) Pasteurized process cheese food shall have a moisture content of not more than 44 percent and a milk fat content of not less than 23 percent.
- (b) Pasteurized process cheese food with fruit, vegetables, or meat shall have a milk fat content of not less than 22 percent and not more than 44 percent of moisture.

§ 422. Pasteurized Process Cheese Spread.

- (a) Pasteurized process cheese spread shall have a moisture content of more than 44 percent but not more than 60 percent and the milk fat content shall not be less than 20 percent.
- (b) Pasteurized cheese spreads shall conform to the standard of composition prescribed for pasteurized process cheese spread, except that no emulsifying agent is used.
- (c) Pasteurized process cheese spread with fruits, vegetables, or meats shall have a milk fat content and a moisture content prescribed for pasteurized process cheese spread, except that it may contain properly prepared, cooked, canned, or dried fruit, vegetables and prepared, cooked, or canned meat.
- (d) Pasteurized cheese spread with fruits, vegetables, and meats shall conform to the moisture and milk fat standard prescribed for pasteurized cheese spread, except that it may contain one or any mixture of properly prepared, cooked, canned, or dried fruit, vegetables, or meat.
- (e) The weight of the cheese ingredients used in the manufacture of pasteurized process cheese foods and pasteurized process cheese spreads shall not be less than 51 percent of the weight of the finished pasteurized process cheese food.

§ 422.5. Pasteurized Low-Fat Cheese Spread.

Pasteurized low-fat cheese spread shall meet all of the standards and requirements of pasteurized cheese spread, except that moisture content shall not be more than 60 percent, and the milk fat content shall be not less than 2 percent, nor more than 4 percent.

HISTORY

1. New Sections 422.5 through 422.9 filed 5–9–72; effective thirtieth day thereafter (Register 72, No. 20).

§ 422.6. Pasteurized Lowfat Cheese Spread with Fruits, Vegetables, Spices, or Meats.

Pasteurized lowfat cheese spread with fruits, vegetables, spices, or meats may have a moisture content of 1 percent more than the limits prescribed for pasteurized lowfat cheese spread.

HISTORY

1. Amendment filed 4–25–75; effective thirtieth day thereafter (Register 75, No. 17).

§ 422.7. Pasteurized Skim Milk Cheese Spread.

Pasteurized skim milk cheese spread shall meet all of the standards and requirements of pasteurized cheese spread, except that the moisture content shall not be more than 60 percent, and the milk fat content not more than 1 percent. "Pasteurized Skim Milk Cheese Spread" may be sold as "Pasteurized Soft Skim Milk Cheese Spread" provided that the moisture content of the product is not more than 70 percent and the fat content not more than 1 percent.

HISTORY

1. Amendment filed 7–20–73; effective thirtieth day thereafter (Register 73, No. 20)

§ 422.8. Pasteurized Skim Milk Cheese Spread with Fruits, Vegetables, Spices, or Meats.

Pasteurized skim milk cheese spread with fruits, vegetables, spices, or meats may have a moisture content of 1 percent more than the limits prescribed for pasteurized skim milk cheese spread. "Pasteurized Skim Milk Cheese Spread with Fruits, Vegetables, Spices, or Meats" may be sold as "Pasteurized Soft Skim Milk Cheese Spread with Fruits, Vegetables, Spices, or Meats" provided that the moisture content of the product is not more than 70 percent and the fat content not more than 1 percent.

HISTORY

1. Amendment filed 7–20–73; effective thirtieth day thereafter (Register 73, No. 29)

§ 422.9. Labeling Limitations.

The products provided for in Sections 422.5 to 422.8, inclusive, may not be labeled as imitation cheese products.

§ 423. Cold Pack Cheese.

- (a) Cold pack cheese, club cheese, or comminuted cheese if made from a single variety of cheese shall have a moisture content of not more than the maximum moisture content prescribed for the variety of cheese used; and if made from two or more varieties the moisture standard shall be the arithmetical average of the maximum moisture content prescribed for the varieties of cheese used, but shall not be greater than 42 percent, except that the moisture content of a cold pack cheese made from two or more of the varieties of cheddar cheese, wash curd cheese, colby cheese, and granular cheese shall not be more than 39 percent.
- (b) The fat content of the solids of a cold pack cheese made from a single variety of cheese shall not be less than the minimum prescribed for the variety of cheese used, but in no case is less than 47 percent, except that the fat content of the solids of cold pack Swiss cheese is not less than 43 percent and the fat content of solids of cold pack Gruyere cheese is not less than 45 percent.
- (c) The fat content of the solids of a cold pack cheese made from two or more varieties of cheese shall not be less than the arithmetical average of the minimum percent of fat prescribed for the varieties of cheese, but in no case less than 47 percent, except that the fat content of the solids of the cold pack cheese made from Swiss cheese and Gruyere cheese shall not be less than 45 percent. Cold pack cheese food shall have a moisture content of not more than 44 percent and a milk fat content of not less than 23 percent.
- (d) Cold pack cheese food with fruits, vegetables, and meats shall have a moisture content of not more than 44 percent and a milk fat content of not less than 22 percent.

§ 424. Prohibited Ingredients.

- (a) Cream cheese, Neufchatel cheese, dry curd cottage cheese, cottage cheese, lowfat cottage cheese, hoop cheese, baker's cheese, kefir cheese, and cook cheese shall not be used in the manufacture of pasteurized process cheese food nor in cold pack cheese food. Hard grating cheese, semisoft part skim cheese and part skim spiced cheese shall not be used alone or in combination with each other as the cheese ingredient for any cheese food.
- (b) Cream cheese, Neufchatel cheese, dry curd cottage cheese, cottage cheese, lowfat cottage cheese, cook cheese, baker's cheese, kefir cheese, hard grating cheese, semisoft part skim cheese, part skim spiced cheese, and skim milk cheese for manufacturing shall not be used in the manufacture of pasteurized process cheese nor in cold pack cheese.
- (c) Cream cheese, Neufchatel, dry curd cottage cheese, cottage cheese, low fat cottage cheese, cook cheese, hoop cheese, hard grating cheese, semisoft part skim cheese, and part skim spiced cheese shall not be used alone or in combination with each other in the manufacture of pasteurized process cheese spreads.

HISTORY

- 1. Amendment filed 9–21–56; effective thirtieth day thereafter (Register 56, No. 18).
- 2. Amendment filed 4–25–75; effective thirtieth day thereafter (Register 75, No. 17)

§ 425. Emulsifying Agents.

One or any mixture of two or more emulsifying agents as follows: monosodium phosphate, disodium phosphate, dipotassium phosphate, trisodium phosphate, sodium metaphosphate (sodium hexametaphosphate), sodium acid pyrophosphate, tetrasodium pyrophosphate, sodium citrate, potassium citrate, calcium citrate, sodium tartrate, sodium potassium tartrate, or other emulsifying agents approved by the director may be used in pasteurized process cheese, pasteurized process cheese food, and pasteurized process cheese spread in such quantity that the weight of the solids of such emulsifying agents is not more than 3 percent by weight of the product.

§ 426. Acidifying Agents.

(a) An acidifying agent consisting of one or any mixture of two or more of the following: a vinegar, lactic acid, citric acid, acetic acid, phosphoric acid, or other acidifying agents approved by the director may be used in pasteurized process cheese in such quantity that the pH of the pasteurized process cheese is not below 5.3; and in pasteurized process cheese food in such quantity that the pH of the pasteurized process cheese food is not below 5.0; and in pasteurized process cheese spread in such quantity that the pH of the pasteurized process cheese spread is not below 4.0; and in cold pack cheese and cold pack cheese food in such quantity that the pH of the finished product is not below 4.5. When acidifying agents are used in cold pack cheese, such cheese shall be labeled with the name of the acidifying agent followed with the statement "added as a chemical preservative." Pasteurized process cheese spread and cold pack cheese food acidified below the pH 5.0 shall be labeled with the name of the acidifying agents other than vinegar followed with the statement "chemical preservative added."

§ 427. Labeling.

- (a) The name of a pasteurized process cheese is as follows: (1) if made from a single variety of cheese, its name is "pasteurized process cheese"; (2) if made from two or more varieties of cheese its name is "pasteurized process ____ _ and _____ ___ cheese" or "pas-___ blended with ____ __ cheese" or "pasteurteurized process _ cheese," the blanks being ized process blend of _ _ and ___ filled in with the names of the varieties of cheese used, in order of predominance by weight; except that: if made from Gruyere cheese and Swiss cheese and the weight of Gruyere cheese is not less than 25 percent of the weight of both, it may be designated "pasteurized process Gruyere cheese"; if made of cheddar cheese, washed curd cheese, colby cheese, or granular cheese, or any mixture of two or more, it may be designated "pasteurized process American cheese"; or when cheddar cheese, washed curd cheese, colby cheese, or granular cheese, or any mixture thereof, is combined with other varieties of cheese in the cheese ingredient, any of such cheeses of such mixtures may be designated as "Ameri-
- (b) If the pasteurized process cheese is smoked or made from cheeses which have been smoked, the word "smoked" shall precede or follow the name of the pasteurized process cheese or name of the cheese ingredient which was smoked. If it contains a substance prepared by condensing or precipitating wood smoke, the label shall bear the term "with added ______," the blank being filled in with the common or usual name of such ingredient. If it contains spice, the label shall bear the term "spiced" or "spice added" or "with added spice," or in lieu of the word "spice" the common or usual name of the spice. If it contains added flavoring, the label shall bear the term "flavoring added," "with added flavoring," or "flavored with ______," the blank being filled in with the common or usual name of the flavoring; if the flavoring is artificial, the word "artificial" shall precede the word "flavoring" or the word "artificially" shall precede the term "flavored with _____."
- (c) The labeling provisions for pasteurized process cheese shall also apply to pasteurized blended cheese, except that the word "blended" is used in place of the word "process."
- (d) The labeling provisions for pasteurized process cheese shall also apply to pasteurized process cheese with fruits, vegetables or meats but

followed by the term "with ______," the blank being filled in with the common or usual name or names of the fruit, vegetable, or meats used, in order of predominance by weight.

- (e) The labeling provisions for pasteurized process cheese with fruits, vegetables, or meats shall also apply to pasteurized blended cheese with fruits, vegetables, or meats, except that the word "blended" is used instead of the word "process."
- (f) The label of a pasteurized process cheese food shall bear the common or usual names of the cheese ingredient used. If the product is smoked or made from cheeses which have been smoked, the word "smoked" shall precede or follow the name of the pasteurized process cheese food or the name of the cheese ingredient which was smoked. If the product contains spice, the label shall bear the statement "spiced" or "spice added" or "with added spice," or in lieu of the word "spice" the common or usual name of the spice used. If it contains flavoring, the label shall bear the statement "flavoring added," "with added flavoring" or "flavored with _ ___," the blank being filled in with the common or usual name of the flavoring used. If the flavoring is artificial, the word "artificial" shall precede the word "flavoring," or the word "artificially" shall precede the statement "flavored with _____." If it contains added artificial coloring, the label shall bear the statement "artificially colored" or "contains artificial color."
- (g) The labeling provisions for pasteurized process cheese food shall also apply to pasteurized process cheese food with fruits, vegetables or meats, except that the name of the product is "pasteurized process cheese food with ______," the blank being filled in with the common or usual names of the fruits, vegetables, or meats used, in order of predominance by weight. If the only vegetable used is pimento without any fruits or meats, the name of the product shall be "pimento pasteurized process cheese food" or "pasteurized process pimento cheese food."
- (h) The labeling provisions for pasteurized process cheese food shall also apply to pasteurized process cheese spreads, except that the product shall be labeled "pasteurized process cheese spread."
- When carob bean gum, gum karaya, gum tragacanth, sugar gum, gelatin, carboxymethyl cellulose, carrageen, oat gum, algin (sodium alginate), and algin derivative (propylene glycol ester of alginic acid) are used, the amount used shall not exceed eight-tenths of 1 percent by weight. A sweetening agent consisting of one or any mixture of two or more of the following may be used: sugar, dextrose, corn sugar, corn sirup, corn sirup solids, maltose, malt sirup, and hydrolyzed lactose, in a quantity necessary for seasoning. Any of these ingredients when used must be declared on the label, except that carob bean gum, gum karaya, gum tragacanth, guar gum, and oat gum may be designated as "vegetable gum."
- (i) The labeling and standards for pasteurized cheese spread are those prescribed for pasteurized process cheese spreads, except that no emulsifying agent is used.
- (j) The labeling for pasteurized process cheese spread with fruits, vegetables, or meats and for pasteurized cheese spread with fruits, vegetables or meats shall be those prescribed for pasteurized process cheese food with fruits, vegetables, or meats, except in the name of the product.
- (k) The labelings for cold pack cheese, club cheese, and comminuted cheese shall be those prescribed for pasteurized process cheese, except that the name of the product is "cold pack _______ cheese" or "_____ club cheese" or "comminuted ______ cheese," the blanks being filled in with the name or names of the varieties of cheese used, in order of predominance by weight; and if made of cheddar cheese, washed curd cheese, colby cheese, or granular cheese, or any mixture thereof, it may be designated "cold pack American cheese"; or when cheddar cheese, washed curd cheese, colby cheese, or granular cheese, or a mixture thereof, is combined with other varieties of cheese in the cheese ingredient, any of such cheese or such mixture may be designated as "American cheese."

(*l*) Cold pack cheese food shall be labeled in accordance with the labeling requirements for pasteurized process cheese food, except that the name shall be "cold pack cheese food."

Cold pack cheese food with fruits, vegetables, or meats shall conform to the labeling requirements for cold pack cheese food, except that the name of the cold pack cheese food with fruits, vegetables, or meats is "cold pack cheese food with ______," the blank being filled in with the common or usual name or names of the fruits, vegetables, or meats used, in order of predominance by weight.

(m) Pasteurized process cheese; pasteurized blended cheese; pasteurized process cheese with fruits, vegetables, or meats; pasteurized process pimento cheese; pasteurized blended cheese with fruits, vegetables or meats; pasteurized process cheese food; pasteurized process cheese food with fruits, vegetables, or meats; pasteurized process cheese spread; pasteurized cheese spread; pasteurized process cheese spread with fruits, vegetables, or meats; pasteurized cheese spread with fruits, vegetables, or meats; cold pack cheese; club cheese; comminuted cheese; cold pack cheese food; cold pack cheese food with fruits, vegetables, or meats shall also be labeled with the name and address of the manufacturer or distributor, the name of the product, the word "pasteurized," if pasteurized, unless the word "pasteurized" is included in the name of the product.

§ 428. Hard Grating Cheese.

In the process of making hard grating cheese, rice flour may be sprinkled along the surfaces. The cheese surface may be rubbed with vegetable oil or any other ingredient approved by the director.

HISTORY

1. Amendment filed 9–21–56; effective thirtieth day thereafter (Register 56, No. 18).

§ 428.1. Cottage Cheese Labels.

In addition to the labeling provisions of Section 37975 of the Food and Agricultural Code, containers or packages for dry curd cottage cheese, lowat cottage cheese, lowat cottage cheese, lowfat cottage cheese with added chives, fruits or vegetables, cottage cheese, cottage cheese with added chives, fruits or vegetables, shall comply with the following:

- (a) The name or any part of the name of the product must be easily seen or understood under customary conditions of purchase.
- (b) The type shall be of suitable size and style, with sufficient background contrast, with no obscuring design or vignette, and shall not be crowded with other written, printed or graphic matter.
- (c) If the name and address differs from the name and address of the plant where the product was packaged, the words "manufactured by" or "packaged by plant 06—____" (the blank to be filled in with the plant number of the manufacturer or packager; "06" is the Federal Information Processing Standards (FIPS) designation for California, and manufacturers or packagers located outside of California should use the applicable FIPS number for their state) shall be included.

 $Note: Authority\ cited: Section\ 407, Food\ and\ Agricultural\ Code.\ Reference: Sections\ 37972-73,\ 37975,\ Food\ and\ Agricultural\ Code.$

HISTORY

- 1. New section filed 10–9–53; effective thirtieth day thereafter (Register 53, No. 18)
- 2. Amendment filed 9–21–56; effective thirtieth day thereafter (Register 56, No. 18).
- 3. Amendment filed 4–25–75; effective thirtieth day thereafter (Register 75, N. 17).

§ 428.2. Cream Cheese with Other Foods; Identity, Label of Optional Ingredients.

NOTE: Authority cited: Sections 16 and 674.5, Agricultural Code.
HISTORY

- 1. New section filed 8-3-54; effective thirtieth day thereafter (Register 54, No. 17).
- 2. Amendment filed 9–21–56; effective thirtieth day thereafter (Register 56, No. 18).
- 3. Repealer filed 2-23-62; effective thirtieth day thereafter (Register 62, No. 4).

§ 428.3. Pasteurized Neufchatel Cheese Spread with (and) Other Foods: Identity, Label Statement of Optional Ingredients.

HISTORY

- 1. New section filed 9–21–56; effective thirtieth day thereafter (Register 56, No. 18).
- 2. Repealer filed 2-23-62; effective thirtieth day thereafter (Register 62, No. 4).

Article 5. Frozen Dairy Products

§ 429. Frozen Dairy Products; Weight.

HISTORY

1. Repealer filed 7-15-97; operative 8-14-97 (Register 97, No. 29).

§ 430. Weight of Fresh Egg Yolks.

NOTE: Authority cited: Section 3891, Food and Agricultural Code.

HISTORY

- Amendment filed 4-25-75 as procedural and organizational; effective upon filing (Register 75, No. 17).
- 2. Repealer filed 7-15-97; operative 8-14-97 (Register 97, No. 29).

§ 431. Optional Dairy Ingredients.

NOTE: Authority cited: Sections 407 and 36807, Food and Agricultural Code. Reference: Section 36807, Food and Agricultural Code.

HISTORY

- 1. New section filed 4–13–76; effective thirtieth day thereafter (Register 76, No. 16). For former history, see Register 56, No. 18.
- 2. Repealer filed 7-15-97; operative 8-14-97 (Register 97, No. 29).

§ 432. Chocolate Ice Cream.

HISTORY

1. Repealer filed 2-23-62; effective thirtieth day thereafter (Register 62, No. 4).

§ 433. Trade Name Products.

HISTORY

1. Repealer filed 7-15-97; operative 8-14-97 (Register 97, No. 29).

§ 434. "Ice Cream," "Ice Milk," "Sherbet."

HISTORY

- 1. Amendment filed 9–21–56; effective thirtieth day thereafter (Register 56, No. 18)
- 2. Repealer filed 7-15-97; operative 8-14-97 (Register 97, No. 29).

§ 435. "Package" Construed.

The term "package" as used in Section 36805 of the Food and Agricultural Code is construed to include any carton, cup, bag, case, box, or any receptacle or container coming in contact with ice milk or ice cream. This provision does not apply to containers commonly known as "ice cream cones" except when such containers are prefilled or prepackaged for sale.

HISTORY

- 1. Amendment filed 9–21–56; effective thirtieth day thereafter (Register 56, No. 18).
- Amendment filed 4–25–75 as procedural and organizational; effective upon filing (Register 75, No. 17).

§ 436. Sherbet.

NOTE: Authority cited: Section 36953, Food and Agricultural Code

HISTORY

- Amendment filed 4-25-75 as procedural and organizational; effective upon filing (Register 75, No. 17).
- 2. Repealer filed 7-15-97; operative 8-14-97 (Register 97, No. 29).

§ 437. Stabilizers.

NOTE: Authority cited: Sections 36864, 36923 and 36952.

HISTORY

- 1. Amendment filed 4–25–75 as procedural and organizational; effective upon filing (Register 75, No. 17).
- 2. Repealer filed 7-15-97; operative 8-14-97 (Register 97, No. 29).

§ 438. Temperature.

- (a) All ice cream mix and ice milk mix, after pasteurization, shall be maintained at a temperature below 50 degrees Fahrenheit until frozen. If the mix is a sterile product it shall be maintained below 50 degrees Fahrenheit after being opened.
- (b) Milk drink mix as defined by Section 38451 of the Food and Agricultural Code, after pasteurization, shall be maintained below 50 degrees Fahrenheit until frozen. If the mix is a sterile product it shall be maintained below 50 degrees Fahrenheit after being opened.

HISTORY

- 1. Amendment filed 9–21–56; effective thirtieth day thereafter (Register 56, No. 18)
- 2. Amendment of subsection (b) filed 4–25–75 as procedural and organizational; effective upon filing (Register 75, No. 17).

§ 439. Yami Yogurt Sherbet.

NOTE: Additional authority cited: Section 441, Agricultural Code.

HISTORY

- 1. New section filed 7–1–52; effective thirtieth day thereafter (Register 29, No. 2).
- 2. Repealer filed 9-21-56; effective thirtieth day thereafter (Register 56, No. 18).

§ 440. Frozen Milk Products Returns.

- (a) All returned open containers of frozen milk products and all crushed frozen milk product novelties shall be considered prima facie unacceptable for reprocessing.
- (b) All materials or products deemed suitable for reprocessing must be stored in a sanitary place.

HISTORY

1. New section filed 9–21–56; effective thirtieth day thereafter (Register 56, No. 18)

§ 440.1. Diabetic or Dietetic Ice Cream and Diabetic or Dietetic Ice Milk.

NOTE: Authority cited: Section 36926, Food and Agricultural Code.

HISTORY

- 1. New section filed 3-9-60; effective thirtieth day thereafter (Register 60, No. 5).
- Amendment filed 4–25–75 as procedural and organizational; effective upon filing (Register 75, No. 17).
- 3. Repealer filed 7-15-97, operative 8-14-97 (Register 97, No. 29).

§ 441. Frozen Yogurt Mix—Fruits and Flavorings.

(a) Frozen Yogurt Mix or Lowfat Frozen Yogurt Mix, when used by manufacturers operating under the provisions of Section 33704 of the Food and Agricultural Code, shall be obtained in preflavored form from a licensed mix manufacturer, unless fruits or flavoring are added to mixes by the soft–serve operator directly from factory–filled containers labeled in compliance with the Code of Federal Regulations. The addition of any ingredient other than fruits and flavorings, including water, to a mix by the semi–frozen milk products plant operator shall constitute adulteration.

NOTE: Authority cited: Sections 407 and 36994, Food and Agricultural Code. Reference: Sections 33704, 33704.5 and 36994, Food and Agricultural Code.

HISTORY

1. New section filed 1–7–77; effective thirtieth day thereafter (Register 77, No. 2).

§ 441.1. Frozen Yogurt Mix and Lowfat Frozen Yogurt Mix Temperature Requirements and Approved Sweeteners.

- (a) Frozen Yogurt Mix and Lowfat Frozen Yogurt Mix, after pasteurization and the fermentation process, shall be cooled immediately to a temperature below 50°F. and maintained at, or below, that temperature until frozen
- (b) The mix may be sweetened by the use of sweetening ingredients specified in the Code of Federal Regulations, Title 21, Part 20, Section 20.1(d).

NOTE: Authority cited: Sections 407 and 36994, Food and Agricultural Code. Reference: Sections 33704, 33704.5 and 36994, Food and Agricultural Code.

HISTORY

1. New section filed 1–7–77; effective thirtieth day thereafter (Register 77, No. 2)

Page 16 Register 97, No. 29; 7–18–97

§ 441.2. Frozen Yogurt Dessert and Lowfat Frozen Yogurt Dessert Ingredient Listing.

The ingredient list referred to in Section 33704.5 of the Food and Agricultural Code shall list the common or usual name of each ingredient as required by Section 32912 for retail ingredient labeling.

NOTE: Authority cited: Sections 407 and 36994, Food and Agricultural Code. Reference: Sections 33704, 33704.5 and 36994, Food and Agricultural Code.

HISTORY

1. New section filed 1-7-77; effective thirtieth day thereafter (Register 77, No. 2).

§ 441.3. Frozen Yogurt Dessert, Lowfat Frozen Yogurt Dessert—Dietary Labeling.

The signs required by section 33704.5 of the Food and Agricultural Code shall also include the dietary information, specified in Section 32912.7, when any claim, beyond product identification, is made that the product is for dietary management.

NOTE: Authority cited: Sections 407 and 36994, Food and Agricultural Code. Reference: Sections 33704, 33704.5 and 36994, Food and Agricultural Code.

HISTORY

1. New section filed 1-7-77; effective thirtieth day thereafter (Register 77, No. 2.).

Article 6. Neutralization of Ice Cream Mix

§ 443. Neutralization of Ice Cream Mix.

The use of neutralizer for the adjustment of ice cream mix or ice milk mix shall not be practiced when the milk and/or cream used exceeds 0.2 percent acidity or when the acidity of the entire mix exceeds 0.25 percent acidity.

Article 7. Acidophilus or Modified Milk

§ 448. Modified Milk Products.

Plants desiring to secure a license for the manufacture of modified milk, modified sterilized milk, or modified sterilized cream, as provided for in Sections 38347 and 38531 of the Food and Agricultural Code shall do so by letter, indicating therein the qualifications of the technician who is to be employed and under whose supervision these products will be produced. The Department of Food and Agriculture will, at its discretion, examine into the qualifications of such technician as an essential consid-

eration in determining whether or not the license for manufacture shall be issued. Each application for a license to manufacture modified milk, modified sterilized milk, or modified sterilized cream, must be accompanied by a statement describing the method and manner by which the product is made.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Section 35071, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 2–23–62; effective thirtieth day thereafter (Register 62, No. 4).
- Amendment filed 4-25-75 as procedural and organizational; effective upon filing (Register 75, No. 17).
- Amendment filed 5–30–80; effective thirtieth day thereafter (Register 80, No. 22).

§ 449. Eggnog.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Section 38791.5, Food and Agricultural Code.

HISTORY

- 1. New section filed 5–30–80; effective thirtieth day thereafter (Register 80, No. 22). For prior history, see Registers 26, No. 7 and 75, No. 17.
- 2. Repealer filed 7-15-97; operative 8-14-97 (Register 97, No. 29).

Article 8. Imitation Ice Cream and Imitation Ice Milk

§ 455. Stabilizers.

Stabilizers as provided for in Section 39183 of the Food and Agricultural Code are construed to be stabilizers or emulsifiers which help to maintain a desirable body or texture in imitation ice cream and imitation ice milk by functioning in any or all of the following ways:

- (a) By combining with a portion of the water normally present in the frozen product to form a jell structure in said product;
- (b) By assisting in the maintenance of a stable fat emulsion in the frozen product.

NOTE: Additional authority cited: Section 39183, Food and Agricultural Code.
HISTORY

- 1. Revision of Article 8 (§§ 455–466, incl.) filed 7–9–53; effective thirtieth day thereafter (Register 53, No. 11).
- 2. Amendment filed 4–25–75 as procedural and organizational (Register 75, No. 17)

[The next page is 19.]

§ 456. Edible Oil or Fat.

The term edible oil or fat as used in Sections 39182 and 39183 of the Food and Agricultural Code is construed to be edible oil or fat derived from vegetable or animal sources.

NOTE: Authority cited: Sections 39182–39183, Food and Agricultural Code.
HISTORY

 Amendment filed 4-25-75 as procedural and organizational; effective upon filing (Register 75, No. 17).

§ 457. Milk Solids Not Fat.

Milk solids not fat shall mean and include skim milk, concentrated (evaporated or condensed) skim milk, superheated condensed skim milk, sweetened condensed skim milk, nonfat dry milk solids, edible dry whey, cheese whey, sweet cream buttermilk (whether fluid, condensed or dried), and any of the foregoing products from which all or a portion of the lactose has been removed after crystallization, or the lactose has been converted to simple sugars by hydrolysis.

§ 458. Fruit Imitation Ice Cream and Ice Milk.

- (a) Fruit imitation ice cream is imitation ice cream containing not less than 3 percent by weight of clean, mature, sound fruit or the juice thereof.
- (b) Fruit imitation ice milk is imitation ice milk containing not less than 3 percent by weight of clean, mature, sound fruit or the juice thereof.

§ 459. Nut or Candy Imitation Ice Cream and Imitation Ice Milk.

- (a) Nut or candy imitation ice cream is imitation ice cream containing not less than 1 percent by weight of sound, nonrancid nut meats or candy.
- (b) Nut or candy imitation ice milk is imitation ice milk containing not less than 1 percent by weight of sound, nonrancid nut meats or candy.

HISTORY

 Amendment filed 9-21-56; effective thirtieth day thereafter (Register 56, No. 18).

§ 460. Labeling.

- (a) All square, rectangular or other flat-sided containers other than pails, of imitation ice cream or imitation ice milk shall be conspicuously labeled on at least three sides and on each end of the container with the words "imitation ice cream" or "imitation ice milk," as the case may be, in bold face type distinctly contrasting in color with the background color of the container, and in no event smaller than one-half the size of the largest lettering appearing on that side or end of the container. The name of each of the ingredients of the imitation ice cream or imitation ice milk, as the case may be, shall be printed on one side of the container.
- (b) All round or cylindrical containers of imitation ice cream or imitation ice milk shall be conspicuously labeled on the top lid and at least two times on the side, at equidistant points, with the words "imitation ice cream" or "imitation ice milk," as the case may be, in bold face type distinctly contrasting in color with the background color on the container, and in no event smaller than one—half the size of the largest lettering appearing on the top lid or that side, as the case may be, of the container. The name of each of the ingredients of the imitation ice cream or imitation ice milk, as the case may be, shall be printed on the side of the container.
- (c) All containers of imitation ice cream or imitation ice milk in the shape of a pail shall be conspicuously labeled on at least three sides and on top of the container with the words "imitation ice cream" and "imitation ice milk," as the case may be, in bold face type distinctly contrasting in color with the background color of the container, and in no event smaller than one—half of the size of the largest lettering appearing on that side or the top of the container. The name of each of the ingredients of the imitation ice cream or imitation ice milk, as the case may be, shall be printed on one side of the container.
- (d) All coated (dipped), plain (undipped) bars, cakes, pies, suckers, lollipops, and similar products, composed wholly or partially of imitation ice cream or imitation ice milk shall be sold in paper, cellophane, cardboard, foil or other similar wrapping, which wrapping shall be conspicuously labeled on any side on which the trade–name of the product appears, with the words "imitation ice cream" or "imitation ice milk," as the

case may be, in bold face type, distinctly contrasting in color with the background color on the wrapping, and in no event smaller than one—half the size of the largest lettering appearing on that side of the wrapping. The name of each of the ingredients of the imitation ice cream or imitation ice milk, as the case may be, shall also be printed on the same side of the wrapping.

§ 461. "Container" Construed.

The term "container" as used in Section 39211 of the Food and Agricultural Code, and in these regulations, is construed to include any carton, cup, bag, case, box, wrapping, or any receptacle, package or container coming in contact with coated or uncoated imitation ice cream or imitation ice milk.

NOTE: Authority cited: Section 39211, Food and Agricultural Code.

HISTORY

 Amendment filed 4-25-75 as procedural and organizational; effective upon filing (Register 75, No. 17).

§ 462. "Bulk" Construed.

"Bulk" imitation ice cream or imitation ice milk, as the term "bulk" is used in Section 39153 of the Food and Agricultural Code, is construed to mean imitation ice cream or imitation ice milk in factory-filled packages containing more than one-half gallon.

NOTE: Authority cited: Section 39153, Food and Agricultural Code.

HISTORY

 Amendment filed 4–25–75 as procedural and organizational; effective upon filing (Register 75, No. 17).

§ 463. Reports.

All manufacturers of imitation ice cream or imitation ice milk shall prepare and file with the director once each month such report as the director may require of the amount of edible oil or fat received, and of the amount of such edible oil or fat used, during the month, and the source thereof, together with an accurate report of the amount of imitation ice cream and imitation ice milk manufactured during the month.

§ 464. Weight.

Imitation ice cream shall contain a minimum of one and six-tenths pounds of food solids per gallon and shall weigh not less than 4.5 pounds per gallon. Imitation ice milk shall contain a minimum of one and threetenths pounds of total food solids per gallon and shall weigh not less than 4.5 pounds per gallon. The determination of the weight of total food solids per gallon, and method of sampling, shall be the same as that set forth in Section 429, Article 5, subchapter 1, Title 3, Administrative Code.

HISTORY

 Amendment filed 2-23-62; effective thirtieth day thereafter (Register 62, No. 4).

§ 465. Artificial Color and Flavor.

Imitation ice cream and imitation ice milk may be made with the use of artificial color and artificial flavor, provided the labeling and sale of such products shall be in accordance with the provisions set forth in Title 17, California Administrative Code Sections 26466(2) and 10845.

HISTORY

 Amendment filed 4–25–75; effective thirtieth day thereafter (Register 75, No. 17).

§ 466. Labeling.

All containers of imitation ice cream and imitation ice milk shall be labeled with the name of the product and with the name and address of the manufacturer or the wholesale distributor or the retailer. The words "manufactured by" shall appear above the name when the name of the manufacturer is given; the words "distributed by" shall appear above the name when the name of the wholesale distributor is given; and the words "put up for" or "put up by," as the case may be, shall appear above the name when the name of the retailer is given.

§ 467. Advertising and Labeling.

Where any trade name, word, or phrase is used in connection with the advertising, labeling, sale, and distribution of imitation ice cream or imitation ice milk, there must also appear in connection with such trade

Page 19 (4-1-90)

name, word, or phrase, the words "imitation ice cream" or "imitation ice milk," as the case may be, in a conspicuous manner.

HISTORY

1. New section filed 9–21–56; effective thirtieth day thereafter (Register 56, No. 18)

Article 9. Products Resembling Milk Products

§ 468. Definitions.

The definitions for "products resembling milk products," "filled products," "imitation milk products," "nondairy products," and "trade products" stated in sections 38911–38916 are applicable to this article.

NOTE: Authority cited: Sections 407, 36601, 36602, 38924, 38952, 38953, 38972, 38982 and 38985, Food and Agricultural Code. Reference: Sections 32915, 38911–38985, Agricultural Code.

HISTORY

1. New Article 9 (Sections 468 through 476) filed 2–5–69; effective thirtieth day thereafter (Register 69, No. 6).

§ 469. Healthfulness and Purity.

- (a) All ingredients of imitation milk products and filled products, except for flavorings, shall be pasteurized in accordance with the provisions of sections 34001 and 35168 of the Food and Agricultural Code.
- (b) Every trade product, except those which are acidified, having a fat or oil content of not more than 10 percent, shall have a Standard Plate Count of not more than 15,000 per milliliter if fluid, or per gram if semisolid or solid, at the time of delivery to the consumer.
- (c) Every trade product, except those which are acidified, having a fat or oil content in excess of 10 percent, shall have a Standard Plate Count of not more than 30,000 per milliliter if fluid, or per gram if semi-solid or solid, at the time of delivery to the consumer.
- (d) Every trade product, including those which are acidified, regardless of whether the acidity is increased by bacterial culturing or by the addition of a food grade acid, shall have a coliform count of not more than 10 per milliliter if fluid, or per gram if semi–solid or solid, at any time the product is within the control of the processor.
- (e) Every trade product which is sold in the frozen state shall have a Standard Plate Count of not more than 75,000 per gram at the time of delivery to the consumer.
- (f) Procedures for the collection of samples provided for pursuant to section 32731 and analytical procedures shall be in substantial compliance with Standard Methods for the Examination of Dairy Products of the American Public Health Association and the Official Methods of Analyses of the Association of Official Analytical Chemists.

§ 470. Labeling—Location.

Once on each container of products resembling milk products, all required information shall appear conspicuously on a panel without obscuring designs, vignettes or information which is not required. The location of the required information panel shall be in the case of:

- (a) Gable top rectangular cartons—the vertical front panel below the pour spout
 - (b) Flat top rectangular cartons—any one vertical side panel
 - (c) Glass bottles—the cap or outer closure
- (d) Cylindrical or nearly cylindrical cartons (straight side walls or nested) and cups—the lid or side wall
 - (e) Tetrahedral containers—any two sides
- (f) Plastic containers—any single placement as noted above or combination with (c)

§ 471. Labeling—Required Information.

HISTORY

- 1. Amendment of subsection (d) filed 4-25-75; effective thirtieth day thereafter (Register 75, No. 17).
- 2. Repealer filed 8-22-78; effective thirtieth day thereafter (Register 78, No. 34).

§ 472. Out-of-State Nondairy Products.

A nondairy product may be transported into and sold in California provided such product complies with standards of healthfulness and purity specified in section 469 above and registration of the product in accordance with the requirements of sections 38941–38946 of the Food and Agricultural Code.

§ 473. Sale Outside of California.

A product resembling a milk product may be processed in California for sale outside of California, even though it may not meet all California requirements, provided the following conditions are complied with:

- (a) The product is registered in accordance with sections 38941–38946 of the Food and Agricultural Code. The registration shall state the intent for sale outside of California and the reason why the product fails to meet the requirements of section 38901 et seq. of the Food and Agricultural Code.
- (b) Products manufactured for sale outside of California shall be kept physically segregated from products manufactured for sale in California. If individual containers are packaged in cartons, the carton shall be identified on the top or side with the statement in letters not less than one–half inch in height "FOR SALE OUTSIDE OF CALIFORNIA."

If individual containers are transported in single service or multi-use open cases, each individual container shall be identified in a manner acceptable to the director.

§ 474. Serving as Beverages.

Products resembling milk products which are to be served as beverages shall meet the requirements for market milk as provided for in sections 34591–34628 of the Food and Agricultural Code.

§ 475. Bottling and Packaging.

Products resembling milk products when sold as beverages shall be bottled or packaged at the plant where pasteurized.

§ 476. Origin of Market Milk Constituents.

"Market Milk," as used in section 38925 of the Food and Agricultural Code, means the product defined in section 32510 of the Food and Agricultural Code provided, however, when law or ordinance of another state or market milk jurisdiction within a state is substantially equivalent to the legal requirements for production, processing and enforcement relating to market milk in California, the products from such state or jurisdiction within a state may be accepted as market milk for purposes of section 38925.

Any processor of products resembling milk products wishing to establish such substantial equivalence may petition the director for and provide the necessary expenses of an investigation.

If the laws or ordinances and their application in the other states are found to provide market milk and market milk products substantially equivalent to those in California, such products may be used in the manufacture of products resembling milk products under the following conditions:

- (a) The market milk or market milk products are certified by the responsible inspection agency in the state of origin as being market milk or of market milk origin within their own laws or ordinances.
- (b) The producer, processor, and inspection rating of the market milk or market milk products are listed in the current Interstate Milk Shippers List as published by the United States Public Health Service.
- (c) The market milk or market milk products shall meet all the standards of composition and purity required for market milk and market milk products in California.

Article 10. Sterilization and Handling Practices

§ 479. Sterilization and Handling Practices. Definition.

HISTORY

1. Repealer filed 9–21–56; effective thirtieth day thereafter (Register 56, No. 18).

Page 20 (4-1-90)

§ 480. Sterilization Process.

The following chemical sterilization processes are hereby established in reference to Sections 33519 and 33763 of the Food and Agricultural Code:

- (a) Only the following methods of application are acceptable:
- (1) Flowing of a continuous unbroken film of the sterilizing solution in contact with all surfaces to be sterilized for a period of at least two consecutive minutes.
- (2) Completely immersing the entire piece or pieces of equipment into the sterilizing solution for a period of at least two consecutive minutes.
- (3) Fogging, spraying or swabbing a sterilizing solution in such a manner that all surfaces to be sterilized are exposed to an unbroken film of the sterilizing solution for a period of at least five consecutive minutes.
- (4) Applying a paste of the sterilizing agent in a manner which completely covers the equipment surface to be sterilized for at least five consecutive minutes before being rinsed.
 - (5) Any other method of application must be approved by the director.
- (b) In addition to heat sterilization as provided for by Sections 33519 and 33763 of the Food and Agricultural Code, the following brands or classes of sterilizing compounds have been approved for use on dairy farms, milk products plants, and imitation milk products plants.
 - (1) Chlorine compounds.
 - (2) Quaternary ammonium compounds.
 - (3) Iodine compounds.
 - (4) Caustic solutions (sodium hydroxide).
- (c) Chlorine solutions when used by the flowing or immersion method must always have a strength in excess of 50 p.p.m. (parts per million) of active or available chlorine. When used as a fogging or paste method of application the concentration of active or available chlorine in the sterilizing solution must exceed 250 p.p.m. (parts per million).
- (d) Quaternary ammonium compounds when used by the flowing or immersion method must always have a concentration i excess of 200 p.p.m. (parts per million). If used as a fogging spray, the concentration must always be in excess of 500 p.p.m. (parts per million).
- (e) Iodine compounds when used by the flowing or immersion method must always have a concentration of active ingredient in excess of 12.5 p.p.m. (parts per million). If used as a fogging method, the concentration of the active ingredient must always be in excess of 25 p.p.m. (parts per million). Iodine compounds used as a combination detergent sterilizer must have the concentration of the active sterilizing ingredient doubled over the amount when used as a sterilizing agent.
- (f) In a soaker type bottle washer or any other apparatus where sterilization depends upon the causticity of the washing solution, the caustic strength for a given soaking time and temperature must be in conformance with the following table:

Temperature (Farenheit)

	170°	160°	150°	140°	130°	120°	110°
Time in minu	tes	C	oncentr	ation of l	NaOH, pe	ercent	
3	.57	.86	1.28	1.91	2.86	4.27	6.39
5	.43	.64	.96	1.43	2.16	3.22	4.80
7	.36	.53	.80	1.19	1.78	2.66	3.98

Milking machine rubber parts may be sterilized by filling with or completely immersing in a 0.5 percent caustic (lye) solution and so kept between milkings. Before the rubber parts are used the lye solution must be drained and the rubber parts rinsed.

(g) All equipment to be treated with solutions of any sterilizing agent must first be thoroughly cleaned and rinsed before sterilizing except when such sterilizing agent is used in combination with a detergent as a detergent sterilizer. After sterilizing with a detergent sterilizer, the equipment must be allowed to drain and be rinsed with water, treated by heat or a chemical sterilizing agent to assure freedom from viable pathogenic or otherwise harmful microorganisms before use.

- (h) All solutions, except lye, used for the sterilization of equipment must be freshly prepared and used immediately after preparation.
- (i) The bacterial standards for sterility for all equipment are those specified in the current edition of "Standard Methods for the Examination of Dairy Products."

HISTORY

- 1. Amendment filed 9–21–56; effective thirtieth day thereafter (Register 56, No. 18)
- 2. Amendment filed 2–23–62; effective thirtieth day thereafter (Register 62, No. 4)
- Amendment filed 4–25–75 as procedural and organizational; effective upon filing (Register 75, No. 17).

§ 480.5. Pipeline Milking Machine Installations.

All pipeline milking machine installations must comply with the following conditions and must have a satisfactory circulating system for washing and sterilizing which has been approved by the director; or such system must be disassembled, washed and sterilized after each time used, except that deviations from the minimum requirements and specifications may be made after approval in writing by the director:

- (a) All equipment having any surface in contact with the milk and all solution lines, wash tanks, fittings, vacuum lines from air separator to moisture trap shall be constructed of stainless steel, nickel alloy, heat–resistant glass or equally corrosion–resistant material that is nontoxic and nonabsorbent.
- (b) All milk contact surfaces, whether a ground or bright annealed finish, shall be finished to an equivalent of not less than 120–grit finish, properly applied, and shall be free from pits, cracks, and crevices.
- (c) The milk pipeline system shall be installed in a manner to permit being disassembled for inspection.
- (d) Sanitary milk pipes which are not washed in place shall be no longer than the washing and sterilizing facilities will accommodate.
- (e) The entire milk line shall be installed so as to have a positive slope and be completely drained. It must be supported by permanent hangers or other means to prevent sagging and to maintain alignment.
- (f) The vacuum line from the air separator to the moisture trap must have at least one-half inch downward slope in the first foot.
- (g) The vacuum line from the air separator shall not extend in a vertical position above the separator more than six inches including the elbow.
- (h) The entire milk pipeline and solution pipeline must be of the same inside diameter when a pressure circulating system of clean-up is used.

When a vacuum system of circulation is used, the inside diameter of the pipelines and appurtenances may vary in size if sufficient turbulence is created during circulation of the solutions to contact and clean and sanitize all surfaces. Injection of pulses of air is one method of increasing turbulence.

(i) Solution lines must be disconnected from milk pipelines during milking unless (1) the solution or wash line is disconnected from any solution or wash tank for the entire milking, and (2) all solution or wash lines are drained before milking begins.

Vacuum lines may be connected to milk pipelines only when areas not properly cleaned and sanitized are effectively isolated from milk contact areas.

Water lines must be disconnected from milk lines during milking.

(j) All milk pumps and attachments shall be protected from possible contamination. If legs are used, they shall be smooth with rounded ends and no exposed threads. Legs made of hollow stock shall be sealed. On pumps with legs designed to be fixed to the floor, the minimum clearance between the lowest part of the base and the floor shall be four inches. Readily portable pumps not permanently attached may have leg heights of two inches. (Readily portable pumps are defined as those having a base area of not more than one square foot, or, in the case of motor–mounted pumps, an area encompassed by the legs that does not exceed one square foot.) Bases when used shall be constructed without ribs or flanges and shall have a smooth top and bottom surface. Pumps which because of their size and type cannot be mounted on legs, shall be mounted on a base

designed for grouting and sealing. All milk pumps and attachments must be a sufficient distance from walls to permit proper cleaning.

- (k) (Section 33481 Food and Agricultural Code.) When a dump tank is used in the milking barn, it must be located in accordance with Section 481.5 of the Administrative Code and must be kept covered except when milk is being poured. Milk on test days and strippings shall enter the milk pipeline through the dump tank. If dump tank is located next to the barn wall between milkhouse and barn, the barn wall must be at least six feet high.
- (*l*) The Cleaned-in-Place (CIP) wash tank shall be located in the milk-house; any other location must be approved by the director.
- (m) A thermometer must be installed on the discharge end of the circulating system and the washing solution temperature during circulation cleaning maintained at 115°F, or above.
- (n) Milk tanks, dump tanks, releasers, when located in passageway shall be constructed so as to protect milk from flies, dust and contamination.
- (o) Ends of milk lines, stall cocks and other pipeline openings subject to contamination shall be capped or otherwise protected.
- (p) Sight glasses shall not be permitted on milk pipelines when such milk pipelines are cleaned by circulation.
- (q) The circulating pump shall be of a size sufficient to fill the pipelines and cause enough turbulence to insure adequate cleaning and shall deliver not less than 25 gallons of solution per minute at discharge end of 1 1/2—inch lines and corresponding volumes for other size pipes when pressure system of circulation is used.
- (r) Air line from moisture trap to milk releaser or air separator shall be washed and sterilized after each time used.
 - (s) The outside of milk pipelines and equipment shall be kept clean.
- (t) Vacuum pumps, motors, or any machinery that may emit oil, fumes, grease, odors, or any objectionable material shall not be located over or near milk equipment.
- (u) Milk pipelines connected by the so-called slip joint method, with or without an "O" ring gasket must be disassembled for cleaning after each use.
- (v) Gaskets, when used, must be made of a low-absorbent material which is smooth and nontoxic. Paper and fiberlike gaskets are not acceptable. Gaskets must be self-positioning and of such design to form a substantially flush interior joint.
- (w) Openings for inspection must be provided on welded metal pipeline installations in order to provide access to determine the cleaning efficiency of Cleaned-in-Place systems.
- (x) Milk pumps, pipelines, and air separators which are a part of an enclosed pipeline system may be installed in the passageway or an area approved by the Director, in the milking barn, provided, that all of the equipment is protected from contamination at all times. Plate type or internal tubular coolers may be installed in the milkhouse or passageway.
- (y) Milking machine claws and milker units may be cleaned in place in the milking barn, provided, they are effectively cleaned, sanitized, and drained by the CIP system, and subsequently protected from dust, flies, contact with animals, or other contamination until the next milking is begun.

Whenever units are dismantled for hand cleaning, such cleaning shall be done in the milkhouse.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 33519–33522, Food and Agricultural Code.

HISTORY

- 1. New section filed 11-1-51; effective thirtieth day thereafter (Register 26, No. 3).
- 2. Amendment filed 9–21–56; effective thirtieth day thereafter (Register 56, No. 18).
- 3. Amendment filed 2–24–59; effective thirtieth day thereafter (Register 59, No. 4).
- 4. Amendment filed 3–22–74; effective thirtieth day thereafter (Register 74, No. 12).
- 5. Amendment of subsection (k) filed 4–25–75 as procedural and organizational; effective upon filing (Register 75, No. 17).

§ 480.5-1. In-Place Cleaning in Plants.

Unless a satisfactory circulating system for washing and sterilization for milk product plant pipeline in–place cleaning is provided, all lines and equipment must be disassembled for washing after each time used. Any circulating system must comply with the following, unless otherwise approved by the director.

- (a) All cleaned—in—place pipelines in milk products plants must comply with the subsections (a), (b), (c), (e), (j), (m), (s), (u), (v), and (w) of Section 480.5 of the Administrative Code.
- (b) To prevent adulteration and contamination, solution lines and water lines must be disconnected from the milk or milk product lines during the processing periods. Equipment not being cleaned in place must be disconnected from the system during the time CIP (cleaned-in-place) is operating.
- (c) Each milk products plant using the CIP method must have in its possession a plan of the system identifying the sanitary piping and equipment to be cleaned, or shall identify all lines cleaned in place in a manner that will distinguish them from lines which are to be disassembled for cleaning.
- (d) Each cleaned—in—place (CIP) system must be equipped with a control to maintain the wash solution at an effective temperature.
- (e) The circulating pump must be of a size to insure proper cleaning and provide a velocity of at least five feet per second.
- (f) Surface coming in contact with milk or milk products must be of corrosion-resistant material, smooth, free from open seams, cracks, and cravices
- (g) All caps, plugs, valve seats, tee ends, cross ends, special fittings, and the like must be removed and cleaned, each time the CIP system is operated.

HISTORY

- 1. New section filed 9–21–56; effective thirtieth day thereafter (Register 56, No. 18).
- Amendment filed 2–23–62; effective thirtieth day thereafter (Register 62, No. 4).

§ 480.6. Suitable Milk House.

A "suitable milk house or room" as used in Section 33518 of the Food and Agricultural Code is construed to be one which is sound, readily cleanable, of sanitary construction, provided with adequate working space and so constructed as to provide sufficient light and ventilation. Floors must be of impervious material and have a positive drainage of at least one–fourth inch per foot, to carry liquids to a point at least 100 feet from the milk house or room. Junctions of floor and walls must be coved. No equipment shall be so located as to interfere with cleaning under, over, or around the equipment. Boilers or heaters which emit smoke, soot, oil or odors must not be installed in the milk house or room.

HISTORY

- 1. New section filed 9–21–56; effective thirtieth day thereafter (Register 56, No. 18).
- Amendment filed 4–25–75 as procedural and organizational; effective upon filing (Register 75, No. 17).

§ 480.7. Dairy Farm Tank Installations.

Where milk is held at the dairy in farm tanks or transferred to tankers for delivery, the following conditions must be complied with:

- (a) A plan or diagram with dimensions for each installation must be submitted to the inspection service or inspector in advance and be approved before the installation is made.
- (b) Farm tanks must be installed at least two feet, measured from any piece of equipment or accessory that may protrude from the tank, from the walls of the milk room on all sides. When a surface cooler is used, the distance between the tank wall and the building wall must be at least three feet six inches on the side where cooler is installed. When the pump for transferring milk from the farm tank is installed or located in the milk room, the distance between the tank wall and the wall of the building must be at least three feet at the outlet end.

These distances may be modified only by written permission of the director. A clearance of at least six inches must be provided between the bottom of the farm tank or pipe under the farm tank and the floor. The farm tank must not be located over a floor drain.

- (c) Farm tanks must be provided with accurate thermometers.
- (d) A sanitary stainless steel pipeline or rubber or plastic hose must be used for conveying milk from the farm tank. Any line or hose used must be in lengths which can be readily cleaned and sterilized by approved methods. Hoses must be capped and contained in a dustproof compartment on the truck or trailer while in transit. Sanitary caps must be used for tank outlets.
- (e) Sanitary milk pumps provided by the dairy must be protected at all times.
- (f) The loading area or ramp must be kept in a sanitary condition and be graded, or graded and paved to provide good drainage.
- (g) The farm tank must be constructed of acceptable materials and in such a manner that it may be cleaned, sanitized, and drained. The measuring device must be made of stainless steel or other acceptable material.
- (h) When used as a farm storage tank, all openings to the truck tank must be protected with dustproof covers. For loading and unloading, tight, protected connections must be made. All valves and fittings of farm tanks and truck tanks must be easily disassembled for cleaning.
- (i) Sufficient light, properly located, must be available to assure proper cleaning of the interior and exterior of farm tanks.
- (j) Transfer of milk from the farm tank must be made only through conductor pipe openings in the milk house wall or stationary door; such openings must be provided with closures.

 \bar{N} OTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 33519–33522, Food and Agricultural Code.

HISTORY

- 1. New section filed 9–21–56; effective thirtieth day thereafter (Register 56, No. 18).
- Amendment filed 2–23–62; effective thirtieth day thereafter (Register 62, No. 4).
- Amendment of subsections (e) and (g)–(i), repealer of subsections (j) and (l), subsection relettering, amendment of newly designated subsection (j) and new NOTE filed 4–2–2002; operative 4–2–2002 (Register 2002, No. 14).

§ 480.8. Sanitary Milk Pumps.

Sanitary milk pumps at milk products plants for unloading or loading tankers may be installed outside of plant, provided: the tank truck for loading or unloading is on a concrete platform that is curbed, if necessary, and sloped to a drain; that this area be provided with overhead protection; that the pump be installed at least one foot above surrounding area; that all openings to pump be protected when not in use; and that provisions be made for washing and sterilizing of the pump and appurtenances.

HISTORY

 New section filed 9-21-56; effective thirtieth day thereafter (Register 56, No. 18).

§ 480.9. Inspection and Permitting of Bulk Milk Tankers.

The following requirements for inspection and permitting of bulk milk tankers shall be met. The term "milk tanker" as used in Section 33227 of the Food and Agricultural Code is construed to mean a vehicle, including the tank and appurtenances necessary for its use, or an intermodal portable tank, used to transport bulk raw market milk from a dairy farm; bulk market milk or milk products from a milk plant, receiving station or transfer station to a milk plant, receiving station or transfer station.

- (a) Permitting. Any person desiring to obtain a bulk milk tanker permit as required by Section 33227 of the Food and Agricultural Code shall apply in writing to the Department. The permit shall be issued for each milk tanker that has been inspected by a representative of the Department and found to be in compliance with the requirements set forth in (d) below.
- (1) The "Application for a Bulk Milk Tanker Permit" (Appendix A, Form 72–273) shall be available to interested parties from the Milk and Dairy Foods Control Branch at 1220 N Street, room A–170, Sacramento, CA 95814.
- (2) After receipt of the above application by the Secretary, applicants will be contacted to schedule an inspection of the milk tanker.

- (3) A fee will be charged for the milk tanker inspection. The fee shall be billed to the operator (lessee or owner), of the milk tanker after the inspection is completed based on the actual cost of the inspection.
- (4) The permit shall be dated, signed and affixed to the milk tanker by a representative of the Department.
- (5) The permit is valid for 1 year from the date of issue and may be renewed upon payment of an annual inspection fee, and re–inspection of the milk tanker by a representative of the Department finding it to meet requirements set forth in (d) below.
- (b) Reciprocity. The Department will recognize permits issued by other state regulatory agencies pursuant to reciprocal agreements of the National Conference on Interstate Milk Shipments.
- (c) Inspection. Each milk tanker shall be inspected annually. Representatives of the Department shall use FDA Form 2399B, 1999 revision, (2399B) to conduct inspections of milk tankers based on the standards set forth in (d) below. A copy of a current 2399B, or an affixed label near the outlet valve identifying the regulatory authority with the month and year of inspection, shall accompany the tanker at all times.
- (1) The milk tanker inspection shall be conducted in a suitable location, i.e., dairy plant, milk receiving or transfer station, milk tanker cleaning facility or tanker yard. When construction or repair defects are observed that require entry of confined spaces as defined by the Occupational Health and Safety Administration standards the milk tanker shall be removed from service until proper confined entry safety requirements can be satisfied to determine repairs needed; and if repairs are needed, they are completed. Repairs shall be verified by a representative of the Department prior to returning the milk tanker to service.
- (2) When defects or violations are noted, a copy of the 2399B shall be carried on the milk tanker until corrections are made. If the noted defect or violation could contaminate or otherwise affect the safety of the product a representative of the Department may require that corrections are completed and verified by a representative of the Department prior to returning the milk tanker to service.
- (d) Milk Tanker Standards. The milk tanker inspection criteria are listed below:
 - (1) Samples and Sampling Equipment.
 - (A) Sample containers shall be stored to preclude contamination.
 - (B) Sample box shall be in good repair and kept clean.
 - (C) Sample transfer instrument shall be cleaned and sanitized.
- (D) Sample transfer instrument container shall be provided and adequate means for maintaining sanitizer solutions shall be on hand.
 - (E) Samples are properly stored to preclude contamination.
 - (F) Sample storage compartment shall be clean.
- (G) Samples are maintained at an acceptable temperature (32°F to 40°F) and a temperature control sample shall be provided.
- (H) A thermometer accurate within $1^{o}C(2^{o}F)$ shall be available for use by the sampler. The accuracy of the thermometer shall be checked each six months against a thermometer traceable to a National Institute of Standards and Testing certified thermometer. The date of the check and the correction factor shall be recorded on a tag attached to its carrying case.
 - (2) Product Temperature 45°F or Less.
- (A) Product temperature shall meet requirements of Section 35782 of the Food and Agricultural Code.
- (B) Product exceeding 45°F that remains in external transfer systems shall be discarded.
 - (3) Equipment Construction, Sanitizing and Repair.
 - (A) Construction and repair requirements.
- 1. The milk tanker interior and all appurtenances, including hoses, pumps, piping, fittings and connections which are exposed to milk or milk products or from which liquids may drip, drain or be drawn into milk or milk products, shall consist of material which is approved for food contact surfaces and meets requirements of Section 33520 of the Food and Agricultural Code.

- 2. Where flexibility is required, the fluid transfer system shall be free draining and so supported to maintain uniform slope and alignment. It shall be easily disassembled and accessible for inspection.
- 3. Cabinet(s) of the milk tanker used for storage of appurtenances and sampling equipment shall be clean, dustproof and in good repair.
- 4. All openings to the milk tanker must be protected with dustproof covers. For loading and unloading, tight, protected connections must be made. All valves and fittings of milk tankers must be easily disassembled for cleaning.
 - (B) Cleaning and Sanitizing Requirements.
- 1. The milk tanker and its appurtenances shall have an effective cleaning and sanitizing regimen meeting requirements of Section 33519 of the Food and Agricultural Code.
- 2. The milk tanker shall be cleaned and sanitized prior to first use. When time elapsed after cleaning and sanitizing before first use exceeds 72 hours, the tank must be resanitized.
- 3. The milk tanker and its pumps, hoses and fittings must be cleaned and sanitized after each load is hauled, whenever the following load is to go to a different plant. A farm pickup milk tanker may make several trips to the same plant before complete washing and sanitizing, provided satisfactory results are obtained and the inspection service involved has approved the system. If milk products other than market milk or market milk products are transported, there must be a complete cleaning and sanitizing of the milk tanker before it is used for transporting market milk or market milk products.
- (4) Exterior Condition of Tank. The exterior of the milk tanker shall be constructed to protect the products contained therein from contamination and be in good repair. Defects and damage that could contaminate or adversely affect products contained in the milk tanker shall be noted during the inspection and corrected. Cleanliness of the milk tanker exterior shall be adequate to protect the contents from contamination. The weather and environmental conditions shall be considered in determining compliance with these requirements.
 - (5) Wash and Sanitize Record.
- (A) The licensed sampler and weigher shall be responsible for assuring that the milk tanker has been properly cleaned and sanitized. A milk tanker without a cleaning and sanitizing tag shall not be loaded or unloaded until verification of cleaning and sanitizing is obtained.
- (B) Each tank on the milk tanker after being washed and sanitized must be identified by a tag attached to the outlet valve, bearing the following information: plant and specific location where cleaned, date and time of day of washing and name of person who washed and sanitized the tank. This tag must not be removed until the milk tanker, after being used for reception of milk or milk products is again washed and sanitized and shall include identification of the milk tanker. When a milk tanker is washed, the previous cleaning and sanitizing tag shall be removed and stored at the location where the milk tanker was washed for a period of no less than 15 days.
- (C) The licensed sampler and weigher or the milk tanker operator (lessee or owner) shall be responsible for assuring that all information on the cleaning and sanitizing tag is noted by the person conducting the cleaning and sanitization of the tanker.

- (6) Location of last cleaning. The location of the last cleaning shall be verified by the regulatory agency during the milk tanker inspection and noted on the 2399B.
- (7) Labeling. The licensed sampler and weigher shall be responsible for assuring that all shipping invoices, bills of lading or weight tickets contain the information listed below. A milk tanker transporting raw, heat–treated or pasteurized milk and milk products to a milk plant from another milk plant, receiving or transfer station is required to be marked with the name and address of the milk plant or hauler and the milk tanker shall be under a proper seal. Shipping documents shall contain the following information:
- (A) Shipper's name, address and permit number. Each tanker load of milk shall include the IMS Bulk Tank Unit (BTU) identification number(s) or the IMS listed Plant Number (for farm groups listed with a plant) on the weight ticket or manifest.
- (B) License number of the Sampler & Weigher, if not an employee of the shipper.
 - (C) Point of origin of shipment.
 - (D) Tanker identification number.
 - (E) Name of product.
 - (F) Weight of product.
 - (G) Temperature of product when loaded.
 - (H) Date of shipment.
- (I) Name of supervising regulatory agency at the point of origin of shipment.
- (J) Whether the contents are raw, pasteurized, or in the case of cream, lowfat or skim milk, whether it has been heat treated.
- (K) Seal number on inlet, outlet, wash connections and vents, where applicable.
 - (L) Grade of product.
- (8) Vehicle and Milk Tankers Properly Identified. The milk tanker operator (lessee or owner) shall insure the legible identification of the milk tanker in their possession.
- (9) Previous Inspection Report Available. When a milk tanker transports milk and milk products from one regulatory jurisdiction to another it is not necessary to inspect each milk tanker upon each arrival. Tank truck owners and operators shall carry proof of annual inspection from a state dairy regulatory agency. A milk tanker may be inspected at any time at the discretion of the Department.
- (10) Transportation of Samples. When any individual transports samples for official laboratory analysis, that individual shall carry a valid Samplers and Weighers license; or, alternatively, a sample case sealed in a manner acceptable to the Department may be accepted.

NOTE: Authority cited: Sections 401, 407, 32920.5 and 33227, Food and Agricultural Code. Reference: Sections 32920.5, 33227, 33519 and 33520, Food and Agricultural Code.

HISTORY

- 1. New section and new appendix A filed 10–25–2001 as an emergency; operative 10–25–2001 (Register 2001, No. 43). A Certificate of Compliance must be transmitted to OAL by 2–22–2002 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 10–25–2001 order, including amendment of section, transmitted to OAL 2–15–2002 and filed 4–2–2002 (Register 2002, No. 14).

Appendix A

State of California, Department of Food and Agriculture Milk and Dairy Foods Control Branch, License Section 1220 N Street, Room A–170 Sacramento, CA 95814 (916) 654–0916

Application for BULK MILK TANKER PERMIT

Annual Inspection Fee is Required For Th	<u>his Permit</u>	<u>ermit</u> <u>Please Print</u>		
New Renewal	Permit #	(if renew	/al)	
(Please check one)				
Date	Applicants F	Phone Number ()	
Name of Applicant				
Name of Trucking Company				
Name of Owner				
Business Address Number S	Street	City	Zip Code	
Mailing Address				
Mailing Address Number S	Street	City	Zip Code	
Applicants Signature				
Please mail application to the above add	dress.			
	For Official			
		•		
Date of Inspection				
Tanker Does Not Meet Criteria For Permi	·+ []			
Tanker Meets Criteria For Permit	ıı <u> </u>	Tanker I	Permit No	
Talket Meets Cheffa 1 of 1 child		Tunker 1		
Dairy Foods Specialist's Signature			Date	
Amount Received \$		j	RC Number	
72–273 (Est. 10/01)				

§ 480.75. Recording Thermometers on Farm Tanks.

The installation and operation of recording thermometer devices provided for in Section 35783.1, California Food and Agricultural Code, shall be the responsibility of the holder of the market milk dairy permit.

- (a) Location.
- (1) A recording thermometer device may not be installed on or attached to a farm tank. It may be suspended on metal brackets from the ceiling, firmly attached to the inside wall of the milk room, firmly attached to the wall on the passageway side of the milk house, or at any location acceptable to the Bureau of Dairy Service.
- (2) The sensor bulb or device shall be so located as to record the temperature of the milk in the tank before the milk reaches 10 percent of the tank volume. Any capillary system containing any toxic gas or liquid shall not be used in a bare–bulb censoring device.
 - (b) Standards for Recording Thermometers.
- (1) The recorder chart, if circular, may make one revolution in 24 hours, 48 hours, or 72 hours, with the recommendation that the chart rotation time coincide with the maximum storage period of the milk in the farm tank. If a strip chart is used, it shall move not less than one inch an hour and may be continuous to a maximum of one calendar month.
- (2) The recorder clock may be manually wound or electrically operated. The recorder pen must reflect the actual time.
- (3) The circular recorder chart shall have a minimum diameter of 10 inches if the minimum temperature is recorded near the circumference of the chart. The chart shall have a minimum diameter of 12 inches when the minimum temperature is recorded near the center of the chart. The circular recorder chart may be 8 inches in diameter if the recorder is equipped with an accurate dual–movement mechanism of the writing stylus and the minimum temperature is recorded near the circumference of the chart. If a strip chart is used, the minimum temperature may be at the top or the bottom of the chart and the width shall be such as to meet the requirements of (b)(5) of this section.
- (4) The case of the recording device shall be moisture proof under operating conditions. The design of the rotating chart support shall meet the requirements of Administrative Code Section 583(h).
- (5) The recorder must be capable of recording from 30 to 160° F. or above with one degree or less lines of demarcation between 30 and 60° F. with an accuracy of plus or minus one degree in the 30 to 60° F. range.
- (6) If at any time the recording device becomes inoperable, the inspection service and the buyer shall be notified immediately by the dairyman. Repair or replacement of the device shall be made immediately.
 - (c) Operation.
- (1) The control of the recording device shall be sealed by a representative of an Approved or Established Inspection Service.
- (2) The dairyman shall maintain an adequate supply of recording charts. The charts shall be those recommended for the specific instrument which is installed.
- (3) The licensed Weigher and Sampler, in making a milk pick up, shall remove the chart from the recorder, mark the date and time of the pick up and sign the chart. He shall date and install a new chart on the recording device. He shall file the used charts under protected conditions provided for by the dairyman, unless they are taken to the buyer's premises for his review. If the charts are taken from the dairy, they shall be returned to the dairy within ten days from the date they were taken.

When all the milk goes to the same buyer and all lots of milk meet the temperature requirements, the temperature recording charts may be used for more than one pickup, provided that all of the pickups occur within the maximum time interval of the chart. When the chart is used for more than one pickup, the licensed Weigher and Sampler shall identify each lot of milk with the date, time of pickup, and signature.

A non-profit cooperative as defined in Food and Agricultural Code Section 61331 which maintains a processing plant, receiving station, or regular place of business may, subject to the approval of its members, file the recording thermometer charts at its place of business, provided that a copy of any chart indicating a failure to meet temperature standards is filed with the inspection agency in whose jurisdiction the dairy is located.

- (4) Before removing market milk from the farm tank, the licensed Weigher and Sampler shall check the recorder chart, and if he finds temperature variations which would preclude acceptance of the product as market milk, he shall immediately notify his superior and the dairyman.
- (5) If the milk is subsequently picked up as manufacturing milk, the licensed Weigher and Sampler shall sign the chart noting the date, time of receipt, and stick reading.
- (6) Recorder charts shall be held at the producer dairy except as otherwise provided for 60 days and shall be available to the dairy inspector.
- (7) The agitator in the farm tank shall be in operation a sufficient time during the second and subsequent milkings to preclude temperature stratification.
- (8) Recording thermometers purchased prior to November 23, 1970 for installation on farm tanks or installed prior to November 23, 1970 may be accepted by the Director on an individual basis.
- (9) If the vat pasteurizer is used in lieu of a storage tank on a producer/distributor dairy, the recording thermometer of the vat pasteurizer may be used in lieu of the recording thermometer which meets the requirements of Section 480.75(b).
- (10) When the temperature recording device shows the temperature of the milk to be a fractional degree greater than 50°F, but less than 51°F, the milk shall be deemed to meet the 50°F, requirement.

NOTE: Authority cited: Sections 407, 35783 and 35783.1, Food and Agricultural Code.

HISTORY

- 1. New section filed 4–14–71; effective thirtieth day thereafter (Register 71, No. 16).
- 2. Amendment of subsection (c)3 and new subsection (c)(10) filed 4–27–73; effective thirtieth day thereafter (Register 73, No. 17).
- 3. Amendment of subsection (b)(3) filed 12–19–77; effective thirtieth day thereafter (Register 77, No. 52).

§ 480.76. Emergencies and Equipment Failures on Market Milk Farm Tanks.

- (a) When it is obvious that an emergency exists which could conceivably reflect significant temperature variations of the market milk in the farm tank, the producer should immediately notify the buyer and have the milk removed from the farm tank. Acceptance of subsequent milkings shall be based on the ability of the dairyman to meet the requirements of Section 35783 of the Food and Agricultural Code.
- (b) When a lot of milk fails to meet the 50°F. standard, the lot of milk may not be classified as market milk. Each lot shall be dealt with on an individual basis. If two of the last four lots fail to meet the 50°F. requirement, the dairyman shall be put on notice by the milk inspection agency. If three of the last five lots of milk fail to meet the temperature standard, the dairy shall be degraded by the inspection agency to manufacturing status, and shall not be reinstated until two consecutive lots of milk meet the cooling standard.

HISTORY

- 1. New section filed 4–14–71; effective thirtieth day thereafter (Register 71, No. 16).
- 2. Amendment filed 4–27–73; effective thirtieth day thereafter (Register 73, No. 17).

§ 481. Milk Cans in Barns.

The practice of emptying and holding milk cans in barns, corrals, etc., where milking is done is construed to be a violation of Section 33518 of the Food and Agricultural Code, wherein it is required that milk must not be canned or kept in a place occupied by cows or other animals. The practice of pouring milk from a milking machine pail into a stripping pail or other properly protected container from which the milk is removed to the milk house immediately shall not be deemed a violation of this provision. No milk buckets or pails shall be placed on the barn floor, except when in actual use; and any such buckets or pails shall at all times be covered or protected from contamination. Unless protected by other means, teat cups shall be kept off the floor high enough to prevent contamination.

HISTORY

1. Amendment filed 12–28–49, designated to be effective 2–1–50 (Register 18, No. 9).

- 2. Amendment filed 11–1–51; effective thirtieth day thereafter (Register 26, No. 3).
- 3. Amendment filed 4–25–75 as procedural and organizational; effective upon filing (Register 75, No. 17).

§ 481.5. Practices to Be Observed When Pouring Milk in Tank.

- (a) Sanitary milk pipes shall be no longer than the washing and sterilizing facilities will accommodate. When the pipeline is washed and sterilized in an assembled position, the line must be capable of being disassembled for inspection. When milk pumps are used, the riser pipe shall be of sufficient height to permit the efficient and speedy gravity flow of milk to the milk house. Means must be provided for keeping sanitary milk pipes and fittings off the floor while being assembled.
- (b) The milk dump tank must be provided with a splashproof, self-closing cover which is operated by means of a metal foot pedal assembly or by other means approved by the director.

- (c) A substantial metal framework to furnish protection from contact with animals must be provided.
 - (d) Metal shields must be provided for protection against splash.
- (e) The top of the dump tank must be at least 30 inches above the cows' standing platform, except in a tandem type barn where the minimum height must be at least 30 inches from the milker's standing platform.
- (f) In tandem type barns, the dump tank must be located at least three feet from the cows' standing platform when metal splash shields are provided or at least six feet from the cows' standing platform if metal splash shields are not provided. In all other types of barns, the distance from the dump tank to the cows' standing platform must be at least four feet five inches.

HISTORY

- 1. New section filed 12–28–49, designated to be effective 2–1–50 (Register 18, No. 9).
- 2. Amendment filed 9–21–56; effective thirtieth day thereafter (Register 56, No. 18)

[The next page is 25.]

§ 482. Dairy Farm Score Card.

In accordance with the requirements of Section 32791 of the Food and Agricultural Code, the following form is adopted as the official Dairy Farm Score Card in the State of California:

DAIRY FARM SCORE CARD
STATE OF CALIFORNIA,
DEPARTMENT OF FOOD AND AGRICULTURE
DIVISION OF ANIMAL INDUSTRY, BUREAU OF MILK AND
DAIRY FOODS CONTROL
SACRAMENTO, CALIFORNIA 95814

oun			
	ng address Dairy location	_ 11	
ime_	nilking; gals. milk daily; inspection made :	muciti	g
esetto ctory	Items Number	Perfect Value	Dadge-
	MISCELLANEOUS (20)		
	1. Surroundings: nest and clean; free of insect and rodent har-		
	borages & breeding areas	. 1	
	 2. Manure: manure packs properly maintained & fly breeding minimized by approved manure disposal methods 	3	
	 Cowyard: clean; clean watering troughs; housing areas prop- erly maintained; graded to drain; no pooled water or wastes; ma- 		
	nure stored inaccessible to cows; no swine	. 2	
	Feed: properly stored Separate pens for horses, calves, poultry, swine & bulls, prop-		
	erly located	1	
	 6. Toilet facilities: conveniently located; constructed and oper- ated properly, no evidence of human wastes about premises; toilet 		
	room properly maintained; self-closing door		
	 Water supply: constructed & operated properly; complies with bacteriological standards; no connection between safe & un- 		
	sale supplies; no improper submerged inlets	5	
	 Approved pesticides properly used in accordance with man- ufacturer's recommendations so as to avoid contamination of equip- 		
	ment, utensils & milk	2	
	MILKING BARN & PASSAGEWAYS (9)		
	9. Clean & free of litter & unnecessary articles	3	
	10. Properly ventilated: no overcrowding	1	
_	 Adequate natural and/or artificial light; well distributed Floors, gutters, feed troughs & ramps of concrete or equally 	1	
	impervious materials; sloped to drain, ramps & cow standing plat-	_	
	forms curbed as required, in good repair	2	
	or approved finish in good repair	1	
	 Surcingles, milk stools, anti-kickers, similar nonproduct surfaces of equipment clean; stored above floor in clean place 	1	
	MILK HOUSE (11)		
	15. Miscellaneous requirements: used for milk house operations		
	only; sufficient size; liquid wastes properly disposed of	2	
	 All milk house openings & windows must be screened where required; doors tight-fitting, solid, open outward, & self-closing; 		
	milk room free of insects & rodents	2	
	17. Floors: smooth; concrete or other impervious material; in good repair; graded to drain; drains trapped	1	
	18. Walls & ceilings: approved material & finish; in good repa		
	(windows, door & hose port included)		
-,	 Lighting & ventilation: adequate natural &/or artificition; properly distributed; adequate ventilation; windows close 	اه	
	during dusty weather; vents & lighting fixtures properly located	u 2	
	 Cleanliness: floors, walls, windows, tables & similar nor product surfaces clean; no trash, unnecessary articles, animals of 	1-	
i	fowl; pesticides & medicinals not stored in milk house	or 3	
	CLEANING FACILITIES (5)		
	21. Washing facilities: two-compartment wash & rinse vat of	of .	
	adequate size in good repair; suitable water-heating facilities; wate	T	
	22. Handwashing facilities: soap, running water, single-service	2	
t	towels shall be convenient to toilet, milk house & milking operation	ı;	
'	wash & rinse vats not used as handwashing facilities	3	
	MILKING EQUIPMENT AND METHODS (17)		
	23. Milk handling equipment: smooth, nonabsorbent, corrosion	-	
1	resistant, nontoxic materials; easily cleanable; in good repair, ap proved single-service articles not reused; strainers of approved de)- }-	
	sign; approved CIP milk piping system accessible for inspection	. 3	
	24. Cleaning: utensils & equipment clean 25. Sanitization: all multi-use containers & equipment subjected	5	_
— _t	to approved sanitization process	. 5	
	26. Storage: utensils & equipment left in treating chamber o	r	
s t	sanitizing solution until used; otherwise, stored properly above floo to insure complete drainage; single-service articles properly store	r d 2	
•	27. Handling: sanitized milk-contact surfaces not exposed to		_
	contamination	,	

MILK HANDLING (23)	
28. Milking done in barn or parlor; cows clipped when necessary to facilitate the production of clean milk; flanks, bellies, udders,	
teats and tails of cows cleaned and free of visible dirt at time of milking; teat and udders treated with a sanitizing solution just prior to, and relatively dry before milking; no wet hand milking	3
proper care of abnormal milking equipment	10
pouring, and/or straining facilities properly protected	2
whichever is first, & maintained at such temperature until delivery 32. Recording thermometer: properly operated, sealed & main-	4
tained; charts properly stored. 33. Personnel cleanliness: hands washed clean & dried before milking, or performing milk house functions; rewashed when contaminated; clean outer garments worn.	2
BACTERIA COUNT (15)	
34. Satisfactory bacteria count 35. Satisfactory somatic cell count	10 5
TOTAL POINTS POSSIBLE	100
TOTAL DEDUCTIONS	_
FARM SCORE	

 $NOTE: Authority\ cited:\ Sections\ 407\ and\ 32791, Food\ and\ Agricultural\ Code.\ Reference:\ Sections\ 32506,\ 32791,\ 35861\ and\ 35891,\ Food\ and\ Agricultural\ Code.$

HISTORY

- 1. Amendment filed 4–25–75 as procedural and organizational; effective upon filing (Register 75, No. 17).
- 2. Repealer and new section filed 1–7–77; effective thirtieth day thereafter (Register 77, No. 2).
- 3. Amendment filed 2–26–82; effective thirtieth day thereafter (Register 82, No. 9).

§ 483. Producer-Distributor Score Card.

HISTORY

- 1. New section filed 9–21–56; effective thirtieth day thereafter (Register 56, No. 18).
- 2. Repealer filed 1-7-77; effective thirtieth day thereafter (Register 77, No. 2).

Article 11. Milk Products Plant Score Card

§ 488. Milk Products Plant Score Card.

In accordance with the requirements of Section 32791 of the Food and Agricultural Code, the following form is adopted as the official score card for milk products plants in the State of California:

MILK PRODUCTS PLANT SCORE CARD STATE OF CALIFORNIA, DEPARTMENT OF FOOD AND AGRICULTURE

DIVISION OF ANIMAL INDUSTRY—BUREAU OF MILK AND DAIRY FOODS CONTROL SACRAMENTO 95814

	de Name:	Business Address:		
	ducts Manufactured or Process	sed:		
Fac	ctory License No.:	Date:		
ns	pection Made: Before, during,	after processing (hour)		M
tem Vum			Perfect Value	De- ductions
			Λ	В
1. 2.	SURROUNDINGS—Neat, clean, f ages and breeding areas; tank unla approved pesticides used properl SEPARATE ROOMS—Separate a proper construction, no direct of storage tanks properly verted.	pading areas properly constructed; y coms as required, adequate size, pening to barn or living quarters;	2	
	Storage tanks properly vented		- 3	

4.	FLOORS—Smooth, impervious, no pools, good repair, trapped drains WALLS AND CEILINGS—Smooth, washable, light colored, good repair	1	 The word "code" refers to the Items 21A and 21B, where the Code Section 585.
	DOORS, WINDOWS, VENTS, OTHER OPENINGS—Effectively protected against entry of flies and rodents; outer doors self-closing, open outward, in good repair	2	 NOTE: Authority cited: Section erence: Section 32701, Food
7.	LIGHTING—Sufficient and properly distributed	1	 1. Amendment filed 2–23–62
8. 9.	TOILET FACILITIES—Clean, well lighted, ventilated, warm water, single-service towels, no direct opening to processing rooms, self-closing door, sewage and other wastes disposed of in a sanitary man-	4	 4).2. Amendment filed 4-25-75 ing (Register 75, No. 17).
	ner DRESSING ROOM(S)—Clean, orderly, well ventilated	2 1	 3. Amendment filed 5–7–85; 19).
12.	warm water, soap, single-service towels, improper facilities not used PERSONNEL-CLEANLINESS—Hands washed before performing plant functions; rewashed when contaminated; clean outer garments	2	 Article 12.
	and hair covering worn; no use of tobacco in processing areas MILK PRODUCT PLANT CLEANLINESS—Neat, clean, no evidence of insects or rodents; trash properly handled	1 2	
14.	CONSTRUCTION AND REPAIR OF CONTAINERS AND EQUIP- MENT—Smooth, impervious, corrosion-resistant, nontoxic, easily cleanable materials, good repair, accessible for inspection	3	 § 493. Identification (Containers while in use
15.	PROTECTION FROM CONTAMINATION—Operations conducted and located so as to preclude contamination of milk products, ingredients, containers, equipment and utensils; overflow, spilled and leaked		or cream at a milk product tron's name or number in a
16.	products or ingredients discarded; air and steam used to process products in compliance; approved pesticides safely used	3	 ber shall correspond with the records of the plant.
17.	ments, records complete, two compartment wash sink provided where required	5	 Article 13. P
	sanitation process applied to all product contact surfaces prior to use; efficient tests in compliance	5	 7.1.1010 101 1
	STORAGE OF CLEANED CONTAINERS AND EQUIPMENT— Stored to assure drainage and protected from contamination STORAGE OF SINGLE-SERVICE ARTICLES—Received, stored	3	 § 498. Pasteurizer's
	and handled in a sanitary manner; paperboard containers and single- service plastic containers not reused except where Code permits	2	(a) Any person desiring
20.	SANITARY PIPING—Smooth, impervious, corrosion-resistant, non- toxic, easily cleanable materials in good repair, accessible for inspec- tion, clean-in-place lines meet Code specification; pasteurized		Section 35168 of the Food of the following requirem
21.	products conducted in sanitary piping except as permitted by Code PASTEURIZATION A. Indicating and Recording Thermometers—Provided; in compli-	3	 (1) File an application cense Application, Form
	ance with Code requirements B. Time and Temperature Controls	4	 by reference, accompanied
	 Batch Pasteurizers—Proper agitation where and when required; each pasteurizer equipped with indicating, recording and airspace thermometers, bulbs correctly placed; recording 		to Food and Agricultural C and covers Departmental
	thermometer reads no higher than indicating thermometer; product held in vat at correct holding time; no product added after helding house springer above product 5 % For higher		(2) Obtain a grade of at obtain a grade of at least 8
	after holding begins, airspace above product 5.0° F, or higher above required pasteurization temperature during holding; in- let and outlet valves and connections in compliance with Code.		to demonstrate the ability
	High-Temperature Short-Time Continuous Flow Pasteuriza- tion—Flow diversion devices comply with Code requirements;		its products. (b) Each licensed paster
	diverted flow line self-draining; stoppage precluded; proper assembly and operation; product held at minimum pasteuriza- tion temperature; recorder-controller complies with Code re-		at all times at the facility
	quirements; recorder temperature no higher than indicating thermometer temperature; cut-in and cut-out temperature at or above required temperature; setting sealed; no bypass		NOTE: Authority cited: Sections 35161, 35162, 35163, 35231, Food and Agricultura
	around sensor; sensor located properly; holding tube complies with design, assembly, slope and support requirements; flow promoting devices comply with Code requirement, no improp- er manual switches; maximum speed assures required holding		1. Amendment filed 4–25–75 17).
	time, setting sealed as required	10 3	 2. Amendment of article head 2–15–2007; operative 3–1
	D. Pasteurization—Regenerative Heating—Pasteurized product in regenerator automatically under greater pressure than raw prod- uct in regenerator at all times; accurate pressure gages available	* . *	§ 499. Tester's Exam
	for checking booster pumps, properly identified and installed E. Pasteurization-Temperature Recording Charts—Proper charts,	5	 (a) Any person desiring tion 35161 of the Food and
22.	correctly recorded; filed	4	 following requirements: (1) File an application
	except those to be cultured, cooled immediately to 45° F. or less until delivered; approved thermometers properly located in all refrigera- tion rooms and storage tanks; recirculated cooling water from safe		Application, Form No. 72
23.	source; properly protected, complies with bacterial standards	5	 reference, accompanied b Food and Agricultural Co
24.	where pasteurized	3	 and covers Departmental applicant shall specify the
25.	Code	3	for which the license is do (2) Obtain a grade of at
26.	cleaned and tagged	3	 obtain a grade of at least 8 to demonstrate the ability
	gree of noncompliance) TOTAL POINTS POSSIBLE 100 TOTAL DEDUCTIONS SCORE	13	 milk and cream. The exam od of testing specified in (b) The license, if issue
	resentative		 licensee (i.e. Babcock, N

Food and Agricultural Code, with the exception of e word "Code" refers to 3 California Administrative

ons 407 and 32791, Food and Agricultural Code. Refand Agricultural Code.

HISTORY

- ; effective thirtieth day thereafter (Register 62, No.
- as procedural and organizational; effective upon fil-
- effective thirtieth day thereafter (Register 85, No.

dentification of Containers

of Containers.

for the purpose of delivering or receiving milk s plant shall be properly identified with the pamanner that will not erase. Said name or numthe name or number of the patron appearing on

ersonal Examinations and Licenses

Examination and License.

- to obtain a pasteurizer's license as required by d and Agricultural Code shall comply with all
- with the Department on the Pasteurizer's Li-No. 72-255 (Rev. 7/05), which is incorporated d by the applicable fee for the license pursuant Code section 35231. The fee is non-refundable costs of administering the examination.
- least 80 percent on a written examination, and 30 percent on an oral and practical examination of the applicant to properly pasteurize milk or
- urizer shall keep their current license displayed where they are employed.

on 407, Food and Agricultural Code, Reference: Sec-35164, 35166, 35167, 35168, 35170, 35171 and I Code

HISTORY

- 5; effective thirtieth day thereafter (Register 75, No.
- ing, section heading and section and new NOTE filed 7-2007 (Register 2007, No. 7).

nination and License.

- g to obtain a tester's license as required by secd Agricultural Code shall comply with all of the
- with the Department on the Tester's License 2-202 (Rev. 11/05), which is incorporated by by the applicable fee for the license pursuant to ode section 35231. The fee is non-refundable costs of administering the examination. Each milk and cream testing method to be used and esired.
- least 80 percent on a written examination, and 30 percent on an oral and practical examination of the applicant to conduct accurate tests on nination shall be adapted to the particular meththe application.
- ed, shall specify the method to be used by the Mojonnier, InfraRed, Direct Forced Air Oven Drying, etc.) and shall not be construed to permit tests to be made by the

applicant using any other method than that specified in the license. Testers may be licensed to perform each of the official final action methods of analysis listed in section 32921 of the Food and Agricultural Code and/or approved testing methods of comparable accuracy listed in section 511

- (c) A licensed tester shall at all times comply with all laws, rules, and regulations governing the testing of milk or cream purchased, received, or sold on the basis of the compositional components contained therein by any method or process, and must secure accurate results.
- (d) Each licensed tester shall keep their current license displayed at the facility where they are employed.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 32921, 34261.5, 35161, 35162, 35163, 35164, 35166, 35167, 35168, 35170, 35171 and 35231, Food and Agricultural Code.

HISTORY

- Amendment filed 4–25–75 as procedural and organizational; effective upon filing (Register 75, No. 17).
- 2. Amendment of section heading, section and NOTE filed 2–15–2007; operative 3–17–2007 (Register 2007, No. 7).

§ 499.5. Butter Grader's Examination and License.

- (a) Any person desiring to obtain a butter grader's license as required by section 35134 of the Food and Agricultural Code shall comply with all of the following requirements:
- (1) File an application with the Department on the Butter Grader's License Application, Form No. 72–267 (Est. 7/05), which is incorporated by reference, accompanied by the applicable fee for the license pursuant to Food and Agricultural Code section 35231. The fee is non–refundable and covers Departmental costs of administering the examination.
- (2) Obtain a grade of at least 80 percent on a written examination, and obtain a grade of at least 80 percent on an oral and practical examination to demonstrate the ability of the applicant to properly grade butter.
- (b) Each licensed butter grader shall keep their current license displayed at all times at the facility where they are employed.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 32921, 35134, 35135, 35161, 35162, 35163, 35164, 35166, 35167, 35168, 35171 and 351231, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–12–62; effective thirtieth day thereafter (Register 62, No. 1).
- Amendment filed 4–25–75 as procedural and organizational; effective upon filing (Register 75, No. 17).
- Repealer and new section filed 2-15-2007; operative 3-17-2007 (Register 2007, No. 7).

§ 500. Sampler's and Weigher's Examination and License.

- (a) The Department shall issue a general and limited sampler's and weigher's license. The general license shall apply to persons who collect milk samples for basis for payment under section 35163 of the Food and Agricultural Code. The limited license shall apply to processing plant personnel who only collect samples of bulk raw milk for drug residue testing prior to processing under section 32761.5 of the Food and Agricultural Code.
- (b) Any person desiring to obtain a sampler's and weigher's license as required by section 35163 of the Food and Agricultural Code or section 576.1(c) of Title 3 of the California Code of Regulations shall comply with all of the following requirements:
- (1) File an application with the Department on the Sampler's and Weigher's License Application, Form No. 72–246 (Rev. 2/06), which is incorporated by reference, accompanied by the applicable fee for the license pursuant to Food and Agricultural Code section 35231. The fee is non-refundable and covers Departmental costs of administering the examination.
- (2) Obtain a grade of at least 80 percent on a written examination specific to the type of license to be issued.
- (3) A general sampler's and weigher's license applicant must, in addition to subsections (b)(1) and (2) above, obtain a grade of at least 80 percent on an oral and practical examination to demonstrate the ability of the applicant to correctly collect representative samples, make correct

weights on milk and cream and properly and legibly complete a satisfactory weigh sheet. A weigh sheet shall contain all of the following essential information: full date on which the milk and cream was received; name and address of person purchasing, receiving, or selling the product weighed; name or number of the patron; net weight of the milk or cream of the delivery or shipment; and the full name and sampler's and weigher's license number of the person who does the weighing.

§ 502

- (4) A limited sampler's and weigher's license applicant must, in addition to subsections (b)(1) and (2) above, obtain a grade of at least 80 percent on an oral and practical examination to demonstrate the ability of the applicant to correctly collect representative samples from a bulk milk tanker
- (c) Each general licensed sampler and weigher shall keep their current license on their person and available for inspection at all times during their work as a licensee.
- (d) Each limited licensed sampler and weigher shall keep their current license displayed at all times at the facility where they are employed. NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 32921, 35161, 35162, 35163, 35164, 35166, 35167, 35168, 35170, 35171 and 35231, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 4–25–75 as procedural and organizational; effective upon filing (Register 75, No. 17).
- 2. Amendment of section heading, section and NoTE filed 2–15–2007; operative 3–17–2007 (Register 2007, No. 7).

§ 501. Technician's Examination and License.

- (a) Any person desiring to secure a license to make bacteriological determinations upon milk or cream which determinations are to be used as a basis for payment or for determining value as required by section 35167 of the Food and Agricultural Code, shall comply with the following requirements:
- (1) File an application with the Department on the Technician's License Application, Form No. 72–252 (Rev. 7/05), which is incorporated by reference, accompanied by the applicable fee for the license pursuant to Food and Agricultural Code section 35231. The fee is non–refundable and covers Departmental costs of administering the examination.
- (2) Obtain a grade of at least 80 percent on a written examination, and obtain a grade of at least 80 percent on an oral and practical examination to demonstrate the ability of the applicant to conduct accurate bacterial determinations on milk and cream.
- (b) Each licensed technician shall keep their current license displayed at all times at the facility where they are employed.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 32921, 35161, 35162, 35163, 35164, 35166, 35167, 35168, 35170, 35171 and 35231, Food and Agricultural Code.

HISTORY

- Amendment filed 4–25–75 as procedural and organizational; effective upon filing (Register 75, No. 17).
- 2. Amendment of section heading, section and Note filed 2–15–2007; operative 3–17–2007 (Register 2007, No. 7).

§ 502. Standard Methods for Examination of Dairy Products.

The taking of samples and the technique followed in determining the bacterial content of milk or cream, when taken for determining value or upon which basis for payment is made, must be in a manner described in "Standard Methods for the Examination of Dairy Products", 17th Edition, of the American Public Health Association. Such samples must be representative and must be taken from the container from which the milk is sold, at least once each half month.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 32921, 35161, 35162, 35163, 35164, 35166, 35167 and 35168, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 9–21–56; effective thirtieth day thereafter (Register 56, No. 18).
- 2. Amendment filed 4–25–75 as procedural and organizational; effective upon filing (Register 75, No. 17).
- Amendment of section and new NOTE filed 2-15-2007; operative 3-17-2007 (Register 2007, No. 7).

§ 503. Duplicate Records.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 32921, 35161, 35162, 35163, 35164, 35166, 35167 and 35168, Food and Agricultural Code.

HISTORY

Repealer of section and new NOTE filed 2–15–2007; operative 3–17–2007 (Register 2007, No. 7).

§ 504. Bacteriological Record Sheets.

- (a) The forms on which bacteria counts are kept shall be of satisfactory paper stock of suitable size, providing space for necessary information.
- (b) Each sheet shall be authenticated by the signature of the licensed technician and marked with the date upon which the tests were made. All bacteria test records shall be permanently identified with the name or number of the concern for whom the tests are made. The name and address of the testing laboratory shall appear on the bacteria test record sheet.
- (c) The original bacteriological record sheet shall be delivered to the management of the concern for whom the tests are made immediately upon completion of the bacterial examination.
- (d) All persons holding a technician's license shall make duplicate records of the result of each test, the original to be made with indelible ink.
- (e) The duplicate bacteriological record sheets shall be available at the laboratory in hard copy for no less than 30 days, in addition to any back up copies of the data. After 30 days the records may be archived to any type of removable storage media where they are to be kept for a minimum of two years.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 32921, 35161, 35162, 35163, 35164, 35166, 35167 and 35168, Food and Agricultural Code.

HISTORY

- 1. Amendment of subsection (a) filed 4–25–75 as procedural and organizational; effective upon filing (Register 75, No. 17).
- Amendment of section heading and section and new Note filed 2–15–2007; operative 3–17–2007 (Register 2007, No. 7).

§ 505. Changing Records.

Whenever a change in the records, while still in the possession of the licensed technician, is necessary, the original entry on the records shall be marked out with a single stroke of the pen without defacing the figure and the correction noted immediately adjacent to the original entry. The change shall be identified by the initials of the technician, which are to be written on the record immediately adjacent to the correction. When necessary changes are made on the original test sheet, such changes shall be made only by the licensed technician.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 32921, 35161, 35162, 35163, 35164, 35166, 35167 and 35168, Food and Agricultural Code.

HISTORY

1. Amendment of section and new Note filed 2–15–2007; operative 3–17–2007 (Register 2007, No. 7).

§ 506. Bacteriological Record Sheets.

HISTORY

- Amendment filed 4-25-75 as procedural and organizational; effective upon filing (Register 75, No. 17).
- 2. Repealer filed 2–15–2007; operative 3–17–2007 (Register 2007, No. 7).

§ 507. Incubation Temperature.

HISTORY

- 1. Amendment filed 10-7-49 (Register 18, No. 2).
- 2. Repealer filed 2-23-62; effective thirtieth day thereafter (Register 62, No. 4).

§ 508. Butter Grader's License.

HISTORY

- 1. New section filed 9–21–56; effective thirtieth day thereafter (Register 56, No. 18).
- Amendment filed 4–25–75 as procedural and organizational; effective upon filing (Register 75, No. 17).
- 3. Repealer filed 2–15–2007; operative 3–17–2007 (Register 2007, No. 7).

Article 14. Official and Approved Testing Methods and Protocols

§ 509. Official and Approved Testing Methods.

This article shall govern the official final action methods and the other acceptable methods of comparable accuracy when used to determine the components of milk, bulk milk, products of milk, or products resembling milk products, and cream when such component determinations are required as a basis for payment, or to meet a legal compositional requirement of Part 2 (commencing with section 35601) and Part 3 (commencing with section 36601), of Division 15 of the Food and Agriculture Code. The official final action methods and procedures of analyses used by laboratories operated by the Department shall be deemed to be official for all regulatory purposes.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 32921, 34231 and 34261.5, Food and Agricultural Code.

History

- 1. New section filed 10–19–79; designated effective 1–1–80 (Register 79, No. 42).
- 2. Amendment of article heading, section and Note filed 2–15–2007; operative 3–17–2007 (Register 2007, No. 7).

§ 510. Official Final Action Methods of Analysis.

Any testing for milk components that requires one or more of the tests described in section 32921 of the Food and Agricultural Code to be used as an official final action determination, shall, except where variations are approved in writing by the Department, be conducted by procedures and equipment outlined in the 18th edition of the Official Methods of Analysis of the Association of Official Analytical Chemists International, which is incorporated by reference.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 32921 and 34261.5, Food and Agricultural Code.

HISTORY

- 1. New section filed 10–19–79; designated effective 1–1–80 (Register 79, No. 42).
- 2. Amendment filed 2-15-2007; operative 3-17-2007 (Register 2007, No. 7).

§ 511. Approved Testing Methods of Comparable

- (a) Each of the testing methods listed in this section is approved for use as an acceptable method of analysis for the determination of the components of milk, cream, bulk milk, products of milk, or products resembling milk products and shall be conducted by procedures and equipment outlined in the 18th edition of the Official Methods of Analysis of the Association of Official Analytical Chemists International, which is incorporated by reference.
 - (1) Fat in Raw Milk, Babcock Method, AOAC Official Method 989.04
- (2) Fat in Milk, Modified Mojonnier Ether Extraction Method, AOAC Official Method 989.05
 - (3) Fat in Cream, Babcock Method, AOAC Official Method 995.18
- (4) Fat in Cream, Mojonnier Ether Extraction Method, AOAC Official Method 995.19.
- (5) Fat in Cream, Roese-Gottlieb Method, AOAC Official Method 920.111.
 - (6) Solids
- (Total) in Milk, By Direct Forced Air Oven Drying, AOAC Official Method 990.20.
 - (7) Solids-Not-Fat in Milk, AOAC Official Method 990.21.
- (8) Fat, Lactose, Protein, and Solids in Milk, Mid-Infrared Spectroscopic Method, AOAC Official Method 972.16.
- (9) Lactose in Milk, Polarimetric Method, AOAC Official Method 896.01.
- (10) Lactose in Milk, Enzymatic Method, AOAC Official Method 984.15.
- (11) Protein in Milk, Dye Binding Method I, AOAC Official Method 967.12.
- (12) Nitrogen (Total) in Milk, Kjeldahl Method, AOAC Official Method 991.20.

Page 28

- (13) Nonprotein Nitrogen in Whole Milk, Kjeldahl method, AOAC Official Method 991.21.
- (14) TCA Precipitated Protein Nitrogen Content of Milk, Kjeldahl Method, AOAC Official Method 991.22.
- (15) Protein Nitrogen Content of Milk, Indirect Kjeldahl Method, AOAC Official Method 991.23
- (b) Each of the approved testing methods of comparable accuracy utilized in the testing of milk for payment purposes shall comply with the required levels of accuracy and precision outlined in section 512.2(e) of this article.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 32921, 34202, 34231 and 34261.5, Food and Agricultural Code.

HISTORY

- 1. New section filed 10-19-79; designated effective 1-1-80 (Register 79, No. 42).
- Amendment of section and Note filed 2–15–2007; operative 3–17–2007 (Register 2007, No. 7).

§ 512. Testing Procedures and Equipment.

- (a) Except where approved in writing by the Department, licensees making tests by the approved testing methods stated in section 511, shall use equipment and follow the methods and procedures outlined in the 18th edition of the Official Methods of Analysis of the Association of Official Analytical Chemists International (AOAC), which is incorporated by reference. In the absence of prescribed equipment, methods, and procedures in AOAC, or when the Department has documented evidence that a deviation from AOAC procedures and equipment will provide testing results that are at least as accurate and precise as results obtained under AOAC procedures, the Department may give written authorization to use other testing methods and deviations.
- (b) For laboratories that test raw milk for payment by infrared (IR) instrumentation, pursuant to section 511(a)(5) of this article, the procedures and pre-calibration checks outlined in section 15.121 of "Standard Methods for the Examination of Dairy Products", 17th edition, which is incorporated by reference, must be followed. A letter requesting approval of an individual instrument for IR payment testing must be submitted to the Department, along with results of the pre-calibration checks and results of a minimum of 4 consecutive sets of IR calibration samples. All mean differences and standard deviations shall meet the established tolerances, and individual differences shall meet the tolerances with a 95% confidence interval. All data will be reviewed and approved by the Department prior to the instrument being approved for payment testing.
- (c) When the Babcock method is utilized for the testing of milk and cream for fat content, the readings between lines of demarcation shall be extrapolated and reported to the nearest five one hundredths of one percent (0.05%) or less for milk and the nearest twenty—five one hundredths of one percent (0.25%) or less for cream.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 32921 and 34261.5, Food and Agricultural Code.

HISTORY

- 1. New section filed 10–19–79; designated effective 1–1–80 (Register 79, No. 42).
- 2. Amendment of subsection (a), new subsection (b) and subsection relettering filed 2-15-2007; operative 3-17-2007 (Register 2007, No. 7).

§ 512.1. Testing Equipment.

- (a) All calibrated measuring devices, weights, scales, or other analytical equipment used by any licensed tester or licensed technician, with any of the official final action testing methods or with other acceptable testing methods of comparable accuracy that are approved for use, shall be accurate, precise, in good working condition, and otherwise meet Departmental approval.
- (b) All measuring glassware used for basis for payment testing shall meet or exceed the specifications for such apparatus outlined in the 18th edition of the Official Methods of Analysis of the Association of Official Analytical Chemists International, which is incorporated by reference. NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 32921 and 34261.5, Food and Agricultural Code.

HISTORY

1. New section filed 10-19-79; designated effective 1-1-80 (Register 79, No. 42).

- 2. Amendment of subsection (b) filed 8-13-80; effective thirtieth day thereafter (Register 80, No. 33).
- 3. Amendment filed 2-15-2007; operative 3-17-2007 (Register 2007, No. 7).

§ 512.2. Character of Work and Tolerances.

- (a) "Accuracy" means the degree of agreement of individual measurements with an accepted reference value. The accepted reference value shall be the analytical result made by the Department. "Precision" means the degree of mutual agreement among individual measurements made under prescribed—like conditions.
- (b) After notifying the management of any milk distributor, milk processor, dairy association, or commercial testing laboratory, the Department may obtain samples of any milk or cream previously tested by a licensed tester for the payment of any milk or cream or component of milk or cream. These samples may be tested in the Department's dairy chemistry laboratory to determine the accuracy of the licensed tester's work. The Department may request that the licensed tester retest the sample at the original testing facility by the same method as the sample was originally run, to determine the precision of the tester's work.
- (c) Persons making milk component tests by any approved or final action testing methods for payment purposes shall be able to demonstrate a capability to reproduce their own original tests and be able to produce work comparable to official final action tests from duplicate samples tested by the Department's dairy chemistry laboratory within the limits outlined in subsection (e) of this section.
- (d) Where analysis of milk components for payment purposes are made by infrared instrumentation, the Department will provide calibration samples to laboratories at a frequency established by mutual agreement but no less than that recommended in the instruction manual of the manufacturer of the instrument. The laboratory must demonstrate that they meet the required precision and accuracy as outlined in subsection (e) of this section.

(e)

ACCURACY AND PRECISION OF MILK TESTS BETWEEN RETESTS AND/OR OFFICIAL LABORATORY TESTS

	A	ccuracy	g. , , ,	Precision
		Mean fference	Standard Deviation of the Difference (SDD)	Maximum Difference between original test & retest
	<i>5–</i> 8	9–16	. ,	
Component	Tests	Tests		
% Milk Fat % Total Solids % Solids Not Fat % Protein % Lactose	± 0.04 0.07 0.07 0.05 0.05	± 0.03 0.05 0.05 0.04 0.04	0.05 0.08 0.08 0.06 0.06	0.06 0.12 0.12 0.05 0.07

- (f) When a retest on individual sample of milk exceeds the maximum difference in subsection (e) of this section, the retest shall be used, unless the sample is deemed to be unsuitable for testing due to oiling off, churning, water in the sample, or other sample anomaly, in which case the application of the averaging procedures in section 525(e) of this article, shall be used. A test on an individual sample of milk that exceeds the previous test average (minimum of 4 samples to arrive at previous test average) by more than 0.2 % for any component will automatically trigger a retest.
- (g) When a retest on an individual sample of milk does not exceed the maximum difference allowed in subsection (e) of this section the original test must be used as the basis for payment, and the original test will be reported on the original test sheet, with an explanation of the retest.
- (h) When a retest on a sample of cream amounts to seventy-five hundredths of one percent (0.75%) or greater, the retest shall be used, unless the sample is deemed to be unsuitable for testing due to oiling off, churning, water in the sample, or other sample anomaly, in which case the application of the averaging procedures in section 525(e) of this article shall be used.

(i) The Department may check the accuracy and precision of licensed testers' work by unannounced inspections. The Department will review the work of licensed testers whenever a complaint is made regarding the accuracy and precision of their work.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 32921 and 34261.5, Food and Agricultural Code.

HISTORY

- 1. New section filed 10–19–79; designated effective 1–1–80 (Register 79, No. 42).
- 2. Editorial correction of Example 2 (Register 80, No. 6).
- 3. Amendment filed 2-15-2007; operative 3-17-2007 (Register 2007, No. 7).

§ 512.3. Licensing.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 32921 and 34261.5, Food and Agricultural Code.

HISTORY

- 1. New section filed 10–19–79; designated effective 1–1–80 (Register 79, No. 42).
- 2. Repealer filed 2-15-2007; operative 3-17-2007 (Register 2007, No. 7).

§ 513. Infrared Instrumentation.

The Department approves of the use of mid-infrared instruments that rapidly determine the percentages of the fat, protein, lactose and solids content of milk as outlined in the 17th Edition of Standard Methods for the Examination of Dairy Products, which is incorporated by reference, including all precalibration testing requirements and routine instrument performance checks, when such findings form the basis for payment for raw milk.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 32921, 34202, 34231, 34261.5, 35784, 38181, 38191–38213, Food and Agricultural Code.

HISTORY

1. New section filed 2–15–2007; operative 3–17–2007 (Register 2007, No. 7). For prior history, see Register 79, No. 42.

§ 513.5. Operation of Infrared Instruments.

- (a) The following shall govern the determination of milk components by Infrared (IR) instrumentation:
- (1) Persons testing raw milk by means of IR instrumentation shall hold a tester's license for IR and work under the supervision of personnel also licensed for IR testing, and responsible for all aspects of component payment testing at the facility.
- (2) Each day the IR instrument is used, a check (pilot) sample warmed according to section 15.121 of the 17th Edition of Standard Methods for the Examination of Dairy Products, which is incorporated by reference, with the temperature verified and recorded prior to testing, shall be analyzed at start-up and once every hour thereafter. The pilot sample can be a commercially prepared pilot sample, UHT whole milk, pasteurized whole milk, or raw milk or similar matrix. The pilot sample shall be handled, prepared, and tested in the same manner as producer payment samples. The pilot sample component values will be determined by averaging several instrument readings, after having cleaned and zeroed the instrument. The average instrument readings for each component will be used as the baseline to compare the daily start-up and hourly pilot samples. The results shall be recorded in the permanent log book, in accordance with subsection (a)(5). The component values on the pilot samples shall be less than or equal to 0.04% of the original base line values. If any component value on a pilot sample exceeds the original base line value by more than 0.04%, the instrument shall be cleaned and zeroed, and a fresh pilot sample shall be run. If any of the pilot sample components still deviate from the baseline values by more than 0.04% the instrument will be considered to be malfunctioning, and all payment samples analyzed since the last acceptable pilot sample shall have their results reported using the averaging procedures outlined in section 525(e) of this article. In the event of instrument malfunction further testing must be done by alternate official final action methods, or acceptable methods of comparable accuracy. If the laboratory cannot perform the above methods, payment samples must be sent to another payment laboratory for analysis. The laboratory management shall submit a letter to the Department's Milk and Dairy Food Safety Branch identifying the alternate official final action methods and/or alternate laboratory that shall be used to analyze payment

samples in the event of instrument malfunction, and update the letter as circumstances change.

- (3) Samples of raw milk which are high in acidity, coagulated, or churned may not be tested by IR.
- (4) If at any time the tester licensed to make milk component determinations by IR has reason to believe the results obtained are biased or inaccurate, all further testing must be done by alternate official final action methods listed in Food and Agricultural Code section 32921, or by acceptable methods of comparable accuracy, or the samples shall be tested by another payment laboratory until the bias is eliminated.
- (5) The recommendations provided in the Instruction Manual of the manufacturer for calibration, sample preparation, operation, routine maintenance, daily instrument checks, and cleaning shall be followed, unless otherwise instructed in writing by a representative of the Department. A permanent log book shall be maintained that records the results of all pilot samples, as well as information pertaining to any adjustments made to the instrument (i.e. maintenance, calibration changes, daily instrument checks, and any other work done on the instrument). The log book shall be available for review by the Department upon request.
- (6) The volume of the test portion shall be sufficient to make an original test and a retest. This volume may vary by instrument depending on the individual instrument volume uptake settings.
- (7) The power input to the IR instrument shall be standardized by a constant voltage regulator.
- (8) The IR instrument must be operated in an air-conditioned room where the temperature does not exceed 80°F.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 32921 and 34261.5, Food and Agricultural Code.

HISTORY

1. New section filed 2-15-2007; operative 3-17-2007 (Register 2007, No. 7).

§ 514. Samples, Sampling and Weighing.

- (a) Bulk milk and cream must be thoroughly mixed in accordance with the 17th Edition of Standard Methods for the Examination of Dairy Products, which is incorporated by reference, for at least five minutes before sampling, or longer as may be required to obtain a representative sample throughout the tank. Bulk milk tanks from which samples are taken must be equipped with power-driven mechanical devices which will thoroughly mix the milk or cream prior to sample collection. Such mechanical devices shall be of a type and installed in a manner approved by the Department. Samples shall be representative of the fat content of the product sampled. Sampling tubes and dippers that are badly dented, or leak, must not be used. Cylindrical shaped dippers, only, shall be used when samples are secured with dippers. The sampling devices shall be rinsed in the product to be sampled before any part of the product is transferred to the sample bottle. Sample bottles shall be filled away from the farm tank opening so that no milk is spilled back into the farm tank. Sample bottles shall be filled no more than three quarters full to permit proper mixing of the sample at the laboratory.
- (b) Samples shall be marked with the date and the producer's name or patron number in a manner that will not erase.
- (c) Weights must be read and recorded to the nearest half-pound graduation on the scales for cream, and the nearest one-pound graduation for milk or weights taken or measurements made in a manner and to an accuracy acceptable to the Sealer of Weights and Measures.
- (d) At the time samples are being taken, licensee will be held responsible for operating the mechanical agitators in a manner that will assure a representative sample, and for securing a correct weight or measurement. NOTE: Authority cited: Sections 407 and 34261.5, Food and Agricultural Code. Reference: Sections 32731, 32734, 34201, 34231, 34265, 34301 and 35163, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 9–21–56; effective thirtieth day thereafter (Register 56, No. 18)
- Amendment filed 4–25–75 as procedural and organizational; effective upon filing (Register 75, No. 17).
- Amendment of section and new Note filed 2-15-2007; operative 3-17-2007 (Register 2007, No. 7).

Page 30 Register 2007, No. 7; 2–16–2007

§ 515. Sample Bottles.

Milk and cream samples to be tested for payment purposes shall be collected and held in single use plastic vials or bottles made of plastics that are manufactured from known chemical content, which does not contain materials that migrate into the food which may adversely affect the composition or bacteriological quality of the product.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 34351 and 35166, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 9–21–56; effective thirtieth day thereafter (Register 56, No. 18).
- 2. Amendment of section heading, repealer and new section and new NOTE filed 2–15–2007; operative 3–17–2007 (Register 2007, No. 7).

§ 516. Milk Preservatives.

For preserving milk samples in the laboratory for the determination of milk components, bronopol (0.02-0.06 percent by weight of the sample), bronopol with a yeast and mold inhibitor (0.02-0.06 percent by weight of the sample), or potassium dichromate (0.1 percent maximum by weight of the sample) may be used. A request for approval for the use of other preservatives not specified in this section, must be submitted in writing to the Department prior to use. Any milk sample tested within 3 days after the sample is collected need not be preserved.

NOTE: Authority cited: Sections 407 and 34231, Food and Agricultural Code. Reference: Section 34231(b), Food and Agricultural Code.

HISTORY

- 1. Amendment of subsection (a) filed 3-22-74; effective thirtieth day thereafter (Register 74, No. 12).
- Repealer and new section filed 2-15-2007; operative 3-17-2007 (Register 2007, No. 7).

§ 517. Storage and Testing of Samples.

(a) The management of each facility that tests milk or cream for basis for payment shall designate one licensed tester to be the responsible party (designee) for ensuring that the samples are received, stored, handled, prepared, tested, and recorded as outlined in sections 499, 509, 510, 511, 512, 512.1, 512.2, 513, 513.5, 515, 516, 517, and 525 of Title 3 of the California Code of Regulations, and ensure that all personnel who test samples for payment are licensed testers. The designee shall also be responsible for ensuring that the daily calibration checks are performed and recorded properly, and that the instrument is maintained according to the manufacturer's suggested guidelines. Management shall, within at least 24 hours, notify the Department by telephone or electronic mail when there is a personnel change with regard to the designee, and make certain that at all times there is a trained backup person available to take over the designee's role.

(b) Each person purchasing, receiving, or selling milk or cream on the basis of milk components shall provide a refrigerator maintained at a temperature between 0° and 4.4°C. in which licensed weighers, samplers and testers shall keep all samples taken or maintained during sampling and holding periods. All such samples shall be kept in a secure place in the refrigerator which shall be constructed and maintained in a manner acceptable to the Department. Written procedures shall be in place to ensure the security of the samples at all times. A copy of the written procedures shall be submitted to the Department at the time the laboratory requests approval for payment testing, whenever procedures or methods are changed, or when requested by the Department.

(c) Samples of all milk and cream tested at a payment laboratory shall be maintained for a period of at least 72 hours after testing. The laboratory designee shall be personally responsible for their safekeeping.

NOTE: Authority cited: Sections 407 and 34231, Food and Agricultural Code. Reference: Sections 32921,34231,34261,34261.5,34262,34263,34264 and 34265, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 9–21–56; effective thirtieth day thereafter (Register 56, No. 18).
- Amendment filed 6–11–64; effective thirtieth day thereafter (Register 64, No. 13).
- Amendment filed 3–22–74; effective thirtieth day thereafter (Register 74, No. 12).

Amendment of section and Note filed 2–15–2007; operative 3–17–2007 (Register 2007, No. 7).

§ 518. Test Room Equipment.

NOTE: Authority cited: Sections 407, 34321–34327, Food and Agricultural Code. Reference: Sections 32921 and 34261.5, Food and Agricultural Code.

History

- 1. Amendment of subsection (a) filed 4–25–75 as procedural and organizational; effective upon filing (Register 75, No. 17).
- 2. Repealer filed 10-19-79; designated effective 1-1-80 (Register 79, No. 42).

§ 519. Accuracy in Weighing Cream Tests.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 32921 and 34261.5, Food and Agricultural Code.

HISTORY

1. Repealer filed 10–19–79; designated effective 1–1–80 (Register 79, No. 42).

§ 520. Accuracy in Measuring Milk Tests.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 32921 and 34261.5, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 9–21–56; effective thirtieth day thereafter (Register 56, No. 18)
- 2. Repealer filed 10–19–79; designated effective 1–1–80 (Register 79, No. 42).

§ 521. Mixing Samples and Acid.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 32921 and 34261.5, Food and Agricultural Code.

HISTORY

1. Repealer filed 10–19–79; designated effective 1–1–80 (Register 79, No. 42).

§ 522. Operation of Centrifuge.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 32921 and 34261.5, Food and Agricultural Code.

HISTORY

1. Repealer filed 10–19–79; designated effective 1–1–80 (Register 79, No. 42).

§ 523. Reading Cream Tests.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 32921 and 34261.5, Food and Agricultural Code.

HISTORY

1. Repealer filed 10–19–79; designated effective 1–1–80 (Register 79, No. 42).

§ 524. Reading Milk Tests.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 32921 and 34261.5, Food and Agricultural Code.

HISTORY

1. Repealer filed 10–19–79; designated effective 1–1–80 (Register 79, No. 42).

§ 525. Keeping Records of Tests.

- (a) All milk and cream test record sheets shall be permanently identified with the name or number of the concern for whom the tests are made. Daily test records must be available at the laboratory in hard copy for no less than 30 days, in addition to any back up copies of the data. After 30 days the records may be archived to any type of removable storage media where they are to be kept for a minimum of two years.
- (b) Each test record sheet shall be authenticated by the full signature of the licensed tester, marked with the complete date on which the tests were made, and the date the sample was taken. The name and address of the person, firm, company, or association purchasing, receiving, or selling the product that has been tested shall appear on the test record sheets. The name and address of the testing laboratory shall appear on the test record sheet. If an infrared instrument is used, the serial number of the instrument used to test the samples shall appear on each test record sheet.
- (c) Whenever a change in the records, while still in possession of the tester, is necessary by reason of accident or failure to properly record the test, or when a retest is made, and the retest is sufficiently different from the first test, as specified in section 512.2(e), the original entry on the records shall be marked out with a single stroke of the pen, without obliterating the figures, and the correction or retest noted immediately adjacent to the original entry. The change shall be identified by the initials of the tester, which are to be written on the test record sheet immediately adjacent to the correction. Whenever, for any such cause, a change in the records is necessary, a record of such change shall be made by the licensed

tester on a retest sheet. Any changes or corrections occasioned by these retests are to be made by the licensed tester only, and the original retest sheet must be permanently fastened to the original test record sheet. The name and address of the person, firm, company, or association purchasing, receiving, or selling the product retested must be entered on all retest sheets. Two dates must appear on all retest sheets—one showing the date the retest was made and the other showing the date that the milk or cream was first tested. All retest sheets must be made with ink and be signed with the full name of the tester. All retests must be accompanied by the patron's name or number in order to determined to whom the sample retested belonged.

- (d) The original test record sheets shall be delivered to the management of the concern for whom the tests are made immediately upon completion of the tests on the day's samples.
- (e) When sample bottles leak or they are lost, or the contents are partly spilled, or the bottles are broken or cracked, or for any other reason the sample is not representative, notation of occurrence must be made on the test record sheet by the licensed tester. In such cases an averaged test must be given to the patron, based on the average of the four immediately preceding tests if the sample was a milk sample. In the case of a sample of cream, the averaged amount of fat shall be based on the average of four deliveries of cream from the same patron, immediately preceding the day for which the fat is averaged.
- (f) Weights or measurements must not be changed without approval of the Department, except where obvious errors have been made by the licensed sampler and weigher. An average weight or measurement based on the four immediately preceding recorded weights, whenever available, shall be used if the actual correct weight cannot be determined.
- (g) Explanations as to averaged tests on milk and averaged amounts of fat on cream, and averages in weights or measurements must appear on the original patron statement. All such changes must be identified with the name or initials of the plant manager or the person responsible for these records.

NOTE: Authority cited: Sections 407 and 34231, Food and Agricultural Code. Reference: Section 34231(b), Food and Agricultural Code.

HISTORY

- 1. Amendment filed 9–21–56; effective thirtieth day thereafter (Register 56, No. 18).
- Amendment filed 6–11–64; effective thirtieth day thereafter (Register 64, No. 13).
- 3. Amendment filed 3–22–74; effective thirtieth day thereafter (Register 74, No. 12).
- 4. Amendment filed 2-15-2007; operative 3-17-2007 (Register 2007, No. 7).

§ 526. Character of Work.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 32921 and 34261.5, Food and Agricultural Code.

HISTORY

1. Repealer filed 10-19-79; designated effective 1-1-80 (Register 79, No. 42).

§ 527. Observation of Laws, Rules and Regulations.

HISTORY

1. Repealer filed 2–15–2007; operative 3–17–2007 (Register 2007, No. 7).

§ 528. Gerber Testing.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 32921 and 34261.5, Food and Agricultural Code.

HISTORY

1. Repealer filed 10-19-79; designated effective 1-1-80 (Register 79, No. 42).

§ 529. Gerber Test Methods.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 32921 and 34261.5, Food and Agricultural Code.

HISTORY

1. Repealer filed 10-19-79; designated effective 1-1-80 (Register 79, No. 42).

§ 530. Accuracy of Equipment.

 $Note: Authority\ cited: Section\ 407, Food\ and\ Agricultural\ Code.\ Reference: Sections\ 32921\ and\ 34261.5,\ Food\ and\ Agricultural\ Code.$

HISTORY

1. Repealer filed 10–19–79; designated effective 1–1–80 (Register 79, No. 42).

§ 531. Applicable Sections.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 32921 and 34261.5, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 9–21–56; effective thirtieth day thereafter (Register 56, No. 18).
- $2.\ Repealer\ filed\ 10–19–79;\ designated\ effective\ 1–1–80\ (Register\ 79,\ No.\ 42).$

§ 532. Mojonnier Testing.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 32921 and 34261.5, Food and Agricultural Code.

HISTORY

1. Repealer filed 10–19–79; designated effective 1–1–80 (Register 79, No. 42).

§ 533. Accuracy of Equipment.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 32921 and 34261.5, Food and Agricultural Code.

HISTORY

1. Repealer filed 10-19-79; designated effective 1-1-80 (Register 79, No. 42).

§ 534. Examination of Glassware.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 32921 and 34261.5, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 4–25–75 as procedural and organizational; effective upon filing (Register 75, No. 17).
- 2. Repealer filed 10-19-79; designated effective 1-1-80 (Register 79, No. 42).

§ 535. Applicable Sections.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 32921 and 34261.5, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 9-21-56; effective thirtieth day thereafter (Register 56, No. 18)
- 2. Repealer filed 10-19-79; designated effective 1-1-80 (Register 79, No. 42).

Article 14.5. Nonfat Milk Solids Testing and Reporting

§ 536. Operations and Methods.

NOTE: Authority cited for Article 14.5: Sections 16 and 685.5, Agricultural Code.

HISTORY

- 1. New Article 14.5 (Sections 536 through 542) filed 1–12–62; effective thirtieth day thereafter (Register 62, No. 1).
- 2. Repealer of article 14.5 (sections 536–542) and repealer of section filed 2–15–2007; operative 3–17–2007 (Register 2007, No. 7).

§ 537. Samples and Records.

HISTORY

1. Repealer filed 2-15-2007; operative 3-17-2007 (Register 2007, No. 7).

§ 538. Preserving and Compositing of Samples.

HISTORY

1. Repealer filed 2–15–2007; operative 3–17–2007 (Register 2007, No. 7).

§ 539. Test Room Equipment for Nonfat Milk Solids Testing.

HISTORY

1. Repealer filed 2-15-2007; operative 3-17-2007 (Register 2007, No. 7).

§ 540. Averaging of Tests.

HISTORY

1. Repealer filed 2-15-2007; operative 3-17-2007 (Register 2007, No. 7).

§ 541. Samples.

HISTORY

1. Repealer filed 2-15-2007; operative 3-17-2007 (Register 2007, No. 7).

§ 542. Character of Work.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 32921 and 34261.5, Food and Agricultural Code.

HISTORY

1. Repealer filed 10-19-79; designated effective 1-1-80 (Register 79, No. 42).

Article 14.6. Testing of Raw Milk for Butterfat by Light Transmission

§ 543. Milko-Tester.

NOTE: Authority cited: Sections 407 and 35162, Food and Agricultural Code.

- New Article 14.6 (§§ 543, 544, 545) filed 10–19–70; effective thirtieth day thereafter (Register 70, No. 43).
- Amendment filed 4–25–75 as procedural and organizational; effective upon filing (Register 75, No. 17).
- 3. Repealer of article 14.6 (sections 543–545) and repealer of section filed 2–15–2007; operative 3–17–2007 (Register 2007, No. 7).

§ 544. Milko-Tester Operation.

HISTORY

- 1. Amendment of subsections (i) and (l) filed 4-25-75; effective thirtieth day thereafter (Register 75, No. 17).
- 2. Repealer filed 2-15-2007; operative 3-17-2007 (Register 2007, No. 7).

§ 545. Applicable Sections.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 32921 and 34261.5, Food and Agricultural Code.

HISTORY

1. Repealer filed 10-19-79; designated effective 1-1-80 (Register 79, No. 42).

Article 14.7. Testing of Raw Milk for Butterfat and Other Milk Constituents by Infrared Light Transmission

§ 546. Infrared Milk Analyzer (IRMA).

NOTE: Authority cited for Article 14.7: Sections 407 and 35162, Food and Agricultural Code.

HISTORY

- 1. New Article 14.7 (Sections 546 and 547) filed 12–30–70; effective thirtieth day thereafter (Register 71, No. 1).
- 2. Amendment filed 4–25–75 as procedural and organizational; effective upon filing (Register 75, No. 17).
- 3. Repealer of article 14.7 (sections 546–547) and repealer of section filed 2–15–2007; operative 3–17–2007 (Register 2007, No. 7).

§ 547. Operation of IRMA.

HISTORY

- 1. Amendments filed 4–27–73; effective thirtieth day thereafter (Register 73, No. 17).
- 2. Repealer of subsection (o) filed 10–9–79; designated effective 1–1–80 (Register 79, No. 42).
- 3. Repealer filed 2-15-2007; operative 3-17-2007 (Register 2007, No. 7).

Article 14.8. Third Party Testing

§ 550. Purpose.

NOTE: Authority cited: Sections 407 and 34231, Food and Agricultural Code.
HISTORY

- 1. New Article 14.8 (§§ 550 through 554) filed 6–1–73; effective thirtieth day thereafter (Register 73, No. 22).
- 2. Repealer filed 2-15-2007; operative 3-17-2007 (Register 2007, No. 7).

§ 551. Definitions.

For the purposes of this Article, the term "third party" means a commercial laboratory or any laboratory approved by the Department having no vested interest in the laboratory findings of specific analyses.

NOTE: Authority cited: Sections 407 and 34231, Food and Agricultural Code. Reference: Sections 34201 and 34231, Food and Agricultural Code.

HISTORY

1. Amendment of section and Note filed 2–15–2007; operative 3–17–2007 (Register 2007, No. 7).

§ 552. Interplant Bulk Sales of Commingled Milk.

- (a) For bulk sales of commingled milk from members' ranches to a distributor when such deliveries are made by a non-profit cooperative association or its agent, the non-profit cooperative association shall be deemed a single producer subject to the provisions of section 34231(b) and (c).
- (b) For direct sales from individual members' ranches when the milk is picked up by a distributor or his agent, the non-profit cooperative

member shall be considered an individual producer subject to the provisions of section 34231(b) and (c).

NOTE: Authority cited: Sections 407 and 34231, Food and Agricultural Code. Reference: Sections 34231 and 34301, Food and Agricultural Code.

HISTORY

Amendment of section heading and section and new NOTE filed 2-15-2007; operative 3-17-2007 (Register 2007, No. 7).

§ 553. Procedures for Designation.

- (a) A designation of a laboratory or laboratories by the Department will be based upon a combination of the following criteria:
 - (1) Accuracy of analytical procedure.
- (2) Capability of laboratory or laboratories in terms of time and frequency of analyses.
 - (3) Lowest cost of service to be performed.
- (b) Whenever there is a substantial change in circumstances on which designation was predicated, the Department shall be advised by the parties; in such an event, the Department will determine whether a change in designation shall be made.
- (c) When, as a result of prescribed written application under provision of section 34231(c) of the Food and Agricultural Code, the Department designates third party testing, such designation shall be deemed operative for the distributor and for all producers shipping to the milk plant affected

NOTE: Authority cited: Sections 407 and 34231, Food and Agricultural Code. Reference: Sections 34921, 34233 and 34301, Food and Agricultural Code.

HISTORY

1. Amendment of section heading and section and new NOTE filed 2–15–2007; operative 3–17–2007 (Register 2007, No. 7).

§ 554. Resolution of Test Variations.

In the absence of mutual agreement or designation provided for in subsection (c) of section 34231 of the Food and Agricultural Code, analyses of milk fat and non-fat milk solids made on a lot or lots of milk by a licensed tester(s) representing the seller and a licensed tester(s) representing the buyer, any differences in findings will be resolved by using the findings of the laboratory utilizing the most accurate analytical procedure. When both testers use the same procedure, an average of the two tests will form the basis for resolution of the differences. If one or both samples are available, additional analyses shall be made.

NOTE: Authority cited: Sections 407 and 34231, Food and Agricultural Code.Reference: Section 34301, Food and Agricultural Code.

HISTORY

1. Amendment of section and new NOTE filed 2–15–2007; operative 3–17–2007 (Register 2007, No. 7).

Article 15. Registration of Dairy Containers Brands

§ 561. Registration of Dairy Containers Brands.

Any person desiring to register any brand, as provided by Sections 34531 and 34562 of the Food and Agricultural Code, shall file a properly executed application on a form supplied by the Department of Food and Agriculture of the State of California, whereupon the department, after holding for a period of three weeks during which time the proposed brand shall be advertised in one or more newspapers of general circulation published in the locality in which the principal place of business of the applicant is situated, and if at the end of such period there appears to be no contest of right or ownership to said brand, the department will upon receipt of an affidavit of publication, formally register such brand as the correct and legal designation for the property of the applicant.

NOTE: Authority cited: Sections 34531 and 34562, Food and Agricultural Code.

HISTORY

1. Amendment filed 4–25–75 as procedural and organizational; effective upon filing (Register 75, No. 17).

§ 562. Association Brand Registration.

In the event that any brand has been registered by an association whose members are engaged in receiving, producing, manufacturing, packing, canning, bottling, handling, or selling milk or any product of milk in containers on which such brand or any part thereof appears, such brand or part thereof may be used by all members of such association. Should any member of such association cease at any time to be a member for any reason whatever then such member shall thereafter have no right to use the brand, or any part of the brand registered by such association, whether the containers bearing such brand or part thereof shall have been acquired by such member before or after his membership shall have terminated. The foregoing shall apply to all brands registered by such association.

Article 16. Milk Products Plant Construction

§ 567. Milk Plant Construction.

HISTORY

- 1. Amendment filed 9–21–56; effective thirtieth day thereafter (Register 56, No. 18).
- 2. Amendment filed 2–23–62; effective thirtieth day thereafter (Register 62, No. 4).
- 3. Repealer filed 7-15-97; operative 8-14-97 (Register 97, No. 29).

§ 568. Fruit Juices.

Fruit juices and fruit juice base beverages may be handled in a milk products plant where frozen milk products are manufactured and packaged provided the handling of fruit juices and fruit juice beverages does not hamper or interfere with working space and render the milk products plant too crowded to be maintained in a sanitary condition at all times. Such beverages must be dispensed in a single service container and the milk products plant may be used only for the compounding, storage and sale of milk products and such beverages and combinations thereof. Consumption of any such products must be outside of the milk products plant.

HISTORY

- 1. New section filed 9–21–56; effective thirtieth day thereafter (Register 56, No. 18).
- 2. Amendment filed 2–23–62; effective thirtieth day thereafter (Register 62, No. 4).

Article 17. Condemnation of Milk Products

§ 571. Condemnation of Milk or Cream.

Whenever milk or cream is condemned under authority of Section 32761 of the Food and Agricultural Code the milk or cream shall be marked for identification by the following method:

A sufficient quantity of nontoxic certified color (dye) shall be added directly to the milk or cream to render such milk or cream distinct in color from that of normal milk or cream. A tag or label shall be attached to the containers of such condemned milk or cream and shall bear the words "condemned" and the reason for such condemnation and the signature of the authorized representative of the Department of Food and Agriculture or of an approved milk inspection service making the condemnation.

HISTORY

- 1. New section filed 9–21–56; effective thirtieth day thereafter (Register 56, No. 18).
- Amendment filed 4–25–75 as procedural and organizational; effective upon filing (Register 75, No. 17).

§ 572. Condemnation of Milk Products.

Whenever a manufactured product of milk or cream is condemned under Section 444, an authorized representative of the Department of Food and Agriculture of the State of California shall proceed to attach to such manufactured product, or the containers thereof, in an appropriate manner, a tag or label bearing the words "California inspected and retained." Such product shall not be sold, nor moved, nor transported without the authorization of the Director of Food and Agriculture to any place or premises until the owner thereof has been given due notice and hearing. Said labels shall be removed by an authorized representative of the said Department of Food and Agriculture and the product or products so held

either released or condemned and marked, or destroyed, or otherwise disposed of as determined by such hearing.

HISTORY

1. Amendment filed 4–25–75 as procedural and organizational; effective upon filing (Register 75, No. 17).

§ 573. Sediment Tests.

(a) Sediment test of milk by off-the-bottom method of one pint from ten gallon containers must be classified as to the sediment content as follows: Milk conforming to a No. 1 or No. 2 disc will be considered to be satisfactory. Milk containing sediment in excess of a No. 3 disc will be condemned for human consumption.

A No. 1 disc is construed to be free of sediment.

A No. 2 disc is construed to be a disc having not in excess of 0.5 mg. of sediment.

A No. 3 disc is construed to have not in excess of 2.5 mg, of sediment.

(b) Sediment test of one pint of milk from bulk lots by the mixed sample method containing sediment in excess of a No. 3 disc will be condemned for human consumption. A restricted size disc of 0.40 inch diameter will be used for the mixed sample method.

HISTORY

- 1. New section filed 9–21–56; effective thirtieth day thereafter (Register 56, No. 18)
- 2. Amendment filed 2–23–62; effective thirtieth day thereafter (Register 62, No. 4).

§ 574. Overflow Milk.

HISTORY

- New section filed 9-21-56; effective thirtieth day thereafter (Register 56, No. 18).
- 2. Repealer filed 7-15-97; operative 8-14-97 (Register 97, No. 29).

§ 575. Reconstitution or Recombining of Market Milk Products.

- (a) Except as otherwise specifically provided for in Division 15 of the Food and Agricultural Code, a market milk product is adulterated if water is added to it before, during, or after processing.
- (b) Any flavoring or syrups used in the manufacture of flavored market milk products may not be diluted with water. Syrup or imitation syrup shall not exceed 35 percent water.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Section 36064, Food and Agricultural Code.

HISTORY

1. New section filed 3–22–74; effective thirtieth day thereafter (Register 74, No. 12).

§ 576. Prevention of Drug Residues.

Each dairy farm producing milk shall have a procedure to prevent drug residues in milk to be used for human consumption.

- (a) Where dairy animals are treated with drugs capable of being secreted into milk and which require a period during which milk is to be withheld from human consumption, this procedure shall include all of the following:
- (1) The identification of each treated animal in a manner that will be permanent during the drug withdrawal period and will be recognizable to all persons concerned with the milking of such animals;
- (2) Keeping a record of each animal treated and showing the date, kind, and amount of drug used for each animal;
- (3) Listing the time period for withholding of milk following a drug treatment, as stated on the label for the drug used, or as recommended by a licensed veterinarian;
 - (4) Milking treated animals last or with separate equipment; and
- (5) Excluding such milk from consumption in accordance with label directions for the drug administered, or in accordance with instructions of a licensed veterinarian treating the animals, and recording the disposition of milk from treated animals.
- (b) When the residue of any drug is found in the milk from a dairy farm, the milk inspection service shall immediately suspend the dairy farm from further selling, offering for sale, or giving away any milk for human consumption until:
- (1) A review of the farm's procedures is made by the inspection service and found to be in substantial compliance with the requirements of subparagraph (a);

- (2) The dairy has provided for and does isolate treated animals from untreated animals and milks them as a separate group following the milking of untreated animals, or initiates other precautionary measures of equal effectiveness as approved by the Director;
- (3) Any milk produced by the dairy containing milk from treated animals, which is required to be excluded from human consumption and which has not been excluded has been condemned; and
- (4) Each lot offered for sale following suspension shall be tested for drug residue. The suspension shall remain in effect until these tests reveal the milk to be negative to drug residues.
- (c) If at any time a dairy farm is found not to be following the procedures under subparagraph (a), of this section, it shall be suspended until such requirements are met. However, no dairy farm shall be suspended for such violations if, after written notice by a qualified inspector, evidence is provided within 72 hours of the issuance of the notice that the violation is corrected or will be in substantial compliance. A copy of each notice issued under the provisions of this section shall also be given or mailed to the processor, or distributor of the milk or cream.
- (d) Processors and distributors who perform independent tests for drug residues in milk and cream shall make records of such tests available to the Director upon request.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 32731, 32761, 32765 and 32906, Food and Agricultural Code.

HISTORY

- 1. New section filed 10–24–75; effective thirtieth day thereafter (Register 75, No. 43).
- 2. Amendment filed 3–12–79; effective thirtieth day thereafter (Register 79, No. 11).

§ 576.1. Detection of Drug Residues in Milk Reporting.

Each processing facility shall have a program in place to screen all bulk raw milk pickup tankers for drug residues with approved tests as specified in United States Food and Drug Administration, Milk Safety Branch, Coded Memorandum M-a-85, effective January 22, 2001 (M-a-85).

- (a) The following Federal and State testing procedures shall be applied by each processing facility on all drug residue screening tests performed on bulk raw milk pickup tankers of milk for human consumption using test methods approved by the Secretary and specified in M-a-85:
- (1) The drug residue testing procedures specified by United States Food and Drug Administration, Milk Safety Branch, Coded Memorandum M–a–86, effective July 23, 2001 (M–a–86), General Guidelines for Bulk Milk Pickup Tanker Screening Tests shall be followed by each processing facility.
- (2) United States Food and Drug Administration, Milk Safety Branch, Coded Memorandum M-a-86, sets forth the certification requirements of industry personnel for screening bulk milk pickup tankers for drug residues.
- (3) Milk handlers shall report all positive drug residue results from bulk raw milk tankers to the Milk and Dairy Foods Control Branch immediately, not to exceed the next State working day.
- (4) Milk handlers shall report all bulk raw milk pickup tanker drug residue test results (negative and positive) to the Milk and Dairy Foods Control Branch on a quarterly basis.
- (5) Bulk raw milk pickup tankers reported positive for drug residues must be confirmed at a State and Federal certified laboratory by State and Federal certified analysts by completing all of the following tests: Lactek B-L, Lactek CEF and Bacillus Stearothermophilus Disc Assay, or an equivalent series of tests approved by the Secretary.
- (b) Handlers with producer pools or cooperatives who have established a single approved M-a-85 test by policy or contract agreement with producers may upon application to the Secretary and upon approval be allowed to use confirmation testing by the same drug residue test method employed in screening at a State and Federal certified laboratory by State and Federal certified analysts.
- (c) All drug residue samples required by subsections (a) and (b) shall be obtained by a licensed sampler and weigher or persons authorized pursuant to Section 32701 of the Food and Agricultural Code.

(d) Milk containing violative drug residues shall be condemned and disposed of in a manner approved by the Secretary.

NOTE: Authority cited: Sections 407, 32761.5 and 33083, Food and Agricultural Code. Reference: Sections 32701, 32731, 32811, 32814 and 33733, Food and Agricultural Code.

HISTORY

- New section filed 1-30-95 as an emergency; operative 1-30-95 (Register 95, No. 5). A Certificate of Compliance must be transmitted to OAL 5-30-95 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 1–30–95 order transmitted to OAL 5–26–95 and filed 7–11–95 (Register 95, No. 28).
- 3. Change without regulatory effect amending first paragraph and subsection (a)(1) filed 1–8–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 2).

Article 18. Milk Separation

§ 577. Milk Separation.

Milk to be separated for the production of market cream may be heated upon arrival at the plant to a temperature not to exceed 110 degrees F. If heated to a higher temperature the milk must be carried through the complete process of pasteurization and the market cream produced therefrom must be labeled with the word "pasteurized."

Article 19. Operators of Pasteurization Equipment

§ 581. Pasteurization Requirements and Equivalency.

- (a) In accordance with the provisions of sections 32515 and 34001 of the Food and Agricultural Code, processes which have been demonstrated to be equally efficient and approved by the Department are as follows:
- (1) "Pasteurization", "pasteurized" and similar terms shall mean the process of heating every particle of milk or milk product, in approved equipment (as specified in Article 19), to one of the temperatures given in the following chart and held continuously at or above that temperature for at least the corresponding specified time:

Temperature	Time
63°C (145°F) (see 581(a)(1)(A))	30 minutes
72°C (161°F) (see 581(a)(1)(A))	15 seconds
89°C (191°F)	1.0 second
90°C (194°F)	0.5 seconds
94°C (201°F)	0.1 seconds
96°C (204°F)	0.05 seconds
100°C (212°F)	0.01 seconds

(A) If the fat content of the milk product is ten percent (10%) or more, or if it contains added sweeteners, or if it is concentrated (condensed), the specified temperature shall be increased by 3°C (5°F). Provided, that eggnog, as defined in 21 CFR, section 131.170 (2005), shall be heated to at least the following temperature and time specifications:

Temperature	Time
69°C (155°F)	30 minutes
80°C (175°F)	25 seconds
83°C (180°F)	15 seconds

- (b) Proposals must be submitted to the Department of Food and Agriculture, Milk and Dairy Food Safety Branch, for consideration of a process to be equally efficient to the pasteurization and immediate cooling standards as specified in section 34001 of the Food and Agricultural Code and subsections (a)(1) and (a)(1)(A) of this section. The proposal shall be evaluated for equivalency, on a case—by—case basis, and the proposal shall include, but is not limited to, the following information:
- (1) Company name, address, contact information, corporate address, and the facility location where the equipment is proposed for use.
- (2) Statement of proposal, including the description of the process and an explanation why currently approved methods cannot be used, or are less practical, for the proposed application.
- (3) Identification of product(s) to be processed with the proposed methodology.
 - (4) Diagram of the process and product flow.

- (5) Process parameters, including temperature(s), pressure(s) and times, and significant equipment or parameter changes from currently approved methods of pasteurization.
 - (6) Equipment material, design and finishes.
- (7) Statistically valid experimental data that compares the proposed process to currently approved methods, and that relates the data to the conditions and product formulations in California under which the product(s) is intended for use.
- (8) If available, written approval from other state or federal dairy regulatory agencies, or published conference actions of the National Conference on Interstate Milk Shipments (NCIMS) supporting the proposed process.
- (9) If available, technical reviews or evaluations furnished by state or federal accredited and licensed, scientists, engineers or other professionals that specialize in, or relate to the proposed process.
- (c) The Department shall respond to written proposals within 30 business days to acknowledge receipt of the proposal.
- (d) Prior to issuing a decision regarding equivalency, the Department may conduct site visits, may conduct a pilot program to verify and study the results of the equivalency process, and may perform any other tests or studies to verify equivalency as the Department deems appropriate on a case—by—case basis.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 32515 and 34001, Food and Agricultural Code.

HISTORY

- 1. New section filed 9-16-2005; operative 10-16-2005 (Register 2005, No. 37).
- 2. Editorial correction of subsection (a)(1)(A) (Register 2006, No. 3).

§ 582. Operators of Pasteurization Equipment.

- All persons operating pasteurizers must comply with the following:
- (a) Every pasteurizer must be equipped and operated with a recording thermometer which must be used solely for that individual piece of equipment. Transferring of thermometer spuds from one vat to another is prohibited.
- (b) Recording of temperatures on recording thermometer charts shall be continued during the complete revolution of the chart and in no case shall a recording thermometer chart be used for a period longer than for which it was intended.
- (c) Recording thermometer charts shall be placed on recording thermometer devices in a way that will record the correct time of day during which the various operations of pasteurization, cooling (if cooled in vat) and sterilization took place.
- (d) Recording thermometer charts shall be dated at the time they are placed on recording thermometer devices.
- (e) Notations shall be placed on recording thermometer charts showing what product or products were pasteurized.
- (f) All recording thermometer devices shall be securely fastened to solid foundations and shall be free from vibration.
- (g) All recording thermometer charts shall be authenticated by the signature of the operator of the pasteurizing equipment.

HISTORY

- 1. Amendment filed 8–31–51 designated to be effective 10–1–51 (Register 25, No. 4)
- 2. Amendment filed 9–21–56; effective thirtieth day thereafter (Register 56, No. 18).

§ 583. General Requirements.

- (a) The process of condensing or evaporating milk or milk products does not constitute pasteurization.
- (b) All inlet and outlet valves to pasteurizers (installed after the effective date of this provision) shall be leak protector type properly installed to prevent any mixing with raw products.
- (c) The inlet lines on pasteurizers not equipped with leak protector valves shall be removed during the heating, holding and emptying period. The outlet lines on pasteurizers not equipped with leak protector valves must be removed during the filling, heating and holding periods.
- (d) All milk and milk products pipelines connected to pasteurizers shall be vented and otherwise controlled to prevent siphonage.

- (e) All indicating and recording thermometers and charts shall comply with the specifications set forth under HTST method and holder method, hereinafter described, except where the products are heated by the holding method above 150 degrees F. or by the HTST method above 165 degrees F., in which case, the temperature indicating and recording devices shall be of a type approved by the director.
- (f) All milk and milk products tanks and receptacles used in the processing and filling operations shall have sanitary covers which protect the product from contamination. Drip shields and port collars shall be provided whenever necessary to prevent splash and contamination.
- (g) The operator of each pasteurizer shall at least once during his work-day or shift check the recording thermometer against the indicating thermometer on all pasteurizers used by him. The check must be made during the process of pasteurization at pasteurization temperature after a stabilization period of at least five minutes at constant temperature. The temperature of the indicating thermometer shall be recorded on the recording chart together with a mark designating the time at which the check was made.
- (h) The rotating chart support must be provided with pins or knife to puncture the chart in a manner that will prevent its fraudulent rotation.

HISTORY

- 1. New section filed 8–31–51 designated to be effective 10–1–51 (Register 25, No. 4).
- Amendment filed 2–23–62; effective thirtieth day thereafter (Register 62, No. 4).

§ 584. Holding Method.

- (a) Where holding method of pasteurization is used and the product heated above 161 degrees F., the holding time may be reduced by one minute for each degree of temperature above 145 degrees F., provided the product so treated will successfully pass the phosphatase test for pasteurization as prescribed in the current edition of Standard Methods for the Examination of Dairy Products.
- (b) Each holder vat must be equipped and operated with a satisfactory means of keeping the atmosphere in the vat above the milk or milk products at a temperature of t least 5 degrees F. higher than the required pasteurization temperature of the product during the heating and holding period. If steam is admitted into the vat, the steam line must be provided with a trap properly designed to avoid the discharge of water into the product. An approved sanitary type air temperature indicating thermometer must be installed on each vat. The air temperature thermometer must have a scale range of 130 degrees F. to 210 degrees F. Temperature ranges above or below are permissible. It must be accurate within 1 degree F. plus or minus, through the specified scale range; the smallest scale division must not be more than 2 degrees F. and not more than 16 degrees per inch of scale.
- (c) Recording thermometer charts made for products pasteurized by the holding method must show the end point of the holding period by some distinguishing mark which must be made before any of the product is removed from the vat. A notation must be placed on the recording chart showing the temperature of the air space as indicated by the air space thermometer for each vat of product pasteurized.
 - (d) Flush-type outlet valves are required on pasteurizing vats.
- (e) Installations made after the effective date of this provision shall comply with the following: If the interior lining of the vat is flared at the valve opening, then the diameter at the large end of the flare shall be at least equal to the depth of the flare, plus the diameter of the opening. The distance from the small end of the flare to the valve shutoff point or the distance from the interior lining to valve shutoff point if no flare is used shall not exceed the diameter of the opening.
- (f) Indicating thermometers shall be accurate within 0.5 degrees F., plus or minus, within the pasteurization temperature range, and shall have a scale range of 130 degrees to 212 degrees F., extension either side permissive, protected against damage at 220 degrees F. The smallest scale division shall not be more than 1 degree F. between 130 degrees and 150 degrees F. The magnification of the mercury column shall be to apparent width of not less than one–sixteenth inch (1/16). Spuds of indicat-

Page 36

ing thermometers shall be at the level of the spud of the recording thermometer.

(g) Recording thermometers and charts not exempt by subsection (e) of Section 583 of the Administrative Code must comply with the following specifications:

Temperature Accuracy. Within 1 degree F., plus or minus, between 142 degrees and 145 degrees.

Time Accuracy. The recorded elapsed time as indicated by the chart rotation must not exceed the time elapsed as indicated by a correct time-piece over a period of at last 30 minutes.

The smallest temperature scale division must not be greater than one degree between 140 degrees and 145 degrees F.

The width of the scale division between 142 degrees and 145 degrees F. must not be less than one–sixteenth of an inch.

The radial lines that indicate the time must not be closer than one-fourth inch between 142 degrees and 145 degrees F. and represent not more than 10 minutes.

HISTORY

- 1. New section filed 8–31–51 designated to be effective 10–1–51 (Register 25, No. 4).
- Amendment filed 9–21–56; effective thirtieth day thereafter (Register 56, No. 18).
- 3. Amendment filed 2–23–62; effective thirtieth day thereafter (Register 62, No. 4).

§ 585. High-Temperature, Short-Time Pasteurization.

- (a) All HTST pasteurizing devices shall be equipped so as to automatically prevent the forward flow of milk or milk products which have not been heated to the required temperature.
- (b) The regenerator must be designed and installed so that the raw product will at all times be at a lower pressure than the pasteurized product.
- (c) The raw product "cross-overs" shall be constructed so that any leakage will be to the atmosphere.
- (d) The holding time of at least 15 seconds in forward flow and diverted flow is required in the pasteurization of milk or fluid derivatives. In the pasteurization of ice cream mix or ice milk mix the holding time shall be at least 25 seconds in forward flow and diverted flow; and the temperature of pasteurization shall be at least 175 degrees F.

No holding time is required in the pasteurization of milk or milk products if the temperature of pasteurization in approved high-temperature short-time equipment is at least 192 degrees F. and 194 degrees for the vacreator. Milk and milk products pasteurized by the Roswell process shall be heated to 200 degrees F. and held at that temperature for a minimum of three seconds.

- (e) The holding tube must have a positive upward slant from the inlet to the outlet. The brackets must be permanently installed. The indicating and recording controller spuds and the flow diversion valve must be located at the outlet end of the holding tube.
- (f) The timing pump shall be so constructed and operated that the speed setting will insure the required holding time. All variable speed pumps must have a high speed stop that can be sealed and so designed that wear or stretch of belts or other driving medium will not shorten the holding time.
- (g) HTST pasteurizers shall be checked and sealed by the director or authorized representatives of an approved milk inspection service before using and as often as is necessary to insure satisfactory operation. The timing pump, if variable speed type, shall be sealed to prevent increase of the maximum allowable speed. Other types of pumps, including homogenizers, may be sealed at the option of the control official. The setting device for controlling the flow diversion temperature shall be sealed in a tamper proof manner. Equipment on which the seals are broken or tampered with is not in compliance with Section 515 of the Agricultural Code.
- (h) Plant managers shall immediately notify the local milk inspection service or the state representative, whichever has immediate supervision,

in case of any readjustment or replacements of parts which may affect the pasteurization holding time or temperature.

- (i) All variable control devices shall be sealed in a tamper proof manner to prevent their use above maximum setting.
- (j) No manual switches are permitted that will cause a flow diversion valve to assume the forward flow position below pasteurizing temperature
- (k) The recording thermometer device on HTST pasteurizers shall record on the chart the operation of the forward flow control.
- (1) Indicating and recording thermometers not exempt by subsection (e) of Section 583 of Administrative Code must comply with the following specifications:

Indicating Thermometers. The scale division must not be more than one–half degree between 138 and 165 degrees F.; accurate within one–half degree F. plus or minus, and not more than eight degrees F. per inch of scale. Lag must not exceed four seconds on temperature rise between 141 and 153 degrees F. when the spud is at room temperature and is then immersed in stirred water at 160 degrees F.

Recording Thermometers. Scale range 145 to 200 degrees F.—the smallest scale division must not be more than one degree between 159 and 162 degrees F. Scale lines must be at least one—sixteenth inch wide in this range. The recording device must record the correct time of day. Recording of temperature must be accurate within one degree F. The pen arm setting device must be easily accessible and simple to adjust. The pen must record a thin, clear line. Radial lines that indicate the time must not be closer than one—fourth inch between 159 and 162 degrees F.; the space must not represent more than 10 minutes.

- (m) Flow diversion valve controller response not to exceed five seconds on temperature rise from 148 to 160 degrees F. when the spud is at room temperature and then is immersed in well stirred water at 167 degrees F.
- (n) The operator of each HTST (high-temperature short-time) pasteurizer must at least once at the beginning of his workday or shift make a notation on the recording thermometer chart of the cutin and cutout temperature of the flow diversion valve.

HISTORY

- 1. New section filed 8–31–51 designated to be effective 10–1–51 (Register 25, No. 4).
- 2. Amendment filed 9–21–56; effective thirtieth day thereafter (Register 56, No. 18).

§ 586. Preheated Cream.

Cream subjected to heat treatment as provided for in Section 34003 of the Food and Agricultural Code must be labeled "preheated cream." Section 577 of the Administrative Code is not applicable to "preheated cream."

HISTORY

- 1. New section filed 9–21–56; effective thirtieth day thereafter (Register 56, No. 18).
- 2. Amendment filed 4–25–75 as procedural and organizational; effective upon filing (Register 75, No. 17).

Article 20. Milk Products Plant Floor Drains

§ 587. Milk Products Plant Floor Drains.

In accordance with the requirements of Section 33768 of the Food and Agricultural Code, floor drains or sewage drains with exposed pipes within any product processing or packaging room or any room where processing or clean packaging equipment is handled or kept, shall be constructed in a leak–proof manner. Screw–joint pipe and no–hub–band joints, when correctly installed, are considered leak–proof. Pipe supports shall be installed to maintain pipe alignment. Bell–hub joints shall be completely enclosed with a metal sheeting sloped sufficiently toward an outlet in the sheathing at floor level to readily detect leakage in the drainage or sewer pipe, and shall be of such construction as to permit removal of the sheathing for repairing any leakage that might occur in the drainage or sewer pipe line or sealed in a manner acceptable to the Director.

Amendment filed 4–25–75; effective thirtieth day thereafter (Register 75, No. 17).

Article 21. Milk Inspection Services

§ 590. Registered Dairy Inspector.

In accordance with the provisions of Food and Agricultural Code Sections 33112 and 33114, provisions for examinations will be as follows:

- (a) Written examinations will be scheduled in Sacramento, Oakland. Fresno, and Los Angeles semi-annually. The examination time and date will be set at least 60 days prior to the examination. If proof of hardship is offered, the Director may give special examinations at other times.
- (b) Applications for registration must be made on forms available from the Department of Food and Agriculture, and must be filed with a non-returnable fee of ten dollars (\$10 with the Department of Food and Agriculture no later than 15 days prior to the date of examination.
- (c) A grade of 75 percent in both written and oral examinations will be considered the minimum passing grade.
- (d) A non-returnable examination fee of twenty five dollars (\$25) shall be paid to the Department of Food and Agriculture before or at the time and place of examination.
- (e) The oral examination shall be conducted by a panel selected by the Director.
- (f) A copy of the college transcript of record shall accompany the application for persons not employed as Dairy Inspectors as of March 1, 1973.

HISTORY

1. New section filed 3–29–73; effective thirtieth day thereafter (Register 73, No. 13).

§ 598. Milk Inspection Services.

Any unit of government desiring approval of a milk inspection service shall make application for approval in writing to the Director of Food and Agriculture of the State of California. Upon receipt of said application, the said Director of Food and Agriculture shall issue a certificate of approval to the milk inspection service, provided, such approval may be withdrawn should the milk inspection service later become inefficient or fail to carry out the requirements of the Food and Agricultural Code or Administrative Code as they apply to Approved Milk Inspection Services.

No withdrawal of approval shall be made until the Director of Food and Agriculture has given written notice to the inspection service involved. Such inspection service shall have 30 days to file a written request for a hearing with the Director of Food and Agriculture. No withdrawal of approval shall be made before the expiration of 30–day period granted to file a written request for a hearing, or before completion of such requested hearing.

HISTORY

- 1. Amendment filed 2–23–62; effective thirtieth day thereafter (Register 62, No. 4).
- Amendment filed 4–25–75; effective thirtieth day thereafter (Register 75, No. 17).

§ 599. Conditions of Approval.

To secure and hold such approval a milk inspection service must:

- (a) Provide a sufficient force of qualified inspectors, under the general direction of a licensed physician, and sufficient laboratory facilities to enforce any and all laws and regulations relating to graded milk and cream. Arrangements may be made with a person or firm, approved by the Director of Food and Agriculture, to do bacteriological and other laboratory work.
- (b) Personnel making laboratory analyses as provided for in Section 32503 of the Food and Agricultural Code must have taken an examination for a certificate of proficiency in analysis of milk and milk products as given by a representative of the Department of Food and Agriculture and passed with a grade of at least 75 percent. This certificate may be re-

- voked for cause and is automatically revoked when the holder becomes inactive in laboratory milk control work for two years.
- (c) Provide for the examination of cattle producing milk to be sold in or from its jurisdiction. Examination shall consist of observations for manifest evidence of diseases such as enlarged glands, mastitis, pyometra, tuberculosis, open sores, ulcerated teeth, abscesses and/or any other condition which might affect the quality or safety of the milk.
- (d) Maintain the standards for the various grades of market milk, market cream, and other fluid market milk products as established by the Food and Agricultural Code and the Administrative Code.
- (e) Cooperate in holding official surprise milk scoring contests, surveys, or other related work, whenever requested to do so by a duly authorized representative of the Department of Food and Agriculture.
- (f) Provide for the inspection of dairy farms producing manufacturing milk pursuant to Food and Agricultural Code Section 33322.

 NOTE: Authority cited: Sections 407, 32503 and 33083, Food and Agricultural Code. Reference: Sections 32503, 33083 and 33322, Food and Agricultural Code. HISTORY
- 1. Amendment filed 9–21–56; effective thirtieth day thereafter (Register 56, No. 18)
- Amendment filed 4-25-75 as procedural and organizational; effective upon filing (Register 75, No. 17).
- 3. Amendment of subsection (b) and new subsection (f) filed 2–26–82; effective thirtieth day thereafter (Register 82, No. 9).

§ 600. Inspection.

- (a) Inspection of market milk shall consist of laboratory examinations of the products and adequate supervision of the equipment and methods of the various producers and distributors.
- (b) Guidelines for the inspection of dairy farms producing manufacturing milk shall be those currently published by the United States Department of Agriculture entitled "General Instructions For Performing Farm Inspections According To The USDA Recommended Requirements For Milk For Manufacturing Purposes And Its Production And Processing For Adoption By State Regulatory Agencies."
- (c) For the purpose of this section and section 601; "producer" means any dairy farm described in section 32505 of the Food and Agricultural Code; "distributor" means any person that purchases or handles any milk, cream, or any dairy product for processing, manufacture, or sale in this state; "retail store" means any person that owns or operates a retail grocery store, restaurant, confectionery, or other similar business where milk, cream, or any dairy product is sold to the general public; and, "market milk product" means any uncultured milk product with a standard of composition requiring fluid market milk or any derivative of market milk.

NOTE: Authority cited: Sections 407 and 33083, Food and Agricultural Code. Reference: Sections 33321, 33322 and 36331, Food and Agricultural Code.

HISTORY

1. Amendment filed 2–26–82; effective thirtieth day thereafter (Register 82, No. 9).

§ 601. Laboratory and Field Examinations of Market Milk and Market Milk Products.

- (a) During any six months the following samples shall be taken: (The term "during any six months" is considered to be the six months preceding the month in which the last sample was taken.)
- (1) From each producer, at least four samples of raw market milk for pasteurization;
- (2) From each milk plant after receipt from producers, at least four samples of raw market milk for pasteurization prior to pasteurization;
- (3) From each milk plant, or as an alternative, from vehicles operated by the milk plant, at least four samples of each market milk product processed in the plant;
- (4) From each distributor handling market milk products processed outside of any Approved or Established Inspection Service area, at least four samples of each product handled;
- (5) From each distributor whose market milk products are distributed outside of an Approved or Established Inspection Service area where the products were processed, at least two samples of each such product handled;

Page 38 Register 2007, No. 7; 2–16–2007

- (6) Samples required by (4) and (5) above may be taken from the vehicle delivering the products or from the retail store handling the products.
- (b) Samples of market milk and market milk products shall be taken periodically from retail stores. Except where conditions warrant, the frequency of sampling separate brands of packaged products shall not exceed four times in six months. Samples shall be taken in all cases where a complaint is received regarding the condition of the products handled by the store.
- (c) The following tests shall be conducted on the samples required by paragraph (a) above.
- (1) Standard plate count, coliform count, laboratory pasteurized count, antibiotics, screening and confirmatory methods for the detection of abnormal milk, and examinations for extraneous sediment, on each producer's raw milk;
- (2) Standard plate count and temperature tests on all milk plant samples of raw milk for pasteurization;
- (3) On all market milk products sampled under (a)(3) and (a)(4) above, where there are applicable standards, standard plate count, coliform count, fat, solids not fat, phosphatase, temperature, and antibiotics. Only standard plate count and temperature tests are required on samples taken under (a)(5), and (b) above.
- (4) Tests for added water or other adulterations shall be routinely performed with such frequency as to assure the fluid milk product to be free from adulterants, but not less than once each quarter.
- (5) Participation in all nuclear emergency response activities with the sampling of milk and submission of such milk samples to the appropriate laboratories when deemed necessary by federal and state agencies responsible for radiological monitoring.
- (d)(1) Procedures for the collection and holding of samples; the selection and preparation of apparatus, media and reagents; and the analytical procedures, incubation, reading and reporting of results, shall be in substantial compliance with those procedures found in Standard Methods for the Examination of Dairy Products of the American Public Health Association and the Official Methods of Analyses of the Association of Official Analytical Chemists.
- (2) In addition to the general provisions, the following procedures found in the above–mentioned documents shall be those specified for:
 - (A) Standard Plate Count at 32°C.
 - (B) Simplified method for viable counts of raw milk at 32°C.
 - (C) Coliform tests with solid media at 32°C.
- (D) Bacillus Stearothermophilus Disc Assay Method for drug residues in producer raw milk sampled at the farm and commingled raw milk after receipt at the plant.
- (E) Bacillus Stearothermophilus Disc Assay Method for drug residues in market milk, market milk products, manufacturing milk and manufactured milk products.
- (F) Bacillus Subtilis Disc Assay Method for raw goat milk, goat milk and goat milk products.
- (G) American Public Health Association or Association of Official Agricultural Chemists phosphatase tests.
- (H) California Mastitis Test as a screening method for abnormal milk followed by a microscopic or an electronic cell counting procedure to confirm excessive screening results.
- (e) Samples specified in subsection (a)(1) shall be analyzed by an official laboratory or a laboratory designated by the director. Any designation shall be permissive and may be revoked by the director. In making designations, the director shall be governed by the following requirements:
- (1) Samples may be taken by dairy inspectors or persons licensed under Food and Agricultural Code Sections 35161 or 35163. The taking, caring, and analysis of the samples shall be in compliance with the requirements of Section 601, subsection (d).
- (2) Analyses shall be performed by persons having successfully passed applicable portions of the Examination for Certificate of Profi-

- ciency in the Analysis of Milk and Milk Products as provided for in Section 599(b).
- (3) Designated laboratories shall participate in all Bureau of Milk and Dairy Foods Control laboratory split sample surveys for applicable analyses.
- (4) In a series of samples of raw market milk for pasteurization which indicate the possibility of degrade, the director or Approved Milk Inspection Service shall take and analyze the second sample for degrade and all samples necessary for reinstatement; however, if the director or Approved Milk Inspection Service obtains three consecutive legal counts, industry may resume sampling and analyzing until an illegal count is found.
- (5) The director or Approved Milk Inspection Service shall take all samples and make all analyses which may involve other legal action or condemnation of the product.
- (6) The permissive utilization of industry sampling and analyses is limited to individual producer milk. The director in designating laboratories shall stipulate the analyses which may be performed by industry laboratories
- (7) State Dairy Inspectors and representatives of Approved Milk Inspection Services shall resolve any infractions of subsection (e)(1). If they are unsuccessful, they shall file a report with the director outlining all deviations and attempts at rectification.
- (8) In the event of any conflict between designated laboratories and laboratories maintained by official agencies, the findings of official laboratories will prevail.
- (9) On completion of analyses, the designated laboratories will immediately convey the analytical findings to the director or his representative or Approved Milk Inspection Service having jurisdiction of the dairies. NOTE: Authority cited: Sections 407, 32761.5 and 32733, Food and Agricultural Code. Reference: Sections 32761.5, 32731, 32733 and 33083, Food and Agricultural Code.

- 1. Amendment filed 9–21–56; effective thirtieth day thereafter (Register 56, No. 18)
- 2. Amendment filed 2–23–62; effective thirtieth day thereafter (Register 62, No. 4).
- 3. Amendment filed 5-7-68; effective thirtieth day thereafter (Register 68, No. 18).
- 4. New subsection 5, filed 10–19–70; effective thirtieth day thereafter (Register 70, No. 43).
- 5. Amendment filed 2–26–82; effective thirtieth day thereafter (Register 82, No. 9).
- 6. Amendment of subsections (d)(2)(D)–(F) filed 1–30–95 as an emergency; operative 1–30–95 (Register 95, No. 5). A Certificate of Compliance must be transmitted to OAL 5–30–95 or emergency language will be repealed by operation of law on the following day.
- 7. Certificate of Compliance as to 1–30–95 order transmitted to OAL 5–26–95 and filed 7–11–95 (Register 95, No. 28).

§ 602. Frequency of Inspections.

- (a) Dairy farms shall be inspected at least six times a year. Pasteurizing plants shall be inspected at least once every month. Plants of producer—distributors of raw milk shall be inspected at least once each month. Visits of inspectors shall be unannounced and at irregular intervals.
- (b) An official scoring shall be made at least once each six—month period for dairy farms, and at least once each three—month period for processing plants and premises where raw milk is bottled. The market milk permit and one copy of the most recent official score shall be immediately available at the milk plant or dairy on request of the Dairy Inspector. An identical copy of the official score shall be on file with the records of the inspection agency for not less than one year.
- (c) Pasteurizing equipment shall be tested initially on installation, and at least once each three months thereafter, and whenever any alteration or replacements are made which may effect the proper operation of the installation or device, except that the holding—time test may be made semiannually if no alterations or replacements have been made on the flow—promoting devices since the last test. The test shall include:
 - (1) Indicating thermometers, for temperature accuracy;

- (2) Recording thermometers, for time and temperature accuracy;
- (3) Leak-protector valves, for leakage;
- (4) Flow-diversion valve to
- (A) Confirm cut-in and cut-out temperature,
- (B) Confirm correct assembly and function;
- (5) Thermometric response
- (A) HTST (High Temperature Short Time) indicating thermometer,
- (B) Flow-diversion valve controller;
- (6) HTST auxiliary equipment
- (A) Function of automatic-controller devices (booster pump, ratio-controller, etc.).
 - (B) Accuracy of pressure gauges,
 - (C) Function of vacuum breakers;
 - (7) HTST system
 - (A) Holding time,
 - (B) One foot static head pressure on pasteurized milk in regenerator.
- (d) A record of the tests shall be left with the plant manager and an identical copy shall be on file with the records of the inspection agency for not less than one year.
- (e) Equipment manufactured and installed in conformity with the 3–A Sanitary Standards and Practices for Batch and High Temperature Short Time Pasteurizers complies with the term "approved and properly operated equipment" used in Section 34001 of the Food and Agricultural Code. Note, 3–A Sanitary Standards and Practices for Dairy Equipment are promulgated jointly by the Sanitary Standards Subcommittee and the Dairy Industry Committee (Milk Industry Foundation and Dairy and Ice Cream Machinery Supply Associations), the Committee on Sanitary Procedure of the IAMFES (International Association of Milk, Food, and Environmental Sanitarians, Inc.), and the Dairy Sanitation Section of the Public Health Service, Food and Drug Administration, Department of Health, Education, and Welfare. 3–A Sanitary Standards and Practices are available from IAMFES, Inc., P. O. Box 701, Ames, Iowa 50010.

- 1. Amendment filed 2–23–62; effective thirtieth day thereafter (Register 62, No. 4)
- 2. Amendment filed 4–25–75; effective thirtieth day thereafter (Register 75, No. 17)

§ 603. Communicable Diseases.

HISTORY

1. Repealer filed 7-15-97; operative 8-14-97 (Register 97, No. 29).

§ 604. Laboratory Results.

Each dairy or distributor, as the case may be, of milk and cream shall be kept informed of the results of the laboratory examination of their individual products when such results indicate the product fails to comply with legal standards.

§ 604.1. Confirmation of Compliance Testing on Finished Fluid Milk Products.

- (a) When analyses of finished fluid milk products are made by mid-infrared instrumentation, the Department shall, before any action for failure to comply with the standards of composition established by sections 35784, 38181, 38191 and 38211 of the Food and Agricultural Code, have analyses confirmed by the methods listed in this section. The AOAC Official Method numbers indicated below refer to methods outlined in the 18th Edition of the Official Methods of Analysis of the Association of Official Analytical Chemists International, which is incorporated by reference.
- (1) Fat in Milk, Modified Mojonnier Ether Extraction, AOAC Official Method 989.05
- (2) Solids (Total) in Milk, By Direct Forced Air Oven Drying, AOAC Official Method 990.20
 - (3) Solids-Not-Fat in Milk, AOAC Official Method 990.21
- (b) To determine compliance with legal standards of composition, the final analytical results (lab value) from confirmation methods listed in this section shall have an expanded uncertainty value applied as follows:

- (1) Fat results on milk, reduced fat milk, lowfat milk and nonfat milk will have an expanded uncertainty value of \pm 0.03 percent fat applied to the lab value.
- (2) Total Milk Solids (TS) results on milk will have an expanded uncertainty value of \pm 0.07 percent solids applied to the lab value.
- (3) Solids Not Fat (SNF) results on milk, reduced fat milk, lowfat milk and nonfat milk, will have an expanded uncertainty value of \pm 0.07 percent solids applied to the lab value.
- (c) Written complaints sent to the Department objecting to a final analytical result used to determine compliance with legal standards of composition shall be kept on file with a copy of that final analytical result for two years.

NOTE: Authority cited: Sections 407, 34231 and 34261.5, Food and Agricultural Code. Reference: Sections 34202, 34261, 34262, 34263, 34264, 34265 and 34301, Food and Agricultural Code.

HISTORY

- 1. New section filed 3–22–74; effective thirtieth day thereafter (Register 74, No. 12). For history of former section, see Register 73, No. 13
- Amendment of section heading, repealer and new section and amendment of Note filed 2-15-2007; operative 3-17-2007 (Register 2007, No. 7).

§ 605. Publications.

All publications or public statements relating to the quality of milk or cream, or the condition of dairies or milk plants, shall be expressed in terms of percentage, 100 percent being considered perfect. In rating milk or cream this percentage shall be based upon an average of results obtained by the examination of at least four samples taken at intervals of at least a week. The method used for computing milk scores for publication shall be approved by the Department of Food and Agriculture of the State of California.

§ 606. Dairy Farm Follow-Up Inspection Fees.

- (a) Effective January 1, 2008, in accordance with sections 32814 and 33294 of the Food and Agricultural Code, the fees for follow-up dairy farm inspection activities conducted by the Department, are as follows:
- (1) \$140 for each rescore of a dairy farm, conducted after a score below the minimum legal requirements of sections 35861 and 35891, pursuant to sections 36091 or 36092 of the Food and Agricultural Code.
- (2) \$100 for each on-farm inspection for compliance with, or reinstatement after, the issuance of an Official Order, Form 72–094 (Rev. 02/04), which is incorporated by reference, for any of the following violations:
- (A) A violation that is to be corrected within 72 hours pursuant to section 33551 of the Food and Agricultural Code;
- (B) Immediate restricted use, exclusion or condemnation of milk or cream pursuant to sections 32761, 33453 or 33552 of the Food and Agricultural Code
- (3) \$90 for each milk sample collected pursuant to section 36123 or 33581 of the Food and Agricultural Code for milk not meeting bacteria, coliform, temperature, or somatic cell count standards.
- (4) \$60 for each water sample collected from a water supply not meeting sanitary standards pursuant to section 33515 of the Food and Agricultural Code
- (5) \$150 for each on–farm investigation of antibiotic residues pursuant to section 32814 of the Food and Agricultural Code.
- (b) Pursuant to section 33292 of the Food and Agricultural Code, milk products plants shall deduct the above fees from payments which are due producers for milk and shall pay to the Department the fee required to be paid by the producer.

NOTE: Authority cited: Sections 407 and 33294, Food and Agricultural Code. Reference: Sections 32506, 32761, 32761.5, 32794, 32814, 33292, 33294, 33296, 33451, 33453, 33515, 33551, 33581, 33552, 35781, 35861, 35891, 35924, 36091, 36092 and 36123, Food and Agricultural Code.

HISTORY

 New section filed 12–20–2007; operative 12–20–2007 pursuant to Government Code section 11343.4 (Register 2007, No. 51). For prior history, see Register 73, No. 13.

§ 607. Buttermilk.

Within the requirements of Food and Agricultural Code Section 38542(f), buttermilk labeling bearing any of the following information is false and misleading:

- (a) If any design, picture, symbol or illustration showing a churn is used, and the product is not in its entirety the residue of the churning process;
- (b) If the term "churned" is used and the buttermilk is not in its entirety the residue of the churning of cream, with or without the addition of cultured milk or cultured skim milk, in the process of buttermaking.

 NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Section 38542(f), Food and Agricultural Code.

HISTORY

1. New section filed 5–7–75; effective thirtieth day thereafter (Register 75, No. 19). For history of former section, see Register 56, No. 18.

§ 607.5. Grade A Condensed of Dry Milk Products.

(a) Nonfat dry milk labeled for Grade A use shall be "Extra Grade"

as defined in Section 38424 of the Food and Agricultural Code.

- (b) Each container of condensed skim milk or nonfat dry milk made from pasteurized market milk shall be labeled with:
 - (1) The name and address of the manufacturer or distributor;
- (2) The name and grade of the product; the grade shall be identified as "Grade A" or "Made from Grade A milk";
 - (3) The word(s) "Pasteurized" or "Made from pasteurized milk";
- (4) The name of the inspection agency which supervises the manufacturing process. If the name and address of the manufacturer is used, it shall be preceded by the words "Manufactured by." If the name and address of the distributor is used, it shall be preceded by the words "Distributed by." The words "Manufactured by Plant 06—____" (the blank to be filled in with the plant number of the manufacturer) shall be included in the label with the name or address differs from the name and address of the plant where the product is made.

NOTE: Authority cited: Sections 407, 32912(c) and 38430, Food and Agricultural Code.

[The next page is 43.]

- 1. New section filed 9–21–56; effective thirtieth day thereafter (Register 56, No. 18).
- 2. Amendment filed 3–22–74; effective thirtieth day thereafter (Register 74, No. 12).

§ 608. Ungraded Milk.

HISTORY

1. Repealer filed 9–21–56; effective thirtieth day thereafter (Register 56, No. 18).

§ 609. Special Designations.

HICTORY

1. Repealer filed 9-21-56; effective thirtieth day thereafter (Register 56, No. 18).

§ 610. Use of Breed Designations in Labeling of Market Milk and Milk Products.

NOTE: Authority cited: Section 16, Agricultural Code. Reference: Sections 32510, 32511, 32512, and 38211, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 8-29-66; designated effective 12-1-66 (Register 66, No. 29).
- Amendment filed 4–25–75 as procedural and organizational; effective upon filing (Register 75, No. 17).
- 3. Repealer filed 7-15-97; operative 8-14-97 (Register 97, No. 29).

§ 611. Examining Physician.

In accordance with the provisions of Sections 35862 and 35892 of the Food and Agricultural Code, any regularly licensed physician is approved to conduct physical examination of persons coming in contact with Grade "A" raw milk.

HISTORY

1. Amendment filed 4–25–75; effective thirtieth day thereafter (Register 75, No. 17).

§ 612. Physical Examinations.

Such physical examination shall include:

- (a) Chest examination for tuberculosis with X-ray when indicated by chest findings.
- (b) Examination of skin for communicable diseases and any open lesions etc.
 - (c) General cleanliness.

§ 613. Laboratory Examinations.

The laboratory examination shall consist of the following:

- (a) Nose and throat cultures for diphtheria and streptococcus.
- (b) Sputum for tuberculosis.
- (c) Feces and urine for the typhoid-paratyphoid-dysentery group.

§ 614. Procedure for Physical Examinations.

All persons coming in contact with Grade "A" raw milk, or Grade "A" raw cream, who, through the provisions of Section 35892 of the Food and Agricultural Code are subject to the physical and laboratory examinations, may be physically examined by their own physician and may go to the nearest laboratory for the laboratory examinations. Bacteriological examinations must be made by a laboratory approved by the State Department of Health.

NOTE: Authority cited: Section 35892, Food and Agricultural Code.

HISTORY

1. Amendment filed 4–25–75 as procedural and organizational; effective upon filing (Register 75, No. 17).

§ 615. Specimen Examinations.

Any person who resides at a great distance from an approved laboratory may have specimens for examination forwarded to the nearest laboratory by the physician giving the physical examination.

§ 616. Miscellaneous.

HISTORY

1. Repealer filed 7-15-97; operative 8-14-97 (Register 97, No. 29).

§ 617. Cow Clipping.

NOTE: Authority cited: Sections 407 and 35601, Food and Agricultural Code. Reference: Sections 33523 and 35601, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 10–19–70; effective thirtieth day thereafter (Register 70, No. 43)
- 2. Amendment filed 4–25–75; effective thirtieth day thereafter (Register 75, No. 17).
- 3. Amendment filed 2–26–82; effective thirtieth day thereafter (Register 82, No. 9).
- 4. Repealer filed 7-15-97; operative 8-14-97 (Register 97, No. 29).

§ 618. Mechanical Capping.

The reference to mechanical capping in Section 34591 of the Food and Agricultural Code, is construed to mean that bottle caps must be applied to bottles by mechanical means as well as said bottles being capped by mechanical means. Application of caps to milk bottles by hand is not considered to be by mechanical means and is therefore prohibited.

NOTE: Authority cited: Section 34591 Food and Agricultural Code.

HISTORY

1. Amendment filed 4–25–75 as procedural and organizational; effective upon filing (Register 75, No. 17).

§ 619. Milk Filters.

Filter cotton or single service strainer cloths shall be at all times kept in containers that will afford proper protection. The containers shall be constructed so as to permit dispensing the filters with a minimum amount of contact with human hands. Milk or cream, when filtered, shall be filtered with a single service filter, only.

HISTORY

1. Amendment filed 2–23–62; effective thirtieth day thereafter (Register 62, No. 4)

§ 620. Status of Market Milk Dairies.

HISTORY

- 1. Amendment filed 9–21–56; effective thirtieth day thereafter (Register 56, No. 18)
- 2. Repealer filed 7-15-97; operative 8-14-97 (Register 97, No. 29).

§ 621. Bulk Milk Dispensers.

Milk cans for use in connection with bulk milk dispensers must be (1) constructed so that the tube is contained in a pocket or cup which protects the tube against contamination or (2) the side of the can nearest to the outlet on the bottom must be supplied with a metal channel or shield for insertion of tube for protection. Other type of containers for bulk milk dispensers must be approved by the director. Cans with the tube coiled on the bottom of the can are not of an approved type. All cans must be sealed in the milk plant where filled and the tube when placed on the can, must be protected by covering, such as pliofilm, plastic, or other suitable material, to protect the tube in transit from the milk plant to the place of serving. When the milk can is empty and removed from the dispensing cabinet, the seal must be broken, and the container rinsed and drained.

HISTORY

1. New section filed 9–21–56; effective thirtieth day thereafter (Register 56, No. 18)

§ 622. Protection of Water Supplies in Dairies and in Milk Products Plants.

No cross-connections may be installed between a safe water supply and any unsafe or questionable water supply. Submerged inlets into an unsafe or questionable water supply must be avoided unless such submerged inlets are installed in a manner to prevent back siphonage.

HISTORY

1. New section filed 9–21–56; effective thirtieth day thereafter (Register 56, No. 18).

§ 623. Personal Cleanliness.

No employee of any dairy or milk products plant shall resume work after using the toilet room without having washed his hands. The Bureau of Milk and Dairy Foods Control or Approved Milk Inspection Service shall cause to be placed a sign in each toilet bearing the context of this requirement.

- 1. New section filed 9–21–56; effective thirtieth day thereafter (Register 56, No. 18).
- Amendment filed 4–25–75; effective thirtieth day thereafter (Register 75, No. 17).

§ 624. Vitamins and Minerals Added to Milk or Milk Products.

- (a) Vitamins and minerals, or either, may be added to milk or milk products only upon permit of the Director and in accordance with the manner and method approved in said permit. Applications for such permit shall include:
- (1) A complete description of the method to be used and the kind and amount of vitamins and/or minerals to be added, and an agreement that the vitamins and/or minerals will be so added only in accordance with the direction of the supplier thereof;
 - (2) A copy of the supplier's directions;
- (3) A statement of the type of storage facilities to be used for storage of the vitamins and/or minerals and the storage of premixed solutions; and
 - (4) A statement of the types of measuring devices to be used.
- (b) Each permittee shall maintain a daily record of the volume of vitamin and/or mineral fortified milk products processed by him and the daily quantity of vitamins and/or minerals added to said daily volume. Said record shall show the kinds and amounts of vitamins and/or minerals added during each day's operations and the signature of the person who adds the vitamins and/or minerals. The record of each entry shall be maintained for at least 60 days and shall be made immediately available to the Director and the applicable approved milk inspection service upon request.
- (c) Vitamins and/or minerals may be added only to the final milk product after standardization. Vitamins and/or minerals may not be added to milk in bulk storage tanks unless all the milk therein is to be packaged as vitamin and/or mineral fortified milk, without further standardization.
- (d) The permit and complete description of the method, kind and amount of vitamins and/or minerals added as required by subsection (a) of this section shall be kept posted in a conspicuous place in the milk products plant readily accessible to the personnel responsible for making the vitamin and/or mineral additions.

Said permit may be revoked or suspended by the Director after a hearing to show cause for such action.

NOTE: Authority cited: Section 35751, Food and Agricultural Code.

HISTORY

- New section filed 6-11-64; effective thirtieth day thereafter (Register 64, No. 13).
- 2. Amendment of subsection (a) filed 4–25–75; effective thirtieth day thereafter (Register 75, No. 17).

§ 625. Somatic Cell Counts.

- (a) Tests for the presence of excessive numbers of somatic cells in milk shall be made routinely, using the direct microscopic or electronic cell count or the California Mastitis Test (CMT) at a frequency of not less than four examinations in each continuing six—month period. CMTs indicating No. 2 must be confirmed by direct microscopic or electronic cell count.
- (b) Any milk classified by the California Mastitis Test (CMT) as No. 3 may be considered unfit for human consumption and may be condemned when found.
- (c) The maximum somatic cell count in milk is 1,500,000. Whenever tests indicate the somatic cell count of raw market milk exceeds 1,500,000 cells as determined by a direct microscopic or electronic cell count, the degrade procedure as outlined in Food and Agricultural Code Section 36123 shall be followed. For purposes of reinstatement, CMT tests of negative, trace, or No. 1 will be considered as less than 1,500,000 somatic cells.

NOTE: Authority cited: Sections 407 and 36601, Agricultural Code. Reference: Sections 32511, 32761(a) and 35602, Agricultural Code.

HISTORY

1. New section filed 6-3-70; effective thirtieth day thereafter (Register 64, No. 13).

§ 626. Market Milk Temperature Requirements.

- (a) This section provides temperature requirements for market milk, and includes within that definition the following market milk products: milk, low fat milk, skim milk, flavored milk, cream, and half and half.
- (b) Market milk shall be promptly cooled to 45°F., or below, at the time of processing and shall be so maintained at all times while it is in commerce, i.e. until it is delivered to the retail purchaser.
- (c) This section shall not apply to (1) market milk intended for home delivery while so enroute from a distributor's licensed premises, and (2) to market milk after delivery for consumption on the premises.
- (d) The temperature of market milk in commerce when packaged in containers shall be determined by a representative sampling of the lot of containers. A lot is defined as any group of containers of the same size, product, and brand assembled in one place. From the lot, five sample containers shall be selected at random. The temperature of the milk in each container shall be measured in Fahrenheit degrees, the results totaled and divided by five to provide the average temperature. If the average temperature is 45°F., or less, the lot shall be passed, provided, however, any container within the lot found to contain market milk of 50°F., or over, shall be excluded from sale. An average temperature of the lot above 45°F. shall be a violation of this section.
- (e) The requirements of this section shall become effective on November 1, 1973.

NOTE: Authority cited: Sections 407 and 35757, Food and Agricultural Code.

HISTORY

1. New section filed 10–5–72; effective thirtieth day thereafter (Register 72, No. 41).

§ 627. Quality Assurance Date.

- (a) Except as otherwise provided in Food and Agricultural Code Section 36004(c), the licensed milk products plant which bottles or packages the following products shall be responsible for affixing the quality assurance date to all containers which are offered for sale to the consumer by a retail store: market milk, market cream, skim or non-fat milk, half and half, sour cream, sour cream dressing, low-fat milk, flavored milk, flavored dairy drink, yogurt, concentrated milk, concentrated skim milk, acidophilus milk, buttermilk and cultured buttermilk, cottage cheese, creamed cottage cheese, homogenized creamed cottage cheese spread, and partially creamed or low-fat cottage cheese.
- (b) The quality assurance date shall be readily identifiable by the consumer. If a numerical sequence of months and days is used, it may not be located on the container with other numbers such as factory license number or lot numbers unless such other numbers are clearly identified. If the quality assurance date is used with unidentified code numbers, the date shall be at least the first three letters of the month followed by the day of the month

The date shall be not less than 3/16" in height, except that it may be reduced to not less than 1/8" in height when applied to the cap area of a container. The date shall contrast with the background by color or clearly legible imprint.

Any means of conveying the quality assurance date shall be so affixed as to insure legibility of any other required information.

- (c) The date shall be placed on the various types of containers in accordance with one of the following options:
- (1) Glass, rigid plastic, or fiber board: (A) Embossed, imprinted, or overlaid in fine, clearly visible lettering on the cap or container; (B) heat or pressure–sensitive seal; (C) collar or tag.
- (2) Plastic bags: (A) Heat or pressure–sensitive seal; (B) upper or lower seal margin; (C) overlay in fine, clearly visible lettering.
- (3) Gable–topped rectangular containers: (A) On informational panel; (B) upper flat margin above gable.
- (4) Flat top, rectangular carton: (A) On informational panel; (B) flat panel or margin of top.

Page 44 Register 97, No. 29; 7–18–97

- (5) Tetrahedral: (A) Informational panel; (B) sealed ends; (C) embossed, imprinted, or overlaid in fine, clearly-visible lettering.
- (d) Nothing in this Section shall preclude the removal by the Director of any or all of the involved products from sale prior to the expiration of the quality assurance date if analysis indicates that the product fails to meet applicable bacterial standards.
- (e) Deviations from the location of the date of the quality assurance date or the manner of declaring the date, as noted above, may be made only with written permission of the Director.

1. New section filed 3-29-73; designated effective 7-1-73 (Register 73, No. 13).

Article 22. Permanent Market Milk Dairy Buildings

§ 645. Permanent Market Milk Dairy Buildings.

In accordance with provisions of Sections 33481 through 33486 of the Food and Agricultural Code, the following regulations relating to the sanitary requirements and standards of the construction of market milk dairy buildings have been established by the Secretary of Food and Agriculture.

- (a) "Secretary" means the Secretary of Food and Agriculture.
- (b) Plans and specifications for market milk dairy buildings shall be submitted to the Secretary for approval prior to construction.
- (c) Plans shall show elevations and detail to insure with certainty compliance with provisions of the California Code of Regulations, Uniform Building Code (1991 Edition), National Electrical Code (1990 Edition) and National Plumbing Code (1991 Edition).
- (d) All deviations from the minimum requirements and from approved plans and specifications may be made only after written approval of the Secretary.
- (e) Nothing in these regulations shall be construed as abrogating the provisions of Division 13, Part 3, of the Health and Safety Code (Riley Act).

NOTE: Authority cited: Sections 407 and 33481, Food and Agricultural Code. Reference: Sections 33481, 33484 and 33486, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 9–21–56; effective thirtieth day thereafter (Register 56, No. 18)
- Amendment filed 9-10-71; effective thirtieth day thereafter (Register 71, No. 37). Approved by State Building Standards Commission on 8-18-71.
- 3. Amendment of section and new NOTE filed 11–9–95; operative 12–9–95 (Register 95, No. 45).

§ 646. Site.

- (a) The milking barn and milk house shall be located in a place free from contaminating surroundings.
- (b) Feed racks, calf, bull, hog, and poultry pens, horse stables, horse corrals, and shelter sheds shall not be located closer than 100 feet from the milk room or 50 feet from the milking barn.

NOTE: Authority cited: Sections 407 and 33481, Food and Agricultural Code. Reference: Sections 33482, 33483 and 33486, Food and Agricultural Code.

HISTORY

- Amendment filed 9–21–56; effective thirtieth day thereafter (Register 56, No. 18).
- Amendment filed 9-10-71; effective thirtieth day thereafter (Register 71, No. 37). Approved by State Building Standards Commission 8-18-71.
- Repealer of subsection (b), subsection relettering, amendment of newly designated subsection (b) and new Note filed 11–9–95; operative 12–9–95 (Register 95, No. 45).

§ 646.1. Surroundings, Corrals and Ramps.

Dirt or unpaved corrals, or unpaved lanes, shall not be located closer than 25 feet from the milking barn or closer than 50 feet from the milk house. Corral drainage must be provided. A minimum of 3 percent slope shall be maintained in unpaved corrals where the available space for each animal is 400 square feet or less. The slope in areas more than 400 square feet per animal may be reduced proportionately to not less than 1 1/2 per-

cent at 800 square feet or more per animal. Deviations from the corral slope requirements, permissible under the authority of Section 33482 of the Agricultural Code, shall not be made without written permission from the director. The deviation request must be supported with evidence the proposal will result in comparable drainage.

A paved (concrete or equivalent) ramp or corral shall be provided to allow the animals to enter and leave the milking barn. This paved area shall be curbed (minimum of 6 inches high and 6 inches wide) and sloped to a drain. Cow washing areas shall be paved (concrete or equivalent) and sloped to a drain. The perimeter of the area shall be constructed in a manner that will retain the wash water to a paved drained area. Paved access shall be provided to permanent feed racks, mangers, and water troughs. Water troughs shall be provided with: (1) a drain to carry the water from the corrals; (2) pavement (concrete or equivalent) which is at least 10 feet wide at the drinking area.

The cow standing platform at permanent feed racks shall be paved with concrete or equivalent for at least 10 feet back of the stanchion line. NOTE: Authority cited: Sections 407 and 33481, Agricultural Code. Reference: Sections 33481 through 33486, Agricultural Code.

HISTORY

New section filed 9-10-71; effective thirtieth day thereafter (Register 71, No. 37). Approved by State Building Standards Commission 8-18-71.

§ 647. Elevations.

Floor level elevations of all structures shall be at least 15 inches above surrounding ground level and shall facilitate carrying drainage for at least 50 feet from the milking barn and at least 100 feet from the milk house. In lieu of natural drainage, automatic pumps or other satisfactory means shall be provided for disposal of drainage. Disposal of drainage shall not be in violation of law.

HISTORY

- 1. Amendment filed 9–21–56; effective thirtieth day thereafter (Register 56, No. 18).
- Amendment filed 9–10–71; effective thirtieth day thereafter (Register 71, No. 37). Approved by State Building Standards Commission 8–18–71.

§ 648. Milk Room.

(a) General Provisions.

The milk room shall be located under the same roof (extended) as the milking barn.

The milk room shall consist of one or more rooms for the care of the milk and the cleaning, sterilizing, and storage of milk handling equipment. Hot and cold running water outlets shall be installed in each room. If the door into the milk room is provided on any side other than the barn side, the area leading from the barn to the door shall be roofed and a curbed, drained, concrete walkway provided.

The minimum distance between a farm tank and the wash trays shall be 5 feet. The minimum distance between any farm tank or farm tank appurtenance and the other milk room walls or ceiling shall be 2 feet. The distance from tank to wall may be reduced to 6 inches when the farm tank is bulkheaded no more than 36 inches into the milk room.

A one–room milk room shall meet the following requisites: (1) a farm tank for the storage of milk; (2) a pipeline for conveying milk from the cows or goats to the farm tank.

(b) Passageway.

When the milk room and the milking barn are under the same roof, a passageway to permit entry to the milking barn is permissible. The passageway shall provide not less than a 3-foot clearance for ingress and egress and have ceiling or roof ventilation.

Equipment such as milk receivers, filters, or coolers which are part of an enclosed milk line system may be installed in the passageway under the following conditions: (1) a 3-foot clearance is allowed for walkway; (2) sufficient space is provided between walls and equipment to permit disassembly for cleaning or inspection of equipment, walls, floor; (3) Passageway walls shall be finished in a manner similar to the milk room. The passageway may be structurally closed at one end. The barn may be separated from the passageway by a pipe rail fence. If the slope of the barn floor is toward the passageway, a concrete wall of at least 12 inches in

height shall be provided. Rustless pipesleeves with tight fitting flanges and protective closures shall be installed where the milk lines, hoses for tankers, and wash lines go through the walls or stationary doors. Delivery of milk from the passageway or barn into the milk room shall be by sanitary milk lines.

(c) Floors.

The floors of the milk room, and passageway if provided, shall be constructed of concrete at least 4 inches thick, or other suitable material approved by the Secretary, troweled smooth with a true slope. The milk room floor shall slope at least 1/4 inch per foot to a vented trapped drain. The passageway floor shall slope at least 1 inch in 10 feet toward a drain or gutter. A 2–inch minimum radius cove is required at all floor and wall junctions. The cove shall be an integral part of the floor. A sand or rock cushion of at least 6 inches shall be placed under concrete floors on soils other than sandy loams. All concrete floor slabs shall be reinforced with a minimum #6 x #6/10 x 10 steel mesh or other reinforcement material of equal or greater strength.

- (d) Walls and Ceilings.
- (1) All walls and partitions shall be of concrete or masonry to a height of not less than 8 inches above the floor. The milk and washroom walls, partitions, and ceilings shall be finished smooth with waterproof cement plaster or masonry (tile). Portland cement type sheeting, fiberglass sheathing or metal sheathing that has been made corrosion and rust resistant may be used for the inside finish of the walls (above 8 inches) and ceiling provided such sheeting is smooth and installed with firm backing and sealed joints. Where masonry or concrete block construction is used, all voids below the floor line shall be filled with concrete.
- (2) Main ceiling height shall be at least 9 feet above the floor but in no case less than the height of the farm tank plus 2 feet. Ceiling may follow rafters to the plate which shall be not less than 7 feet 3 inches above the floor. If a cupola or light well is provided as an extension of the ceiling, there shall be at least 2 feet clearance surrounding the farm tank or any equipment extending into the area.
 - (e) Doors and Windows.
- (1) Each room of the milk house shall have at least one glass window or other light-transmitting material. The total window area in each room shall be equivalent to at least 1/10 of the floor area. Window screens shall be standard 16-mesh and are required on all windows that open. Only stationary type windows may be installed on the barn side of the milk house.
- (2) Exterior doors of the milk room shall open outward, be solid, self-closing, and tight fitting. Where the milk and washroom are separate, a swinging door or a door hinged to open into the washroom shall be installed between the milk room and the washroom. These doors shall be self-closing. Any door from a passageway shall be a solid type door, covered on both sides of the bottom half with a waterproof sheathing, and located as to lead into the wash-up area. Wooden door jambs or frames shall terminate 6 inches above the floor, and the concrete floor cove shall be extended to the jambs or frames.
- (3) Artificial light shall be installed in each room to provide at least 30–foot candles of light at floor level. Light fixtures shall not be located over a bulk tank opening or wash trays.

(f) Ventilation.

Wall ventilators shall be installed horizontally not more than 10 inches or less than 4 inches above the floor in a one-room milk room and one in each room if more than one room is provided. The wall ventilators shall provide openings equivalent to 2 percent of the floor area. Metal framed vents with insect screening and closeable louvers shall be installed in wall-vent openings. Wall ventilators shall not be installed on the milking barn side of the milk room. Ceiling vents are required in the milk room. In the absence of forced draft ventilation, the ceiling vents shall be shafted to a stack type, rotary or directional vent which shall be at least 12 inches in diameter and of a height to properly ventilate the room and shall exclude dust, rain, birds, insects, and trash. Ceiling vents shall provide high ventilation equivalent to an opening of 2 percent or more of the floor area. Ceiling vent opening shall not be located above a bulk tank

opening or wash trays. Oil or gas water heaters shall be vented to the outside and above the roof edge.

(g) Drainage.

Drainage from the milk house may be connected with the barn drainage or it may be independent. When a common drain system is used for the milk house and barn, the design of the system shall preclude back flow into the milk house under all conditions. Floor drains shall be vented, have a water trap, and a clean—out plug. All floor drains and pipes under milk house and barn floors shall have leak—proof connections and meet all applicable plumbing codes.

NOTE: Authority cited: Sections 407 and 33481, Food and Agricultural Code. Reference: Sections 33481, 33482, 33483, 33484 and 33486, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 9–10–71; effective thirtieth day thereafter (Register 71, No. 37). Approved by State Building Standards Commission 8–18–71. For prior history, see Register 62, No. 4.
- Amendment of section and new NOTE filed 11–9–95; operative 12–9–95 (Register 95, No. 45).

§ 649. Painting.

All inside woodwork shall be painted with a light-colored waterproof paint, or material acceptable to the Director.

HISTORY

1. New section filed 9-10-71; effective thirtieth day thereafter (Register 71, No. 37). Approved by State Building Standards Commission 8-18-71.

§ 650. Tanker Loading or Washing.

A minimum of 10 feet by 24 feet, paved, curbed, sloped to a drain, tanker-loading area shall be provided adjacent to the milk house where milk is transferred from a farm tank to a milk tanker. If a tanker is used in lieu of a farm tank, overhead protection shall be provided over the loading washing area.

NOTE: Authority cited: Sections 407 and 33481, Food and Agricultural Code. Reference: Sections 33481, 33482, 33483, 33484 and 33486, Food and Agricultural Code.

HISTORY

- 1. New section filed 9–10–71; effective thirtieth day thereafter (Register 71, No. 37). Approved by State Building Standards Commission 8–18–71.
- 2. Amendment of section heading and section and new NOTE filed 11–9–95; operative 12–9–95 (Register 95, No. 45).

§ 658. General Provisions.

All dairies producing market milk or market cream shall provide a milking barn which is sound, readily cleanable, and of sanitary construction. The building shall afford the proper working space and be constructed to admit sufficient light and ventilation.

HISTORY

- 1. Amendment filed 9–21–56; effective thirtieth day thereafter (Register 56, No. 18)
- 2. Amendment filed 2-23-62; effective thirtieth day thereafter (Register 62, No. 4)
- 3. Amendment filed 9–10–71; effective thirtieth day thereafter (Register 71, No. 37). Approved by State Building Standards Commission 8–18–71.

§ 659. Milking Barn.

- (a) Slopes and Finishes.
- (1) The floors, curbs, and gutters shall be constructed of concrete or other material acceptable to the Secretary. The floors and gutters, if of concrete or concrete base, shall be at least 4 inches thick. The floors, alleys, gutters, mangers, and curbs shall slope lengthwise at a minimum of 1 1/2 inches in 10 feet. The cow standing platform and litter alley shall slope at least 1 inch toward the gutter. The cow standing platform in the elevated stall type barn shall slope toward the wall at a minimum grade of 1 1/2 inches in 10 feet or this slope requirement may be eliminated with a flush system approved by the Secretary.
- (2) A 2-inch minimum radius cove is required at all floor and wall junctions and shall be an integral part of the floor.
- (3) The manger, if concrete, gutter and curbs when present, shall be finished smooth with a steel trowel. The cow standing platform, wash pen, litter alley, and feed alley shall be given a true even surface with a

Page 46 Register 97, No. 29; 7–18–97

wood float. The cow standing platform, litter alley, holding corral, and concrete lane shall be treated to prevent slipping and may be finished either with a suitable instrument, drawn in the direction of both slopes or treatment of the surface with emery aggregate, carborundum grit, or equivalent material. A sand or rock cushion of at least 6 inches shall be placed under the floor on soils other than sandy loam. All concrete floor slabs shall be reinforced with a minimum of #6 x #6/10 x 10 steel mesh or other reinforcing material of equal or greater strength.

(b) Walls.

All walls shall be of masonry or reinforced concrete and be at least 3 feet 6 inches in height above the floor. All walls shall be finished smooth on the inside with the top ledge rounded on open walls. When a barn wall forms part of the holding corral or an entrance or exit lane, it shall be finished smooth on the outside. Where concrete block or masonry construction is used, all voids below the floor line shall be filled with concrete. In elevated stall type barns, the wall under the cow standing platform adjacent to the milker's area shall be finished smooth.

(c) Plate Line.

The plate line in the floor level milking barn shall not be less than 7 feet 3 inches above the floor. In elevated stall type barns, the plate line shall be not less than 6 feet 6 inches above the cow standing platform.

(d) Superstructure.

The exposed superstructure of the barn roof or ceiling shall be constructed of smooth material. Exposed superstructure shall be such that the roof sheathing is applied directly to the rafters.

(e) Electrical Wiring.

All surface—mounted wiring shall be in rigid conduit or electrical metal tubing. All outlets and switches in wet locations shall be of a type which afford protection from water. Metal stanchions shall be electrically grounded.

(f) Stalls.

The cow standing platform in floor level barns shall not be less than 3 feet wide for each cow and shall be at least 4 feet 10 inches and not over 6 feet from the stanchion line to the gutter, depending on the size of the cattle and the design of the manger. Where stanchions are not used, the cow standing platform shall be at least 7 feet in length. The cow stall in tandem type elevated stall barns shall be 8 feet in length. The tandem, parallel and herringbone stalls shall have a smooth, flat, nonabsorbent splash panel behind each cow.

(g) Light and Air Space.

The milking barn shall have at least 400 cubic feet of air space for each stall. Window space shall be equivalent to at least 6 percent of the floor area. Light–transmitting material in the roof may be substituted for window space. Artificial light shall not be less than 20–foot candles at the floor level and so located as to minimize shadows in the milking area.

- (h) Alleys.
- (1) The litter alley exclusive of gutter shall be not less than 4 feet 9 inches wide behind a single string of cows or goats. In two-string, head-out barns, the litter alley shall be at least 8 feet wide between gutters.
- (2) In floor level barns, the feed alley in single and two-string, head-out types, shall be at least 5 feet 9 inches wide between stanchion line and wall. In two-string, head-in barns, a minimum of 10 feet between lines of stanchions is required.
- (3) The milker's alley in the two-string tandem type elevated stall barn shall be at least 8 feet wide, but may be reduced to 5 feet at the narrowest point when automatic feeders are installed and used. The width of the milker's alley in the two-string herringbone type barn may be reduced to 5 feet at the narrowest point.
- (4) In the single-string elevated stall type barn, the milker's alley shall be at least 4 feet wide. The milker's alley and passageway if combined shall be at least 8 feet wide.

(i) Gutters.

All barns shall have gutters so designed and located to catch the defecation of cows while in the stall and washings of the barns.

- (1) Gutters in the floor level type barn may be either the trench or stepoff type. The gutter shall be at least 14 inches wide and 2 inches deep at the cow standing platform. The gutter floor shall slope down away from the cow standing platform 1/2 inch across its width. The gutter shall have a uniform depth for its entire length.
- (2) The gutters in the elevated stall type barn shall be grate—covered in the stall. The stall gutter shall be located to catch the defecation of the cow in the stall. It shall be at least 500 square inches in area and at least 20 inches wide and 4 inches deep. The herringbone type barns may have the stall gutter width reduced to 14 inches provided the 500 square inch area per animal is maintained. The parallel type barn shall have a 6—inchwide gutter mounted to the splash panel. Gutter shall automatically flush when cows exit.
- (3) Pipe used for barn gutter drainage shall not be less than 4 inches in diameter and meet local plumbing codes.
 - (i) Curbs.
- (1) In elevated type barns, the cow standing platform shall be curbed on the side next to the milker's alley and the curb shall be at least 4 inches in height and designed to retain the elevated stall floor washings. Metal curbs shall be free of voids and sealed to stall floor or wall.
- (2) In floor level barns, a curb under the stanchion line at least 6 inches wide and 12 inches high from the stall floor is required, except where metal mangers are used; the top of this curb shall be rounded.

(k) Stanchions.

Stanchions shall be of metal or other waterproof, easily cleanable material approved by the Director. The lower horizontal line of the stanchion shall be at least 2 inches above the curb and at least 14 inches above the floor when no curb is provided.

(1) Mangers.

In floor level type barns, the manger shall have a minimum width of 27 inches with a back wall at least 12 inches above the floor; corners rounded, the low point of the manger at least 8 inches out from the stanchion line and 3 inches above the floor; with a true lengthwise slope of a minimum of 11/2 inches in 10 feet. Mangers and feed boxes in all type barns shall be constructed of impervious materials, finished smooth and provided with drainage outlets at low points.

- (m) Ventilators. Adequate ventilation shall be provided in the milking barn and holding corral/wash area if roofed.
- (1) Continuous open (18 inch) ridge vents that rise at least 6 inches above the roof are acceptable. Any ridge vent continuing over the feed room shall be screened fly tight.
- (2) Stack type vents are acceptable. Where this type of vent is used, provision shall be made for a 12-inch diameter opening on single-string barns, or a 14-inch diameter opening for multi-string barns, with not more than 10 feet between vent and wall and vent and vent.
- (3) When a flat ceiling is installed, it shall have at least two vents, 2 feet by 2 feet or equivalent, shafted to a roof peak vent which has not less than a 12-inch opening. The ceiling vents may be located directly in line over the cow standing platform or over the milker's pit. The vents shall be located not more than 10 feet between vent and wall and vent and vent.
- (n) Barn Doors. The lower half of barn doors shall be covered on both sides with smooth corrosion–resistant metal.
- (o) The dimensions of sub items (b), (f), (h), (i), (j), (k), (l), of T3–659 may be altered for milking barns for goats.

NOTE: Authority cited: Sections 407 and 33481, Food and Agricultural Code. Reference: Sections 33481, 33482, 33483, 33484 and 33486, Food and Agricultural Code.

HISTORY

- New section filed 9–10–71; effective thirtieth day thereafter (Register 71, No. 37). Approved by State Building Standards Commission 8–18–71.
- 2. Amendment of subsections (a)(1), (a)(3), (f), (i)(2) and (j)(1), and new NOTE filed 11–9–95; operative 12–9–95 (Register 95, No. 45).

§ 660. Painting.

All woodwork shall be painted with light colored waterproof paint or materials acceptable to the Director.

1. New section filed 9–10–71; effective thirtieth day thereafter (Register 71, No. 37). Approved by State Building Standards Commission 8–18–71.

§ 661. Roof Drainage.

Roof drainage from barns, milk house, or shelters shall not drain into the corrals unless the corrals are paved and properly drained.

HISTORY

New section filed 9-10-71; effective thirtieth day thereafter (Register 71, No. 37). Approved by State Building Standards Commission 8-18-71.

§ 662. Feed Storage Facilities.

When animals are fed in the milking barn, adequate feed storage facilities shall be provided. Feed storage rooms, when installed, shall be partitioned from the milking barn and shall be fly and rodent proof. The feed discharge area of bulk feed storage shall be paved with concrete or equivalent, curbed, and drained. Bulk feed may discharge directly into the barn. When a bulk feed tank is located opposite the passageway, it shall be no closer than 6 feet from the milk house. Overhead feed storage is permissible if fly, rodent, and dust tight. Feed shall be conveyed to the manger or feed box in a tightly closed dust–free system. Dust tight overhead metal feed tanks may be used. Where an overhead feed storage room is provided, it shall be tight and readily cleanable and the ceiling of the milking barn below such room shall be of smooth cement plaster or equivalent. Any part of the loft or superstructure used as an entryway shall be smoothly finished and readily cleanable.

History

1. New section filed 9–10–71; effective thirtieth day thereafter (Register 71, No. 37). Approved by State Building Standards Commission 8–18–71.

§ 663. Toilet and Hand Wash-Basin.

A fly-proof, well-lighted, well-ventilated room with self-closing door, equipped with a flush-type toilet and a stationary handwash basin equipped with soap and single-service towels shall be installed in either the milk house, milking barn, or immediately adjacent to the milking facility. The toilet room may not open directly into any milk handling area. A water tap, with a basin, provided with soap and single-service towels shall be installed in the milk house and passageway, or barn, at a location that is convenient to the milkers and milk handlers.

NOTE: Authority cited: Sections 407 and 33481, Food and Agricultural Code. Reference: Sections 33481, 33482 and 33486, Food and Agricultural Code.

HISTORY

- New section filed 9–10–71; effective thirtieth day thereafter (Register 71, No. 37). Approved by State Building Standards Commission 8–18–71.
- Amendment of section and new NOTE filed 11-9-95; operative 12-9-95 (Register 95, No. 45).

§ 664. Supply Storage.

Facilities to store dairy supplies shall be provided. Only supplies that come in contact with the milk or milk contact surface of the milk handling equipment may be stored in the milk or washroom. These supplies shall be protected from toxic materials, vectors, dust, etc., at all times. Supplies stored in the milk or washroom shall be in a cabinet, on a shelf, or a metal stand, which will keep them at least 4 inches above the floor.

HISTORY

New section filed 9-10-71; effective thirtieth day thereafter (Register 71, No. 37). Approved by State Building Standards Commission 8-18-71.

§ 665. Water Supply.

(a) Well Location.

Well must be located at least 50 feet from any animal enclosure, 100 feet from a septic tank leach line, and 150 feet from a seepage pit 8 feet or more deep.

- (b) Well construction must comply with State and local requirements.
- (c) Any connection to an unsafe water supply must be protected by proper installation of an approved backflow prevention device or be properly air gapped.
- (d) Water supply to the dairy must be tested initially, whenever the system is opened for repairs, and once each three years thereafter. The water

quality shall meet the requirements of Section 33515 of the Food and Agricultural Code.

NOTE: Authority cited: Sections 407 and 33481, Food and Agricultural Code. Reference: Sections 33482, 33483 and 33515, Food and Agricultural Code.

HISTORY

1. New section filed 11-9-95; operative 12-9-95 (Register 95, No. 45).

Article 23. Evaporated Milk or Condensed Milk

§ 675. Evaporated Milk or Condensed Milk.

NOTE: Authority cited: Sections 407 and 38231, Food and Agricultural Code. Reference: Section 38231, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 8–10–60; effective thirtieth day thereafter (Register 60, No. 18)
- 2. Amendment filed 2–23–62; effective thirtieth day thereafter (Register 62, No. 4).
- Amendment filed 3-22-74; effective thirtieth day thereafter (Register 74, No. 12).
- 4. Amendment filed 2–26–82; effective thirtieth day thereafter (Register 82, No. 9)
- 5. Repealer filed 7–15–97; operative 8–14–97 (Register 97, No. 29).

§ 676. Evaporated Goat Milk or Condensed Goat Milk.

Evaporated goat or condensed goat milk shall contain not less than 6.5 percent of milk fat, nor less than 22 percent of total milk solids.

NOTE: Authority cited: Sections 407 and 38231, Food and Agricultural Code. Reference: Section 38231, Food and Agricultural Code.

HISTORY

1. New section filed 2–26–82; effective thirtieth day thereafter (Register 82, No. 9). For history of former section, see Registers 62, No. 4 and 60, No. 18.

§ 677. Dried Whey-Extra Grade Edible.

HISTORY

- 1. New section filed 8–10–60; effective thirtieth day thereafter (Register 60, No. 18)
- 2. Repealer filed 2-23-62; effective thirtieth day thereafter (Register 62, No. 4).

§ 678. Cheese.

HISTORY

- New section filed 8–10–60; effective thirtieth day thereafter (Register 60, No. 18).
- 2. Repealer filed 2-23-62; effective thirtieth day thereafter (Register 62, No. 4).

§ 679. Evaporated Skim Milk or Condensed Skim Milk.

HISTORY

- 1. New section filed 8–10–60; effective thirtieth day thereafter (Register 60, No. 18).
- 2. Repealer filed 2-23-62; effective thirtieth day thereafter (Register 62, No. 4).

Article 24. Butter Grades

§ 686. Butter Grades.

In accordance with Section 37103 of the Food and Agricultural Code, quality designations are to be affixed on butter packages as follows:

(a) On quarter–pound, half–pound, one–pound and two–pound butter wrappers, the quality designations shall appear on the lower side panel. No other printing shall appear on the lower side panel, except designations which have been approved by the director, which designs shall in no case overlap or interfere with the legibility of said quality designations. On continuous design machine wrappers, the quality designation need not appear on the lower side panel but at least two full quality designations shall appear on each wrapper. The quality designations on quarter–pound and half–pound wrappers are required to appear in 12–point type in caps for the letters and 24–point type for the numerals. On one and two–pound wrappers the 24–point type in caps is to be used for the letters and 48–point type for the numerals. When butter is packaged in any other than quarter–pound, half–pound, one or two–pound prints the size of type to be used for quality designations on such packages shall be approved by the director.

Page 48

- (b) The quality designations must b spelled out with no abbreviations being permitted. The terms to be used are as follows: "1 First Quality 1" and "2 Second Quality 2."
- (c) On butter cartons, or packages, the quality designations must appear on the two end or side panels with nothing else appearing thereon, except that the name of the manufacturer or the brand of the butter may appear. The same terms appearing on the wrapper shall be used, except that the words "first quality" or "second quality" are to appear as in the following arrangement:

FIRST QUALITY

The numerals shall also appear on each side of the end panel.

- (d) On the half-pound and one-pound carton, the numerals shall be three-quarters of an inch in height and the lettering one-fourth of an inch in height. On cartons or packages of two pounds or more, including chiplets, the numerals shall be one and one-fourth inches in height and the lettering one-half inch in height.
- (e) When the name of the manufacturer or the name of the brand of butter appears in connection with quality designations, they shall be in letters not larger than half the size of the type used for quality designations.
- (f) Quality designations are to be of the same color used for the manufacturer's name or butter brand except where otherwise approved in writing by the director. Yellow and similar colors are not to be used for quality designations.

HISTORY

- 1. Amendment filed 10-7-49 (Register 18, No. 2).
- 2. Amendment filed 9–21–56; effective thirtieth day thereafter (Register 56, No. 18).
- 3. Amendment filed 2–23–62; effective thirtieth day thereafter (Register 62, No. 4).
- Amendment filed 4–25–75 as procedural and organizational; effective upon filing (Register 75, No. 17).

§ 687. Manner of Scoring Butter.

In accordance with the provisions of Section 37102 of the Food and Agricultural Code, the manner for determining the method of scoring butter and for establishing quality ratings in butter shall be as follows:

- (a) The flavor shall be classified in accordance with paragraph (e).
- (b) The defects in body, color and salt shall be rated in accordance with paragraph (f).
- (c) The relation of the quality of the butter to the flavor classification of it as affected by total defects in body, color and salt, shall be determined in accordance with paragraph (g).
- (d) Butter with flavor defects, such as woody, barney, metallic, sour, onion, garlic, or yeasty shall be classified as impure or rancid in the case of lipase. Such butter may be used for renovating purposes.
 - (e) Various identified flavors in butter shall be classified as follows:

Flavor Classification					
Flavor Ratings	93	92	90	Less than 90	
Ŭ.	First	First	Second	Cooking	
Identified Flavor	quality	quality	quality	and baking	
Feed	S	D	P	-	
Cooked	D	D			
Acid		S	D		
Aged		S	D		
Bitter		S	D		
Coarse		S			
Flat		S			
Smothered		S	D		
Storage		S	D		
Malty			S	D	
Musty			S	D	
Neutralizer			S	D	
Scorched			S	D	
Utensil			S	D	
Weed			S	D	
Whey			S	D	
Old cream			Y-2		

S—Slight D—Definite P—Pronounced

When more than one flavor is discernible in a sample of butter, the flavor classification of the sample shall be established on the basis of the flavor that carries the lowest classification.

(f) (1) Defects and disratings for body, color and salt are:

	Disratings			
Defects	Slight	Definite	Pronounced	
Body	o .	v		
Crumbly	1/2	1		
Gummy	1/2	1		
Leaky	1/2	1		
Mealy or grainy	1/2	l	2	
Short	1/2	1		
Weak	1/2	1		
Sticky	1/2	1		
Ragged boring	1	2		

	Distaings			
Color	Slight	Definite	Pronounced	
Wavy	1/2	1		
Mottled	1	2		
Streaked	1	2		
Color Specks	1	2		
Salt				
Sharp	1/2	1		
Gritty		2		

Dimension

(g) The flavor classification and maximum disratings for defects in body and color and salt permitted for each California grade follows;

Flavor	Maximum defect	
Classification	disrating permitted	California grade
93 First quality	1	First quality
93 First quality	1 1/2	Second quality
92 First quality	1/2	First quality
92 First quality		Second quality
92 First quality	1 1/2	Cooking and baking
90 Second qual	ity 1/2	Second quality
90 Second qual:	ity 1	Cooking and baking

(h) Terms used in subsections (e) and (f) of this section are those defined as follows:

SLIGHT. An attribute which is barely identifiable and present only to a small degree.

DEFINITE. An attribute which is readily identifiable and present to a substantial degree.

PRONOUNCED. An attribute which is markedly identifiable and present to a large degree.

AGED. Characterized by lack of freshness.

BITTER. Astringent, similar to taste of quinine and produces a puckery sensation.

ACID. Lacks a delicate flavor or aroma and is associated with an acid condition but there is no indication of sourness.

COOKED. Smooth, nutty-like character resembling a custard flavor.

COARSE. Lacks a fine, delicate smooth flavor.

FEED. Aromatic flavor characteristic of feeds eaten by cows.

FLAT. Lacks natural butter flavor.

MALTY. A distinctive, harsh flavor suggestive of malt.

MUSTY. Suggestive of the aroma of a damp vegetable cellar.

NEUTRALIZER. Suggestive of a bicarbonate of soda flavor or the flavor of similar compounds.

OLD CREAM. Aged cream characterized by lack of freshness and imparts a rough aftertaste on the tongue.

SCORCHED. A more intensified flavor than coarse and imparts a harsh aftertaste suggestive of excessive heating.

SMOTHERED. Suggestive of improperly cooled cream.

STORAGE. Characterized by lack of freshness and more intensified than "aged" flavor.

UTENSIL. A flavor suggestive of unclean cans, utensils and equipment.

WEED. Aromatic flavor characteristic of the weeds eaten by cows. WHEY. A flavor and aroma characteristic of cheese whey.

TERMS RELATING TO BODY

CRUMBLY. When a "crumbly" body is present the particles lack cohesion. The intensity is described as "slight" when the trier plug tends to break and the butter lacks plasticity; and "definite" when the butter breaks roughly or crumbles.

GUMMY. Gummy-bodied butter does not melt readily and is inclined to stick to the roof of the mouth. The intensity is described as "slight" when the butter tends to become chewy and "definite" when it imparts a gum-like impression in the mouth.

LEAKY. A "leaky" body is present when on visual examination there are beads of moisture on the surface of the trier plug and on the back of the trier, or when slight pressure is applied to the butter on the trier plug. The intensity is described as "slight" when the droplets or beads of moisture are barely visible and about the size of a pinhead; "definite" when the moisture drops are somewhat larger or the droplets are more numerous and tend to run together; and "pronounced" when the leaky condition is so evident that drops of water drip from the trier plug.

MEALY OR GRAINY. A "mealy" or "grainy" condition imparts a granular consistency when the butter is melted on the tongue. The intensity is described as "slight" when the mealiness or graininess is barely detectable on the tongue and "definite" when the mealiness or graininess is readily detectable.

RAGGED BORING. A "ragged boring" body in contrast to a solid boring, is when a sticky-crumbly condition is present to such a degree that a full trier of butter cannot be drawn. The intensity is described as "slight" when there is considerable adherence of butter to the back of the trier and "definite" when it is practically impossible to draw a full plug of butter.

SHORT. The texture is short–grained, lacks plasticity and tends toward brittleness. The intensity is described as "slight" when the butter lacks pliability and tends to be brittle; and "definite" when sharp and distinct breaks form as pressure is applied against the plug.

STICKY. When a "sticky" condition is present, the butter adheres to the trier as a smear and possesses excessive adhesion. The intensity is described as "slight" when the smear is present only on a portion of the back of the trier and "definite" when the trier becomes smeary throughout its length.

WEAK. A "weak" body lacks firmness and tends to be spongy. The intensity is described as "slight" when the plug of butter, under slight pressure, tends to depress and is not firm and compact; and "definite" when the plug of butter, under slight pressure, tends to depress easily and definitely lacks firmness and compactness.

TERMS RELATING TO COLOR

MOTTLED. "Mottled" appears as a dappled condition with spots of lighter and deeper shades of yellow. The intensity is described as "slight" when the small spots of different shades of yellow, irregular in shape, are barely discernible on the plug of butter and "definite" when the mottles are readily discernible on the plug of butter.

SPECKS. "Specks" usually appear in butter as small white or dark yellow particles, however, they may be of variable size. The intensity is described as "slight" when the particles are few in number and "definite" when they are noticeable in large numbers.

STREAKED. "Streaked" color appears as light colored portions surrounded by more highly colored portions. The intensity is described as "slight" when only a few are present and "definite" when they are more numerous on the trier plug.

WAVY. "Wavy" color in butter is an unevenness in the color that appears as waves of different shades of yellow. The intensity is described as "slight" when the waves are barely discernible and "definite" when they are readily noticeable on the trier plug.

TERMS RELATING TO SALT

SHARP. "Sharp" salt is characterized by taste sensations suggestive of salt. The intensity is described as "slight" when the salt taste predominates in flavor; and "definite" when the salt taste distinctly predominates in flavor.

GRITTY. A "gritty" salt condition is detected by the sandlike feel of the grains of undissolved salt, on the tongue or between the teeth when the butter is chewed. The intensity is described as "slight" when only a

few grains of undissolved salt are detected and "definite" when the condition is more readily noticeable.

NOTE: Authority cited: Sections 407 and 37102, Food and Agricultural Code. Reference: Sections 37101, 37102, 37131 and 37291, Food and Agricultural Code.

HISTORY

- 1. New section filed 10-7-49 (Register 18, No. 2).
- 2. Amendment filed 9–21–56; effective thirtieth day thereafter (Register 56, No. 18).
- 3. Amendment filed 2–23–62; effective thirtieth day thereafter (Register 62, No. 4).
- 4. Amendment filed 4–25–75 as procedural and organizational; effective upon filing (Register 75, No. 17).
- 5. Amendment filed 2–26–82; effective thirtieth day thereafter (Register 82, No. 9)

Article 25. Labeling and Advertising of Milk Products, Imitation Milk Products and Products Resembling Milk Products

§ 690. Required Labeling Generally.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 32912, 32912.5, 38951 and 38953, Food and Agricultural Code.

HISTORY

- 1. Repealer of Article 25 (Sections 690–692) and new Article 25 (Sections 690–697) filed 8–22–78; effective thirtieth day thereafter (Register 78, No. 34). For prior history, see Register 76, No. 15.
- 2. Order delaying effective date of Sections 691–696 filed 9–21–78 as an emergency; effective upon filing (Register 78, No. 38).
- 3. Repealer of Article 25 (Sections 690-697) and new Article 25 (Sections 690-696) filed 1-26-79; effective thirtieth day thereafter (Register 79, No. 4).
- 4. Repealer filed 7–15–97; operative 8–14–97 (Register 97, No. 29).

§ 691. Flavorings and Colorings.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 32912, 32912.5, 38951, and 38953, Food and Agricultural Code.

HISTORY

1. Repealer filed 7–15–97; operative 8–14–97 (Register 97, No. 29).

§ 692. Frozen Dairy Products Sold at Retail.

(a) Retail stores which package frozen dairy products in the presence of the consumer may make ingredient statements for such products available by other than placement on the package. Such alternative statements shall be printed in a legible manner, understandable under normal conditions by the person purchasing frozen dairy products and may be in the form of a counter card, sign, handbill, or such other form approved in writing by the Director.

(b) With the prior approval of the Director, small retail stores which own, operate, control or supply other retail outlets may, in lieu of the required package labeling, print such ingredient statements in a legible manner on an insert or sleeve placed on or attached to the package, on a bag or other wrapper that contains the package, on a handbill made available to the customer at the time of purchase, or by any other form approved in writing by the Director.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 32912, 32912.5, 38951, and 38953, Food and Agricultural Code.

§ 693. Supplemental Requirements.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 32912, 32912.5, 38951, and 38953, Food and Agricultural Code.

HISTORY

1. Repealer filed 7-15-97; operative 8-14-97 (Register 97, No. 29).

§ 694. Providing Ingredient and Nutritional Information to Other Distributors.

Manufacturers, wholesalers, distributors, brokers, and other persons who sell products of milk, imitation milk products, or products resembling milk products to others for further manufacturing or retail packaging shall provide ingredient and nutritional information in writing to the buyer upon request.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 32912, 32912.5, 38951, and 38953, Food and Agricultural Code.

§ 695. Compliance Dates.

 $Note: Authority\ cited: Section\ 407, Food\ and\ Agricultural\ Code.\ Reference: Sections\ 32912,\ 32912.5,\ 38951,\ and\ 38953,\ Food\ and\ Agricultural\ Code.$

HISTORY
1. Repealer filed 7–15–97; operative 8–14–97 (Register 97, No. 29).

§ 696. Compliance Rulings.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 32912, 32912.5, 38951, and 38953, Food and Agricultural Code.

HISTORY

1. Repealer filed 7-15-97; operative 8-14-97 (Register 97, No. 29).

§ 698. Delayed Effective Dates.

NOTE: Authority cited: Sections 407, 32912, 32912.5, 38951 and 38953, Food and Agricultural Code. Reference: Sections 32912, 32912.5, 32912.7, 32914, 32915 and 38981–38987, Food and Agricultural Code.

HISTORY

- 1. New section filed 9–21–78 as an emergency; effective upon filing (Register 78, No. 38).
- 2. Repealed by operation of Section 11422.1(c), Government Code (Register 79, No. 4).

Chapter 2. Livestock Disease Control (Animal Quarantine)

(Originally Printed 7-25-45)

Article 1. Removal of Cattle, etc., from Slaughterhouse Pens, etc.

§ 750. Removal of Cattle, etc., from Slaughterhouse Pens, etc.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Section 9164, Food and Agricultural Code.

HISTORY

1. Repealer of Article 1 (Section 750) filed 1–14–86; effective thirtieth day thereafter (Register 86, No. 3).

Article 1.5. Bovine Brucellosis

§ 752. Vaccine, Vaccination, and Test Reagents.

- (a) Approved *Brucella* Vaccine. A vaccine, approved by and produced under license of the United States Department of Agriculture, to increase the resistance of cattle to brucellosis infection. It shall be procured and distributed by the California Department of Food and Agriculture. Direct sale of Brucella vaccine without approval of the California Department of Food and Agriculture is prohibited.
- (b) Official Vaccinate. A female bovine animal, when vaccinated identified, and reported, by a federal or state veterinarian or an accredited, contract veterinarian with an approved *Brucella* vaccine, is classified as an:
- (1) official brucellosis calfhood vaccinate when vaccinated against brucellosis at the prescribed age for calfhood vaccination, or
- (2) official brucellosis adult vaccinate when vaccinated against brucellosis, at an age older than the age prescribed for calfhood vaccination as part of an individual whole–herd adult vaccination plan.
- (c) Calfhood Vaccination (official brucellosis calfhood vaccinate). All female dairy calves shall be vaccinated against brucellosis with an approved *Brucella* vaccine between the ages of four (4) through 12 months (120 through 365 days). Female beef calves, if vaccinated against brucellosis, shall be vaccinated between the ages of four (4) through 12 months (120 through 365 days). All calves vaccinated pursuant to this Section shall be identified in compliance with Sections 752.1 and 752.2. The use of all vaccines for brucellosis calfhood vaccination and eartags used for identification shall be reported to the Animal Health Branch within 14 days. A report of heifer calves vaccinated for brucellosis shall contain the following information:

- (1) County of vaccination; herd number, if available; Animal Health District.
 - (2) Name of the herd owner.
 - (3) Address or P.O. Box number, city, state, location of calves.
- (4) Date of vaccination; optionally, the date of next vaccination (month and year).
 - (5) Number and type of calves vaccinated (dairy, beef, total).
 - (6) Eartag numbers applied.
- (7) Vaccine information: manufacturer, serial number, expiration date.
- (8) A statement to be signed by the contract veterinarian, identified by license number, vaccinating the calves certifying that: the calves were vaccinated with an approved brucellosis vaccine; the calves were in the prescribed age range when vaccinated; each calf was tattooed in the right ear with the official tattoo showing the correct quarter of the year or type of vaccine and year; each calf was tagged with an official calf vaccination eartag in the right ear, unless the vaccinating veterinarian received a request in writing by the owner, or owner's agent, not to apply the eartag.
- (9) Acknowledgment signed by the owner or agent that the described calves were vaccinated and that all calves were within California's prescribed vaccination age limits.
- (10) Optional request that may be signed by the owner or owner's agent not to apply the official vaccination eartags to the calves because they can be identified as vaccinates within the herd.
- (d) Adult Vaccination (official brucellosis adult vaccinate). A female bovine animal over the eligible age prescribed for calfhood vaccination may be vaccinated with an approved adult brucellosis vaccine as a part of an individual whole–herd vaccination plan as agreed to by the Department and the owner of that herd. Adult vaccination shall be supervised by a state or federal veterinarian. Each animal vaccinated under this plan shall be negative to an official blood test for brucellosis before vaccination and shall be permanently identified in accordance with the agreement developed as part of the whole–herd vaccination plan. Blood for testing may be collected at the time of vaccination if the owner agrees to remove all brucellosis titered animals from the herd immediately upon receipt of the test results. Test eligibility before adult vaccination shall be determined by the Designated or District Epidemiologist.
- (e) Accredited Veterinarian. A veterinarian approved by the Administrator, or a person authorized to act for the Administrator, Animal and Plant Health Inspection Service (or equivalent titled agency), of the United States Department of Agriculture, in accordance with the provisions of Title 9, Part 161, Code of Federal Regulations, to perform functions required by cooperative State–Federal disease control and eradication programs.
- (f) Contract Veterinarian. An accredited veterinarian who has a valid contract with the Animal Health Branch, California Department of Food and Agriculture, to vaccinate animals in California against brucellosis and perform other brucellosis regulatory procedures if included in the vaccination contract or if included in a separate contract.
- (1) The contract for vaccinating female calves against bovine brucellosis shall include the following information: Full name, mailing address, telephone number, California state license number, accreditation date, and Animal Health District of the practice of the accredited veterinarian contracting with the Department; and dates of issue and expiration of the contract.
- (2) The contracting veterinarian will agree to: vaccinate female calves with an approved *Brucella* vaccine within the ages prescribed by regulation; apply the official permanent tattoo of brucellosis vaccination and the official brucellosis calfhood vaccination eartag in the right ear of the vaccinate; perform the vaccination, eartagging, and tattooing in a sanitary and professional manner; store unmixed vaccine as directed by the manufacturer; use the reconstituted vaccine as mixed and not hold for future use; dispose of unused reconstituted vaccine according to biohazard waste guidelines; complete, sign, and record his/her state veterinary license on a calf vaccination report as described in Section(c), above; obtain the owner (or agent) signatures as applicable on the report; give the

owner a copy of the vaccination report at the time of vaccination; and send a copy of the report to the local Animal Health District Office within 14 days.

- (3) The contract veterinarian shall also agree to follow any official supplemental written or oral instructions furnished by Animal Health personnel related to methods and procedures associated with any brucellosis contract; notify the local Animal Health District Office of movement to another district; and return all supplies and materials supplied by the State to an Animal Health District Office at the termination of the contract.
- (4) The contract shall expire on the stated expiration date unless terminated earlier by ten (10) days written notice by either party. The contract shall be valid for up to two (2) years.
- (5) The contract shall be signed for the Department by the Chief of the Animal Health Branch or a Staff Veterinarian designated by the Chief. The Department may suspend temporarily or cancel the contract of a veterinarian not complying with any part of the contract.
- (g) Designated Epidemiologist. A state or federal veterinarian with knowledge of brucellosis epidemiology, selected by state and federal veterinarians in charge, with the concurrence of the United States Department of Agriculture brucellosis staff. The Designated Epidemiologist will coordinate and evaluate the Brucellosis Eradication Program as assigned.
- (h) District Epidemiologist. A district or field veterinarian selected by the Chief of the Animal Health Branch to supervise brucellosis disease control and eradication within a herd or a district.
- (i) Purchase, Possession, Sale, and Use of *Brucella* Diagnostic Test Reagents or Vaccine.
- (1) The following may purchase, possess, or use *Brucella* vaccines and diagnostic test reagents containing *Brucella* microorganisms or components thereof in California:
- (A) Federal, state, county, or municipal veterinarians, or public health officials in their official capacities.
 - (B) Contract veterinarians.
- (C) Laboratories approved by the United States Department of Agriculture, their distributors, or agents.
- (2) The following may purchase, possess, or use *Brucella* diagnostic test reagents and materials:
- (A) Laboratories having a permit from the California Department of Health Services to operate under the State Clinical Laboratory Act.
- (B) Laboratories approved for public health work by the California Department of Health Services.
- (3) All sales or transfers of *Brucella* test reagents or vaccines containing *Brucella* microorganisms or components thereof by manufacturing laboratories, their distributors or agents, to persons or laboratories within California shall be limited to those persons or laboratories specified in paragraphs (1) and (2) above. Sales or transfers of vaccine shall be reported by letter through the U. S. Postal Service, to the California Department of Food and Agriculture, Animal Health Branch, 1220 N Street, Sacramento, CA, 95814, within five (5) business days after the date of sale or transfer.

NOTE: Authority cited: Sections 407, 10324, 10326 and 10327, Food and Agricultural Code. Reference: Sections 10301–10311, 10321–10323, 10325, 10341, 10342, 10351–10359, 10493, 10511 and 10512, Food and Agricultural Code; Title 9, Sections 71.1 and 78.1, Code of Federal Regulations, January 1, 1997 Edition.

HISTORY

- Amendment filed 4–16–68; effective thirtieth day thereafter (Register 68, No. 16). For prior history see Register 57, No. 16.
 Repealer of former article 1.5 (sections 752–754.21) and section, and new ar-
- Repealer of former article 1.5 (sections 752–754.21) and section, and new article 1.5 (sections 752–754.2) and section filed 5–24–99; operative 6–23–99 (Register 99, No. 22).
- 3. Amendment of subsection (c) filed 4-2-2007; operative 5-2-2007 (Register 2007, No. 14).

§ 752.1. Official Tattoo of Calfhood Vaccination.

The official tattoo indicating bovine brucellosis calfhood vaccination shall be placed in the right ear of each calf vaccinated. All elements of the tattoo will be made by a series of pins and followed with the application of a tattoo ink furnished or approved by the Department as being suit-

able to produce a permanent tattoo in the ear. It shall consist of three (3) elements in order from left to right as follows:

- (a) First Element.
- (1) If vaccinated with Strain 19 vaccine, the first element will be the capital letter "A," "B," "C," or "D", indicating the quarter of the year in which the animal was vaccinated: "A" for the first quarter (January–March), "B," "C," and "D" for the second, third, and fourth quarters respectively.
- (2) If vaccinated with RB-51 vaccine the first element will be the capital letter "R".
- (3) If a vaccine other than Strain 19 or RB-51 is used, a different first element may be designated by the Department and used in the tattoo.
- (b) Second Element. The second element will be the official United States Department of Agriculture shield tattoo insert as registered with the United States Commissioner of Patents, Washington, D.C.
- (c) Third Element. The third element will be the number designating the last digit of the year in which the animal was vaccinated.

The second and third elements of the tattoo will be as described regardless of the *Brucella* vaccine used. An example of a complete tattoo is illustrated below:



NOTE: Authority cited: Sections 407, 10324, 10326 and 10327, Food and Agricultural Code. Reference: Sections 10352 and 10356–10359, Food and Agricultural Code; and Title 9, Section 78.1, Code of Federal Regulations, January 1, 1997 Edition

HISTORY

- 1. New section filed 3-5-62; effective thirtieth day thereafter (Register 62, No. 5).
 2. Amendment filed 4-16-68; effective thirtieth day thereafter (Register 68, No. 16).
- 3. Amendment filed 8–22–78; effective thirtieth day thereafter (Register 78, No. 34)
- 4. Repealer and section filed 5–24–99; operative 6–23–99 (Register 99, No. 22).

§ 752.2. Official Eartag of Calfhood Vaccination.

In addition to the official brucellosis tattoo, each calf vaccinated against brucellosis shall have an official brucellosis calfhood vaccination eartag placed in the right ear by the veterinarian performing the service. The official brucellosis eartag shall be orange in color and bear the legend "Calif. Vac." and a nine-character alphanumeric code that conforms to the nine-character alpha-numeric National Uniform Eartagging System. An eartag will not be required if the owner of the calf signs the written request for exemption that is part of Section 752(c)(10) and has other means of identifying the animal within the herd.

NOTE: Authority cited: Sections 407, 10324, 10326 and 10327, Food and Agricultural Code. Reference: Sections 10323, 10325, 10352 and 10356–10359, Food and Agricultural Code; and Title 9, Section 78.1, Code of Federal Regulations, January 1, 1997 Edition.

HISTORY

1. New section filed 5-24-99; operative 6-23-99 (Register 99, No. 22).

§ 752.3. Testing.

(a) Test Samples. Blood, milk, or other samples for brucellosis eradication program testing shall be taken from cattle only by accredited veterinarians licensed to practice veterinary medicine in California, designated representatives from federal, state, or county governments, or persons authorized by the California Department of Food and Agriculture or United States Department of Agriculture at slaughter establishments. Test samples shall be collected from brucellosis suspect or reactor animals at slaughter when requested by the District or Designated Epidemiologist. All cattle tested for the brucellosis program shall be individually identified using eartags, registration numbers, or other methods of identification approved as satisfactory for individual identification by the Department. Each individual identification recording shall include the brucellosis vaccination status of the animal from which the sample was taken. All specimens submitted for brucellosis program testing shall be accompanied with sufficient information to identify the owner's name, address, location of the animals, and the purpose of the test. As an aid to brucellosis disease surveillance in California, a diagnostic labora-

Page 52

tory may test any non-program specimens submitted for analysis by any person for the presence of signs of *Brucella* species.

- (b) Official Tests and Procedures. All brucellosis test protocols, procedures, and methods approved by the California Department of Food and Agriculture and the United States Department of Agriculture as being suitable to detect the presence of *Brucella*, or *Brucella* antibodies or components shall be regarded as official.
- (c) Testing Laboratories. Tests for brucellosis shall be made only by persons approved by the Department or by the United States Department of Agriculture as proficient in brucellosis testing in a laboratory or facility of the following:
 - (1) United States Department of Agriculture.
 - (2) California Department of Food and Agriculture.
- (3) University of California, California Veterinary Diagnostic Laboratory System.
 - (4) A County Veterinarian when approved by the Department.
- (5) The designated veterinarian of a Specifically Approved Stockyard (as defined in Title 9, Section 78.44, Code of Federal Regulations, January 1, 1997 Edition).
- (6) Those possessing a permit from the California Department of Health Services.
- (d) Test Reporting. Every positive brucellosis test shall be reported by telephone to the Animal Health Branch within 24 hours after completion by the laboratory conducting the test. All other results shall be reported within five (5) business days of the test.
 - (e) Blood Test Eligible.
- (1) Female cattle officially vaccinated for brucellosis with Strain 19 are eligible for testing if:
- (A) dairy breed 18 months of age and over (as evidenced by the loss of the first pair of temporary incisor teeth).
- (B) beef breed 24 months of age and over (as evidenced by the presence of the first pair of fully erupted permanent incisor teeth).
- (C) any age dairy or beef breed if parturient (visibly prepared to give birth or within two (2) weeks of giving birth, a "springer") or post–parturient (having already given birth).
- (2) Female cattle not vaccinated with a *Brucella* vaccine or officially vaccinated with other than Strain 19 are eligible for testing if six (6) months of age and over.
- (3) Bulls over 18 months of age (as evidenced by the loss of the first pair of temporary incisor teeth).
- (4) Steers and identified spayed heifers are exempt from brucellosis testing.
- (5) As determined by the Designated or District Epidemiologist on a case-by-case basis in exposed or affected herds where testing of animals might be indicated as part of the epidemiological disease evaluation. NOTE: Authority cited: Sections 407, 10324 and 10326, Food and Agricultural Code. Reference: Sections 461, 520, 521, 527, 5006, 9101, 9165-9169, 9531, 9532, 9561-9567, 10301-10311, 10321-10323, 10325, 10381-10385, 10387 and 10493, Food and Agricultural Code; and Title 9, Section 78.1, Code of Federal Regulations, January 1, 1997 Edition.

HISTORY

1. New section filed 5-24-99; operative 6-23-99 (Register 99, No. 22).

§ 752.4. Classifying.

- (a) Classifying Animals.
- (1) Reactor Animals are classified or reclassified as brucellosis reactors by a Designated or District Epidemiologist when:
- (A) official testing and interpretation of the results indicate the animal has been infected with *Brucella*, or
 - (B) epidemiologic evidence indicates a reactor status.
- (2) Suspect Animals are classified or reclassified as brucellosis suspects by a Designated or District Epidemiologist when:
- (A) official testing and interpretation of the results suggest infection, or
 - (B) epidemiologic evidence indicates a suspect classification.
- (3) Negative Animals are classified or reclassified as brucellosis negative by a Designated or District Epidemiologist when:

- (A) official tests performed are negative for brucellosis, or
- (B) epidemiologic evidence indicates negative brucellosis status.
- (b) Classifying Herds.
- (1) Affected Herd A herd in which any animal has been infected with field strain *Brucella*, has been classified as a brucellosis reactor, and has not been released from Hold Order.
- (2) Exposed Herd A herd containing one or more animals known to be exposed, or had an opportunity to be exposed, to brucellosis infected animals or materials possibly contaminated with *Brucella*.
- (3) Herd Not Known to be Affected A herd in which no field strain brucellosis reactors have been found, or a herd in which one or more animals have been classified as a brucellosis reactor, but has since been released from Hold Order.
- (c) Hold Order. A written directive by a department representative to confine one or more animals to a specific location to:
- (1) limit exposure of other animals to an exposed, possibly diseased, or a diseased animal.
- (2) restrict movement of animals with unknown brucellosis vaccination or disease status until their status is clarified.
 - (3) control movement of non-brucellosis vaccinated animals.

The Hold Order is a written notice and order to hold animals on their current premises. It shall contain the following information: date of writing; name of the owner, or owner's agent; description of the animals being held; where they are located; and why they are being placed under a Hold Order (infected with..., infested with..., exposed to..., or may have been exposed to..., and may transmit, carry, or distribute the disease); the name, title, and date of issue by the person issuing the notice or order; and the name of the person, if known, receiving the Hold Order. Absence of a signature by the owner or owner's agent acknowledging receipt does not invalidate the essence of the Hold Order. If a temporary verbal Hold Order is issued, it shall be followed with a written Hold Order, mailed within three (3) business days. To appeal the issuing of a Hold Order, the Chief of the Animal Health Branch of the Department must be contacted within seven (7) days of the issue of the order. This procedure to appeal the Hold Order shall be stated in the order. Animals confined under a Hold Order may be moved, if it appears to the Department that there will be no disease risk associated with the movement and the movement is in compliance with a prior written agreement between the owner and the Department. The Hold Order may be released as determined by the person issuing the order or a Designated or District Epidemiologist.

NOTE: Authority cited: Sections 407, 10324, 10326, 10327 and 10386, Food and Agricultural Code. Reference: Sections 461, 5006, 9163–9169, 9561–9567, 9574, 9698–9702, 10301–10311 and 10493–10496, Food and Agricultural Code; and Title 9, Section 78.1, Code of Federal Regulations, January 1, 1997 Edition.

History

1. New section filed 5-24-99; operative 6-23-99 (Register 99, No. 22).

§ 752.5. Reactors.

- (a) Identifying Reactors. When any animal is classified as a brucellosis reactor it shall be immediately identified with an official brucellosis reactor eartag attached to the left ear. Identification shall be supervised by the accredited veterinarian who collected the blood, milk, or other sample, or by a government official designated by the District Veterinarian. The person supervising the identification shall report its completion in person or by telephone to the Animal Health Branch within five (5) business days.
- (b) Disposing of Reactors. A reactor shall be slaughtered within 30 days of identification and shall be confined under a Hold Order on the premises where found until it is moved for immediate slaughter. Before reactors are moved they require written permission to move to either a facility authorized by the Department to handle brucellosis reactors or directly to the holding pens of a slaughter establishment approved by the Department as capable of maintaining the identity of a reactor and confirming its slaughter. The reactor shall not be hauled with other animals unless they are also going to immediate slaughter, nor be unloaded on premises or facilities used for holding or handling livestock for any other purpose than consignment for slaughter. Vehicles used for transporting

Page 53 Register 99, No. 25; 6–18–99

reactors shall be cleaned and disinfected before reuse for transporting other livestock. A reactor may be slaughtered on the premises by the owner, providing the slaughter is witnessed by a government official designated by the District Veterinarian and a statement acknowledging a possible public health hazard is signed by the owner prior to slaughter. Any contaminated materials shall be removed and the premises shall be cleaned and disinfected within 15 days of removal of reacting animals, using methods and materials recommended after a case—by—case evaluation by the Department. The 15—day cleanup period may be extended due to unforseen circumstances not within control of the owner, if upon request for an extension, it is determined by the Department that the extension will not adversely affect the Brucellosis Eradication Program.

(c) Immediate Slaughter. Animals for immediate slaughter shall be delivered without diversion to the slaughtering establishment within 10 days from the date the animals were either consigned to slaughter or a permit was issued for their consignment to slaughter. Such animals, upon delivery to the slaughtering establishment, shall be slaughtered within 10 days after arrival unless, due to unforseen circumstances not within control of the slaughter facility, the slaughter facility requests an exemption and the exception is granted by the Department.

NOTE: Authority cited: Sections 407, 10324, 10326 and 10327, Food and Agricultural Code. Reference: Sections 403, 408, 461, 5006, 9163–9168, 10301–10311, 10321–10323, 10325, 10401, 10403–10407 and 10493, Food and Agricultural Code; and Title 9, Section 78.1, Code of Federal Regulations, January 1, 1997 Edition

HISTORY

1. New section filed 5-24-99; operative 6-23-99 (Register 99, No. 22).

§ 752.6. Bison.

All specific requirements of Sections 752 through Section 752.5 applying to beef breed cattle shall apply to bison.

NOTE: Authority cited: Sections 407, 10324, 10326, 10327 and 10386, Food and Agricultural Code. Reference: Sections 403, 408, 461, 520, 521, 527, 5006, 9101, 9163–9169, 9531, 9532, 9561–9567, 9574, 9698–9702, 10301–10311, 10321–10323, 10325, 10341, 10342, 10351–10359, 10381–10385, 10387, 10401, 10403–10407, 10493–10496, 10511 and 10512, Food and Agricultural Code; and Title 9, Section 78.1, Code of Federal Regulations, January 1, 1997 Edition.

HISTORY

1. New section filed 5-24-99; operative 6-23-99 (Register 99, No. 22).

§ 753. Moving Intrastate.

- (a) General.
- (1) The Department may refuse permission to transport animals within California where there may be a danger of infection or spread of brucellosis
- (2) In the case of demonstrated hardship, or of an emergency beyond the control of the cattle owner, the Department may issue a permit allowing cattle to move from one location to another if it is determined that there are adequate safeguards. Special conditions may be imposed and reports may be required.
- (3) When requested by a department representative or other official, any person transporting cattle within California shall produce documents for inspection proving that each animal in the load is moving in compliance with brucellosis laws and regulations. Animals in any load or part of a shipment may be inspected en route or after arrival.
- (4) Documents recording intrastate movements shall be kept by the owner of the animal for two (2) years and shall be available for examination and copying upon request by a department representative.
- (5) Slaughter cows of any age and bulls over 24 months of age, whether beef or dairy breeds, shall be identified before slaughter by a United States Department of Agriculture backtag or other similar backtag that will give equivalent individual animal identification and is approved by the Department for identification purposes prior to use. The backtag number shall be correlated with sufficient ownership information to enable the tracing of each animal to its origin.
- (6) A "Permit to Move" is a written document to move animals under a Hold Order, or other restriction, between premises within California or to a state border, in accordance with Section 9566 of the Food and Agri-

cultural Code. At a minimum, it shall contain: the county of origin of the movement; date, and hour if applicable, of issue; the owner's name and address; permission to move animals identified by the number, species, type, tag numbers, and any other information that might be necessary to sufficiently identify the animals being moved; the reason for the Hold Order or restriction; location the animals are being moved from; purpose of the movement; and a destination described by location and name (slaughterer, stockyard, person, etc.). Other information may be included in the permit if it is pertinent to the movement. No diversion will be permitted between origin and destination. An expiration time will be stated in days and/or hours from the issue date and time. The permit for movement shall be signed, with title, by the issuing Animal Health Branch representative. The original shall accompany the shipment, with a copy for each load in the shipment; and copies to the destination (if applicable), the local district office, and to headquarters.

- (b) Dairy. No person shall move, or cause to be moved, from one location to another within California or receive, or cause to be received, any female cattle of the dairy breeds unless they bear evidence of official brucellosis vaccination by the presence of a legible official brucellosis tattoo. The following are exempt from the vaccination requirements of this Section:
 - (1) calves less than four (4) months of age.
 - (2) cattle consigned for immediate slaughter.
- (3) cattle moving only for pasture or grazing purposes to premises under the control of the owner of the cattle and returning to the premises of their origin, providing there has been no commingling with other cattle.
 - (4) permanently identified spayed females.
- (5) cattle not vaccinated against brucellosis moving with a special entry or other written permit to move.
- (c) Beef. All female cattle of the beef breeds more than 12 months of age subjected to a change of ownership within California shall bear evidence of official brucellosis calfhood vaccination by the presence of an official tattoo unless:
 - (1) permanently identified as a spayed female, or
 - (2) moving directly to a slaughter establishment, or
- (3) sold to slaughter through a saleyard approved, in this instance, by the Department as capable of maintaining identification of animals moving through the facility, or
- (4) moving to a registered feedlot included in a registry of currently approved feedlots maintained by the Department (Sections 20013 and 21081–21084, Food and Agricultural Code) for feeding for up to six (6) months before going to slaughter. These animals shall be moved directly to a slaughter establishment under official government inspection from the registered feedlot.

NOTE: Authority cited: Sections 407, 10324, 10326, 10327 and 10386, Food and Agricultural Code. Reference: Sections 408, 9531, 9532, 9561–9567, 9573, 9574, 9698–9702, 10301–10311, 10322, 10323, 10325, 10358, 10359, 10511, 10512, 20013 and 21081–21084, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 4–16–68; effective thirtieth day thereafter (Register 68, No. 16). For prior history, see Register 63, No. 18.
- 2. Amendment filed 6–22–71; effective thirtieth day thereafter (Register 71, No. 26).
- 3. Amendment filed 9–19–73 as an emergency; effective upon filing (Register 73,No. 38).
- 4. Certificate of Compliance filed 1-16-74 (Register 74, No. 3).
- Amendment filed 12–26–75; effective thirtieth day thereafter (Register 75, No. 52).
- 6. Amendment filed 7–30–81; effective thirtieth day thereafter (Register 81, No. 31).
- 7. Repealer and new section filed 5–24–99; operative 6–23–99 (Register 99, No. 22).

§ 753.1. Interstate Entry.

- (a) General.
- (1) The Department may deny permission to transport any species of animal or animal material into California when there may be a danger of infection from brucellosis.

Page 54 Register 99, No. 25; 6–18–99

- (2) The provisions of this Section are in addition to other California requirements for moving cattle and bison into and within California and any requirements of the United States Department of Agriculture.
- (3) The term "Health Certificate", where used in this Chapter, refers to a numbered interstate "Health Certificate", "Certificate of Veterinary Inspection", or a similar titled document that is a record of veterinary health inspection of one or more animals, issued on an official form by an accredited veterinarian from the state of origin. A Health Certificate shall be valid for 30 days following the inspection of the animals described.
- (4) The term "official certificate", where used in this Chapter, shall refer to a Health Certificate, Brand Inspection Certificate, or other official inspection or movement document issued by a federal or state animal health or brand inspection representative or an accredited veterinarian at the point of origin prior to an interstate animal movement into California.
- (5) Upon request by a department representative or other official, any person transporting animals into California shall produce documents for each load or part of a shipment, to prove that each animal transported, pursuant to a permit and/or Health Certificate, falls within a stated requirement or exception. Animals in any load or part of a shipment may be inspected en route or after arrival.
- (6) No person(s) or entity shall receive or accept female cattle or bison transported from outside of California unless first presented with a copy of the documents required for entry. The recipient shall verify that each animal received is described on the importation documents, is identified and tested as required, and each brucellosis vaccinated animal bears a legible official brucellosis calfhood vaccination tattoo.
- (7) Permits, Health Certificates, and other transportation records shall be kept by the recipient for two (2) years after the animals entered California and shall be available for examination and copying upon request by the Department.
- (8) All costs of movement and post entry testing of cattle and bison shall be borne by the owner.
- (9) Native animals are considered to be a group of animals under one owner, on the premises where they were born, or have been kept for at least four (4) months before shipping, provided animals have not been added to the group on the premises within the four (4) months prior to the date of shipping.
- (10) Groups of animals, with no outside additions in the previous four (4) months, under common ownership or supervision, located on two or more geographically separate premises where animals from the different premises have been interchanged or had contact with each other, may be considered a "herd".
- (11) Only bison originating from herds not known to be affected with brucellosis will be considered for entry into California. Test data may be required to document that the herd of origin is free from brucellosis infection. Federal brucellosis classifications for states for cattle shall not apply to bison or other animal species.
 - (b) Entry Permits.
- (1) Permits for cattle and bison to enter California shall be obtained from the Animal Health Branch. Requests for entry permits may be made by telephone; however, written application may be required when necessary to accomplish the purposes of this section. Each entry permit shall have a unique number and shall expire 15 days after issuance, unless a special entry permit has been issued for a different period. No diversion shall be allowed from the requested destination after entry.
- (2) A separate entry permit is required for each shipment containing female cattle of any age, male cattle 18 months of age and over, and bison of any age and sex, before they are transported into California. The entry permit number shall be recorded on the documents accompanying the shipment.
 - (3) The applicant for the entry permit shall:
- (A) establish that all animals in the shipment meet California brucellosis entry requirements, and
 - (B) possess a properly completed Health Certificate when required.

- (4) If the Department suspects or has knowledge indicating that the proposed movement might be a disease threat to California animals, or that the animals might not actually meet California entry requirements, the Department may refuse to issue a permit. The Department may require that brucellosis pre-entry testing procedures (Section 753.1(e)(1)) be completed and the results be presented to a branch brucellosis epidemiologist for evaluation before considering an entry permit. If an entry permit is issued, the Department may require, as part of the entry permit, that all of the animals in the shipment be transported to a designated inspection station immediately upon arrival in California, or held separate at their destination, for inspection by Animal Health Branch personnel. If after inspection the Department finds that all requirements for entry have been satisfied and the animals do not appear to be a disease risk and have met California entry requirements, the transporter will be given permission to deliver the animals to their destination, or they will be released if already at their destination. The entry documents will be validated as necessary.
- (5) If the Department finds that the conditions of an entry permit have not been satisfied, additional proof may be required promptly from the person(s) transporting or receiving the animals. Failure to establish that the requirements for entry have been fully complied with or finding that the animals may pose a disease risk, the Department may place the animals under Hold Order until their disposition is determined and, at the expense of the owner of the animals or person in possession thereof:
 - (A) require vaccination or testing to remain in California, or
- (B) deny permission to deliver the animals in California and require that the animals be returned to their origin, transported out of state, or be consigned to immediate slaughter.
- (6) If any person has given false information to obtain an entry permit for transporting animals into California, has failed to fulfill the conditions of an entry permit, has failed to obtain an entry permit as required, or has caused brucellosis infection in California as a result of importing an infected animal, the Department may levy a penalty (Sections 9166 and 9574, Food and Agricultural Code), and/or refuse to grant future entry to such person, and/or others associated with such violations.
- (7) Notification of suspension of a special entry permit may be made by personal service or by telephone with confirmation by regular mail.
- (8) Requirements for movement with regular entry permits or movements associated with special entry permits may be modified in the event of an outbreak of brucellosis or other disease requiring restriction of animal movements.
- (9) Most permits to allow entry of cattle into California are applied for by telephone or other electronic means accepted by the Department. A permit number, indicating approval of the application, is usually issued immediately over the telephone after entry information is gathered. The entry permit generally will be a paper or computer record for internal Animal Health Branch use and a copy will not be sent to the applicant unless specifically requested or it is needed to accompany a shipment. The information required for a regular entry permit to enter California shall include: date of issue; permit number; name of the shipper or importer; origin of the shipment; description of the animals being imported (number, type, etc.); name and mailing address of entity receiving the animals; a geographic destination if animals are not being received at the destination mailing address; purpose of the importation; name and telephone number of a contact person in California, if not the owner; name and telephone number of the person requesting the permit; the Health Certificate number, if available; name of herd veterinarian, if available; and a list of entry requirements for the type of animals entering. Additional information may be required for a special entry permit.
 - (c) Health Certificates.
- (1) A copy of a properly completed Health Certificate with individual identification where required shall accompany each load or part of a shipment entering California containing:
 - (A) female dairy cattle more than four (4) months of age, and

- (B) female beef cattle and all bison more than six (6) months of age, and
 - (C) cattle bulls more than 18 months of age, and
 - (D) any animal requiring a blood test prior to entry.
 - (2) A Health Certificate shall not be required if:
- (A) all the animals in the shipment are entering for direct delivery to a slaughter establishment for immediate slaughter under official government inspection, or
- (B) they have a special entry permit that exempts them from the health certificate requirement.
- (3) A valid Brand Inspection Certificate may be substituted for the individual animal identification required on a Health Certificate for native cattle entering from a brucellosis Class Free State (as defined in Title 9, Code of Federal Regulations, Section 78.1, January 1, 1997 Edition) with an official brand recording agency provided all the animals in the shipment are one owner branded animals, the brand is registered to that owner, and no brucellosis blood test is required prior to entry. The Brand Inspection Certificate shall be numbered or made unique to identify it as representative only of that particular shipment. The Brand Inspection Certificate shall list the ownership brand, consignor, consignee, origin, destination, number and description of the animals, and shall be attached (stapled) to the Health Certificate. All animals in the shipment shall be officially calfhood vaccinated against brucellosis and have legible brucellosis vaccination tattoos. The owner, or the owner's designated agent, shall sign a certification on the Health Certificate indicating that:
- (A) the shipment consists only of native cattle originating from a brucellosis Class Free State, and
- (B) the animals in the shipment have been officially brucellosis calfhood vaccinated and have legible official brucellosis tattoos as evidence of vaccination.
- (4) A valid Brand Inspection Certificate may be substituted for the individual animal identification required on a Health Certificate for native, non-test eligible (Section 752.3(e)) cattle, from a brucellosis Class A State (as defined in Title 9, Code of Federal Regulations, Section 78.1, January 1, 1997 Edition) provided the requirements of Section 753.1(c)(3) are fulfilled.
- (5) The Health Certificate shall be signed by the accredited veterinarian who examined the animals in the shipment. It shall include: the permit number; a description of the animals; complete information on the consignor, consignee, origin, and destination; the federal brucellosis classification of the state of origin; purpose of the movement; and owner's certification and agreement when required in Section 753.1(f) or as specified by another disease control code or regulation. For test eligible animals, as described in Section 753.1(e), the description shall include individual animal identification with the official eartag number, a representation of the brucellosis vaccination tattoo present, brucellosis test date and results. A copy of the official brucellosis test record with a description of each animal, its eartag number, its brucellosis vaccination tattoo, and blood test results may be attached to each copy of the Health Certificate instead of transferring that information onto the certificate. Brucellosis vaccinated animals that are exempt from testing requirements, and are entering California for movement and sale within the State shall have the presence of vaccination and legible tattoos certified by the owner. The Health Certificate, with attachments, shall be available for examination en route and after arrival in California. A copy of the completed Health Certificate shall be sent to the California State Veterinarian's office within 15 days of examination. Purebred registered cattle entering California, if not utilizing an official vaccination eartag and tattoo for identification, may be identified by a registration ear tattoo and their official brucellosis calfhood vaccination tattoo, or by another method of permanent identification as requested by the owner and approved by the Department.
- (6) The examining accredited veterinarian shall indicate on the Health Certificate that each animal in the shipment meets California entry requirements.
- (7) It may be necessary to obtain a Health Certificate for entry into California because of a disease condition in another state, even though

- the animals are exempt from obtaining a Health Certificate by brucellosis regulations.
 - (d) Vaccination Requirements.
- (1) Official brucellosis calfhood vaccination, indicated by the presence of a legible official calfhood vaccination tattoo as evidence of the vaccination, is required for entry of each:
 - (A) dairy breed female more than four (4) months of age.
- (B) beef breed female more than 12 months of age and requested of each beef breed female more than six (6) months of age.
 - (2) Non-brucellosis vaccinated female:
- (A) dairy and beef breed calves of brucellosis vaccination age will be allowed to enter California if they meet the requirements of a prior special entry permit to be vaccinated against brucellosis on arrival.
- (B) dairy breed cattle over eight (8) months of age, and beef breed cattle over 12 months of age shall not be eligible for entry into California unless entering:
 - 1. with a special entry permit, or
- 2. for immediate slaughter at a slaughter establishment under official government inspection.
 - (3) Brucellosis vaccination is not required for entry of:
 - (A) dairy breed female calves less than four (4) months of age.
 - (B) beef breed female calves less than six (6) months of age.
 - (C) bison, steers, bulls, and identified spayed female cattle.
 - (e) Test Requirements.
- (1) Blood for pre-entry testing shall be collected within 30 days before entry and tested by a laboratory approved for brucellosis testing by federal or state officials. An additional signed statement must be included on the Health Certificate that explains how the test results were verified to represent each animal in the shipment when the blood was not collected and submitted to the laboratory by the veterinarian issuing the Health Certificate.
- (2) No animals will be allowed to enter California if they are part of a lot or herd in which a reactor has been found.
- (3) Cattle from non-Class Free States and cattle from a Class Free State that are not native to that state (Section 753.1(a)(9)) must have a negative brucellosis blood test record prior to entry if they are:
- (A) non-brucellosis vaccinated female calves of brucellosis vaccination age entering under a special entry permit to be vaccinated on arrival, or
- (B) brucellosis vaccinated dairy breed females 18 months of age and over, or
- (C) brucellosis vaccinated beef breed females 24 months of age and over, or
 - (D) parturient (springers) or post-parturient of any age, or
 - (E) cattle bulls 18 months of age and over, or
- (F) beef heifers six (6) months of age and over not vaccinated against brucellosis.
- (4) Bison (except steers and identified spayed heifers) from any state must have a negative brucellosis blood test record prior to entry if they are:
- (A) non-brucellosis vaccinated female calves of brucellosis vaccination age entering under a special entry permit to be vaccinated on arrival, or
- (B) six (6) months of age and over and not vaccinated against brucellosis, or
 - (C) brucellosis vaccinated females 24 months of age and over, or
 - (D) parturient (springers) or post-parturient of any age.
- (5) Non-brucellosis vaccinated female animals with a special entry permit from any class state must be brucellosis test negative prior to entry if they are:
 - (A) registered cattle entering for preserving or developing bloodlines.
- (B) cattle or bison entering a registered feedlot included in a registry of currently approved feedlots maintained by the Department for feeding prior to slaughter.
 - (6) The test requirements of this Section do not apply to:
 - (A) cattle native to brucellosis Class Free States that are:

Page 56 Register 99, No. 25; 6–18–99

- 1. non-brucellosis vaccinated female calves of brucellosis vaccination age entering under a special entry permit to be brucellosis vaccinated on arrival, or
- 2. officially calfhood brucellosis vaccinated female cattle of any age with legible official brucellosis vaccination tattoos, or
 - 3. bulls.
- (B) cattle and bison irrespective of the status of the state of origin transported into California that are:
- 1. for direct delivery to a slaughter establishment for immediate slaughter under official government inspection.
 - 2. dairy breed female calves less than four (4) months of age.
 - 3. brucellosis vaccinated dairy breed females under 18 months of age.
 - 4. beef breed female calves less than six (6) months of age.
 - 5. brucellosis vaccinated beef breed females under 24 months of age.
- 6. cattle bulls less than 18 months of age, steers, and identified spayed females.
- 7. cattle and bison from current Certified Brucellosis-Free Herds. The herd number and the date of the current test shall be recorded on the Health Certificate.
- 8. cattle consigned directly to a Specifically Approved Stockyard. There shall be no movement out of a Specifically Approved Stockyard except to slaughter, or to leave California, unless the animals meet all California entry requirements.
- 9. officially brucellosis calfhood vaccinated dairy breed females returning with a special entry permit after feeding another state.
 - (f) Special Entry Permits.
- (1) Dairy heifers, officially brucellosis calfhood vaccinated originating in California, feeding in a Class Free State for a period of time, and returning to the property of the same owner in California, may be granted a special entry permit for the return of the vaccinated dairy heifers to California, valid for 15 days, to return to California without a brucellosis blood test if the owner, or designated agent of the owner, signs and dates a form containing the following certification, agreement, and information:
 - (A) certifying:
- 1. to continuous ownership of the heifers prior to leaving and while out of California.
- 2. that cattle from states other than California have not been added to the group while out of California.
- 3. that the returning heifers have not commingled with another owner's cattle during transportation and while out of California.
- 4. that all animals in the shipment originated in California and were officially brucellosis calfhood vaccinated at the prescribed age and have legible official brucellosis tattoos.
- 5. that the heifers have not left the Class Free State where they were feeding.
- 6. to examination of each animal in the shipment for health and identification purposes within the 30 days prior to return to California and certifying that as a result of that examination that:
 - a. each animal is apparently healthy;
- b. a legible recording has been made of each animal's individual identification, both official and herd, a representation of the official brucellosis tattoo, breed, and approximate age, on a list which contains the same information about all of the animals in the shipment.
 - (B) agreeing to:
- complete the special entry permit form or obtain a Health Certificate.
- 2. obtain a special entry permit number for each shipment (for either a special entry permit or a Health Certificate).
- 3. send the original signed special entry permit or a Health Certificate (with the permit number recorded and the list of animals included in the shipment stapled to either form), to the State Veterinarian's office in California on departure for California.
- 4. make a separate copy of the completed special entry permit or the Health Certificate to accompany each load or part of the shipment and to present it to any state regulatory official on their request.

- 5. deliver a copy of the completed special entry permit or the Health Certificate (with a list of heifers in the shipment attached) at the destination
- 6. present some or all of the heifers and/or the entry documents for inspection at a reasonable time after arrival to validate compliance with this regulation, if requested by Animal Health Branch personnel.
- 7. keep an individual animal identification record of non–California heifers purchased and brought into California before being transported out of California for feeding under this special entry permit. The purchasers of the out–of–state heifers shall maintain sufficient animal identification to trace the purchases back to their origin.

The owner is responsible for the accuracy of the certifications and the attached animal identification list which becomes part of the special entry permit or Health Certificate. This special entry permit form shall contain: the signature of the owner or the owner's agent; the printed name of the person signing the special entry permit form and the address and telephone number of the owner; an accurate description of the destination with name, geographic location, mailing address with county, and name and telephone number of the manager or other contact person at the destination. If the special entry permit is being requested by telephone and the request is approved, the permit number and expiration date shall be recorded in the appropriate location on the form before making copies for the transport vehicles. If the special entry permit is mailed or faxed for approval, a copy will be returned by the same method, if approved.

If the owner chooses to get a Health Certificate with individual identification instead of using this California special entry permit form, the certifications (A)1 through 5, and agreements (B)3 through 7, in this Subsection shall be signed and included as part of the Health Certificate along with the notation "Dairy heifer brucellosis vaccinates returning to California."

It is the intent of this special entry permit to trace the movement of dairy animals as accurately as possible, and should a brucellosis reactor or suspect be found, to be able to trace them to their herd of vaccination and origin.

- (2) The owner of an officially brucellosis calfhood vaccinated beef breeding herd may be issued a Pasture to Pasture Permit for a single seasonal movement (to and return within eight (8) months) between pastures under the control of the same owner in California and a Class Free State following certification by the state of origin and approval of the owner's written application by California. Owners requesting permission to enter California for pasture, or return to California after out of state pasture under a Pasture to Pasture Permit, shall utilize the California Pasture to Pasture Permit for the movement, even if it is in addition to another state's permit. The transmission of applications and approvals by mail or fax is permissible.
- (A) A signed, approved permit shall contain the expiration date and permit number as furnished by the destination state.
- (B) The applicant shall furnish the following information: state of origin and destination; number of animals by age groups (females over two (2) years old, heifers between six (6) months and 24 months old, adult bulls, steers, calves under six (6) months old, horses); brand and location; accurate description of origin and destination premises by: premises name; geographic location; mailing address including the city, state, zip code, and county; name and telephone number of premises owner or manager and any other contact information available; name and telephone number of veterinarians servicing the herd; number of years the herd has moved to described premises; fenced premises (Y/N); commingling with cattle owner by others (Y/N); and names of other owners commingling.
- (C) The applicant shall acknowledge that Pasture to Pasture Permit is for one pasture season for the described cattle, time, and premises, and that no diversion of cattle from the described premises will be allowed without prior permission of the State Veterinarian's office where cattle are on pasture, and then, only due to an environmental emergency.
 - (D) The applicant shall certify that:

- 1. the animals entering under the permit are from a beef breeding herd established more than six (6) months in the Class Free State of origin;
- 2. it will be established, by brand or health certificate obtained within the 30 days prior to a load or part of a shipment entering or returning to California, that the cattle have healed brands (brands that appear to have been applied at least four (4) months prior to movement) or other identification officially registered to the owner;
- 3. no trader or recently assembled cattle are in the origin herd or the animals moving:
- 4. all female cattle over six (6) months of age entering or returning to California are or will be officially brucellosis calfhood vaccinated and bear or will bear legible official brucellosis tattoos as evidence of the vaccination.
- (E) The purchase or addition of native cattle originating in the Class Free State destination state will be allowed if the owner certifies that:
- 1. the purchased or added cattle are native to the destination state, have been officially brucellosis calfhood vaccinated, and have legible official brucellosis vaccination tattoos, and
- 2. the California State Veterinarian's office is notified by mail or fax of the purchase or addition of animals, by number and type, in the destination state prior to returning at the end of the pasture season.
- (F) Before California can approve entry with a Pasture to Pasture Permit, an animal health official of the state of origin shall certify that the herd needing permission to enter California for pasture is an established beef breeding herd that is current with its brucellosis calfhood vaccinations and is not known to be affected with or exposed to brucellosis. After receiving this certification, the Department shall evaluate the entries on the permit request. If it appears that there will be no brucellosis danger to California animals and that the applicant will implement the permit requirements, the permit may be approved by a representative of the Animal Health Branch.
- (G) The owner, or owner's agent, of cattle that have received a Pasture to Pasture Permit to leave California for pasture and return shall:
- 1. enter the estimated date of return to California and any animal purchase or animal addition information on the permit as indicated.
- 2. forward a copy of the permit with the return information to the State Veterinarian of California by mail or fax within the 15 days prior to the date of returning the first load or part of a shipment of cattle.
- (H) Cattle moving with an approved Pasture to Pasture Permit are exempt from brucellosis test and individual identification requirements associated with a Health Certificate as long as the owner remains in compliance with the current approved Pasture to Pasture permit and there is no suspicion of brucellosis infection in the herd. An official certificate, in addition to the valid permit, is required to be obtained for all cattle within the 30 days prior to entering California. Copies of the official certificate and the Pasture to Pasture Permit shall accompany each load or part of a shipment of cattle entering California.
- (3) A special entry permit may be issued for entry of non-brucellosis vaccinated brucellosis, test negative, purebred registered dairy or beef breed cattle, with breed association individual identification, for preserving or developing bloodlines. A copy of the registration papers, along with side-view photographs suitable for identification purposes, a drawing of the registration ear tattoo, or a description of other registration mark or identifier, may be required to be forwarded to the Animal Health Branch, before a special entry permit can be considered. The cattle shall meet all other entry identification and negative test requirements. Animals admitted under this provision shall be maintained under a permanent Hold Order. If it appears that there will be no disease risk to a nonbrucellosis vaccinated animal at an exhibition and the exhibition allows their entry, the Department may give written permission to move within California to be exhibited. A Permit to Move may be issued for movement: for exhibition, to another premises, to go to slaughter, or to leave the State.
- (4) A special entry permit may be issued for entry of brucellosis vaccination age, non-brucellosis vaccinated calves, native to their state of origin, to be brucellosis vaccinated on arrival by a program cooperator

(a person who by past favorable interaction with the brucellosis program, or by industry reputation, it is felt will implement the requirements of the special permit). If the cooperator and the vaccination premises appear to be satisfactory to the destination Animal Health Branch District, Animal Health Headquarters may issue a permit and calves will be allowed to enter from:

- (A) Class Free States without a negative brucellosis test, or
- (B) non-Class Free States with a negative brucellosis test.
- (5) Following a signed interstate feeder heifer agreement between the State Veterinarians of a Class Free State of origin and California, a special Beef Feeder Heifer Permit, valid for up to one year, may be issued to an owner to import, for feeding or pasture purposes for a period of up to eight (8) months, apparently healthy female beef breed heifers under the age of 24 months that have been officially calfhood vaccinated against brucellosis, providing the owner complies with the following conditions:
- (A) At least 15 days before the first expected entry, or expiration of a prior Beef Feeder Heifer Permit, the owner shall complete a written application for a special Beef Feeder Heifer Permit and obtain the approval of a California Animal Health Branch Staff Veterinarian and the acknowledgment of the an animal health staff member of the Class Free origin state. The application for the Beef Feeder Heifer Permit, when approved, will serve as the permit and shall contain the following information: date of application, permit number issued, expiration date of the permit, and the applicants name. Space will be provided on the application for approval by a California Animal Health Staff Veterinarian and acknowledgment of an animal health official of the origin state.
- 1. The owner, or agent of the owner, shall certify on each Beef Feeder Entry Form that all the animals in that shipment:
 - a. are apparently healthy.
 - b. are beef breed heifers under 24 months of age.
 - c. originate from a brucellosis Class Free State.
 - d. are officially calfhood vaccinated against brucellosis.
 - e. have legible official brucellosis vaccination tattoos.
 - f. have not had any contact with cattle of Mexican origin.
 - 2. In addition, the applicant shall agree to:
- a. complete a Beef Feeder Heifer Entry Form for each shipment of heifers entering California.
- b. send (mail or fax) a copy of the completed entry form to the State Veterinarian of California and the origin state within 15 days prior to the expected date of entry of each shipment.
- c. provide a copy of the completed entry form to the driver of each load of heifers in the shipment and instruct the driver to present the copy to government officials for examination when requested.
- d. notify the local Animal Health District Office of movement to: another previously registered premises, another state, into a trade channel, sale to a private buyer, or to slaughter.
- e. maintain records for tracing of the origin and disposition of the heifers for two (2) years for inspection and copying by Animal Health representatives.
- f. within 30 days after the completion of the feeding period, notify the local Animal Health District Office of the number of heifers disposed of by:
 - 1. slaughter.
 - 2. addition to the owner's breeding herd.
 - 3. movement to an identified state.
 - 4. movement into an identified trade channel.
 - 5. sale to an identified private buyer.
 - other.

The applicant shall print the owner's personal or business name, furnish complete address with telephone and fax numbers, and shall sign the certification and agreement. The application shall contain information on how to submit an application for premises registration.

(B) A copy of a properly completed Beef Feeder Heifer Entry Form shall accompany each load or part of a shipment of animals into California with the following information:

Page 58 Register 99, No. 25; 6–18–99

- 1. The entry date, permit number and its expiration date, and the origin state.
- 2. The owner's (or owner's agent) certification that all animals in the shipment are apparently healthy beef breed heifers under 24 months of age, originate from a Class Free State, have been officially calfhood vaccinated against brucellosis, bear legible official brucellosis tattoos, and have had no contact with any cattle that originated in Mexico. If the certification is signed by an agent of the owner, the agent's name, address, and telephone number shall by printed on the entry form. Owners, or owners' agents, may be required to present evidence that the animals in a shipment meet the entry requirements of this paragraph.
- 3. The name, address, and telephone number of the person responsible for managing the heifers in California.
- 4. The identification of the origin of the cattle by location or premises name and county and destination premises by number, name, and county.
- 5. The number and physical description of the heifers by age, weight, breed, and brand.
- 6. An indication of whether purchase was at a livestock marketing facility or by private treaty if heifers were purchased for feeding or pasture purposes and are not native to the state of origin of the shipment. If the heifers are not native to the shipment origin state, the source states shall be indicated. The states where the heifers were purchased must be Class Free. Purchaser must maintain records of purchases, for inspection and copying by department representatives, for two (2) years following the transaction.
- 7. "Blank and completed Beef Feeder Heifer Entry Forms may be copied as needed for movement of animals."
- (C) The destination premises shall be registered by the Animal Health Branch District containing the premises prior to departure for California. Registration shall be accomplished by submitting a completed registration form by mail, fax, or telephone to the local Animal Health Branch District Office or Animal Health Branch Headquarters of the Department in Sacramento. Issuing of a premises number will indicate successful registration. Once a premises is registered, it may be used until expiration of the registration, by any Beef Feeder Heifer permit holder. Premises may be approved for up to two (2) calendar years, with expiration on December 31 of the second year, in advance of anticipated entries and later movement. The Beef Feeder Heifer Premises Registration form, in addition to information on how to and where to obtain a registration form, shall contain:
- 1. The date of the registration, the premises number, expiration date, county of the premises, and the Animal Health District of the premises.
- 2. Name of the applicant, printed legibly; premises name; county name; type of premises; geographic location; and property owner's name, mailing address, and telephone number.
- 3. Name, address, and telephone number of the person managing the premises, if not the owner.
- 4. Signer's name printed legibly and signature of the applicant.
- 5. If the registration is signed by an agent of the owner or applicant, the person's name, address, and telephone number shall be printed legibly on the registration.
- 6. "Blank Beef Feeder Heifer Premises Registration forms may be copied as needed for submission for registration of premises."
- (D) During and at the end of the feeding or pasture period, the heifers may be moved:
 - 1. To slaughter.
- 2. Following notification of the local Animal Health District Office: to another registered premises, into the owner's breeding herd, out of state, into a trade channel, or sold to a private buyer.
- 3. Within 30 days after the completion of the feeding period the permit holder shall notify the local Animal Health District office of the number of heifers in each shipment disposed by:
 - a. slaughter.
 - b. addition to the owner's breeding herd.
 - c. movement to an identified state.

- d. movement into an identified trade channel.
- e. sale to an identified private buyer.
- f. other
- (6) Animals, from any state, not vaccinated against brucellosis, with a negative brucellosis entry blood test, and a Health Certificate with individual animal identification, may be issued a special entry permit to enter a registered feedlot (not pasture) included in a registry of currently approved feedlots maintained by the Department for feeding for up to six (6) months before slaughter. They will be maintained under a Hold Order until slaughtered at an establishment under official government inspection.
- (7) Animals entering California for direct delivery to an establishment under official government inspection for immediate slaughter must be sufficiently identified to ensure tracing to the farm or ranch of origin. They may enter with a Brand Inspection Certificate instead of a Health Certificate. A properly placed United States Department of Agriculture backtag is acceptable identification in place of an eartag if the backtag number is listed and the list is attached (stapled) to an official certificate. If a backtag is used as identification, the party utilizing it must be able to trace the animal in question back to its herd of origin and it must be the last identification applied before entry and moving to slaughter. A copy of the certificate, with attachments, shall be kept for at least two (2) years by the shipper. All certificates shall be made available for examination when requested by a department representative.
- (g) Exceptions. Any exceptions to the interstate movement section of this regulation shall have approval by the Department prior to movement. All exceptions shall be evaluated on a case—by—case basis and the following factors, at a minimum, shall be considered before approval of any exceptions:
 - (1) Possible exposure of California livestock to brucellosis.
 - (2) Welfare of out of state livestock.
 - (3) Cost to the Department for personnel to monitor the exception.
- (4) Reaction of the public and/or the livestock industry to approval of the exception.

NOTE: Authority cited: Sections 407, 10324, 10326, 10327 and 10386, Food and Agricultural Code. Reference: Sections 403, 408, 461, 5006, 9161–9169, 9531, 9532, 9561–9567, 9570, 9572–9574, 9691–9693, 9698–9702, 10301–10311, 10321–10323, 10325, 10351–10359, 10381–10385, 10387, 10511, 10522, 20013, 21081–21084, Food and Agricultural Code; and Title 9, Part 78, Code of Federal Regulations, January 1, 1997 Edition.

HISTORY

- 1. New section filed 5–24–99; operative 6–23–99 (Register 99, No. 22). For prior history, see Register 96, No. 40.
- 2. Editorial correction of subsection (e)(3)(D) (Register 99, No. 25).

§ 753.2. Moving Restricted Cattle.

- (a) Intrastate Restricted Cattle. Brucellosis exposed cattle may move only when accompanied by a written Permit to Move issued by the Department. Each animal to be moved shall be identified by an official state or federal metal eartag or other identification as requested by the owner for permanent identification and approved by the Department. Upon approval of the need for movement by the Department, exposed cattle may move to the following:
- (1) A slaughter facility requested by the owner and approved by the Department as being capable of maintaining identification of the animals.
- (2) A saleyard requested by the owner and approved by the Department as being capable of maintaining identification and separation of the animals.
 - (3) A Specifically Approved Stockyard.
- (4) Premises under the control of the owner of the cattle, approved by the Department as suitable for segregated pasture or feeding only, and which will not result in exposure of other animals to possible disease risk. When the feeding period is completed, the cattle must have a written Permit to Move to return to the premises of origin or go to slaughter. There shall be no commingling of exposed cattle with other cattle.
 - (b) Interstate Restricted Cattle.

Cattle or bison, excluding steers and identified spayed females, from areas under brucellosis quarantine by the federal government, state, or country of origin shall not be allowed to enter California.

NOTE: Authority cited: Sections 407, 10324, 10326, 10327 and 10386, Food and Agricultural Code. Reference: Sections 9531, 9161, 9165–9169, 9561–9567, 9570, 9572, 9698–9702, 10301–10311, 10321–10323, 10351–10359, 10381–10385, 10387, 10401, 10406, 10423, 10492–10496, 10511 and 10512, Food and Agricultural Code.

HISTORY

- 1. New section filed 5-24-99; operative 6-23-99 (Register 99, No. 22).
- 2. Repealer of subsections (c)–(c)(5)(C) and amendment of Note filed 7–3–2003 as an emergency; operative 7–3–2003 (Register 2003, No. 27). A Certificate of Compliance must be transmitted to OAL by 10–31–2003 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 7–3–2003 order transmitted to OAL 9–19–2003 and filed 10–20–2003 (Register 2003, No. 43).

§ 753.3. Dealer.

A "dealer" means any person or entity who:

- (a) purchases, deals in, holds, controls, or sells livestock in California, or
 - (b) acts as a livestock commission representative or broker, or
 - (c) operates and conducts an auction where livestock are sold.

A dealer must be licensed with the California Department of Food and Agriculture. In addition to the records required for licensing, dealers shall maintain an individual identification record for each animal sufficient to identify the animal, the seller, and the buyer. Official United States Department of Agriculture backtags are acceptable for identification of cattle consigned to slaughter. The identification information shall be maintained for two (2) years in a manner acceptable to the Department and shall be available for examination and copying during business hours, or other reasonable times, upon request by the Department.

NOTE: Authority cited: Sections 407, 10324, 10326, 10327 and 10386, Food and Agricultural Code. Reference: Sections 403, 408, 461, 5006, 9161, 9169, 9531, 9570, 9565–9567, 9572, 10301–10512, and 56107–56110, of the Food and Agricultural Code.

HISTORY

1. New section filed 5-24-99; operative 6-23-99 (Register 99, No. 22).

§ 754. Area Classification.

- (a) Classifying Areas. The State of California participates in the brucellosis area classifications of the United States Department of Agriculture Brucellosis Eradication Program as published in the Code of Federal Regulations, Title 9, Section 78.1.
- (b) Maintaining Area Classification. Area classification shall be evaluated continuously through monitoring of all brucellosis program activities. An annual report will be submitted by the Department to the United States Department of Agriculture documenting all California brucellosis surveillance activities to determine eligibility for maintaining or changing area classification. Area status may be maintained provided it can be established that:
- (1) All herds in the area are participating in surveillance procedures designated by the Department.
 - (2) All suspects to an official brucellosis test:
- (A) are retested until they are determined to be infected or non-infected, or
- (B) if not available for retest, all known contact animals or herds are tested or evaluated by a brucellosis epidemiologist.
- (3) The number of herds found affected does not exceed specified limits.
- (4) All cattle in an affected herd, except steers and identified spayed heifers, are confined to the premises under a Hold Order until the herd has followed the procedures outlined in this Section and is determined to be free of brucellosis or sold for slaughter. All eligible animals, as defined in Section 752.3(e), shall be tested (herd test). The herd is retested at 30–day intervals until the herd passes one negative blood or other official test. Two consecutive negative herd tests are required for release of the Hold Order. The first negative herd test is conducted at least 30 days after all reactors have been removed. The second negative or releasing test occurs six (6) months or more after all reactors have been removed.

An additional herd test is required either between six (6) months and 12 months after an affected herd has been released from Hold Order or between 12 and 18 months after the last reactor has been removed. Any variance to the retest procedures shall be determined by the Designated Epidemiologist.

All of the conditions in this subsection also apply to herds that have participated in a whole-herd vaccination plan.

- (5) Herds adjacent to and within one (1) mile of a premises occupied by a herd known to be affected, herds sharing common pasture or having other contact with an affected herd, or herds containing cattle from previous movements from an affected herd, within a time period determined by the District or Designated Epidemiologist, are placed under Hold Order until each herd is evaluated. Herd tests, as determined by the District or Designated Epidemiologist, shall be conducted as part of the evaluation. The Hold Orders may be maintained until brucellosis is eliminated from the area. When the Hold Order is released on the brucellosis affected herd, the District or Designated Epidemiologist reevaluates these potentially exposed herds and notifies these herd owners of the need for additional herd testing.
- (6) All other animals (any species) suspected of exposure to brucellosis infection, or found to be infected with brucellosis, are placed under Hold Order and evaluated by the District or Designated Epidemiologist. If necessary, the epidemiologist will design and implement an eradication and/or control program suitable for the *Brucella* and animal species involved to prevent exposure of livestock to brucellosis.
- (7) Any reactors found are disposed of in accordance with Section 752.5 of this Regulation.
- (c) Memorandum of Understanding. A Memorandum of Understanding (Herd Plan) shall be developed between the owner of the affected herd, the owner's veterinarian (if available), and the Department. The agreement will describe how the affected herd will be managed to minimize the spread of brucellosis and eliminate the disease from the herd. In all dairy and beef herds under conditions of close confinement, at a minimum, the owner shall:
- (1) Provide separate calving pens for isolating cows while calving or aborting.
- (2) Closely monitor the herd to assure timely separation of cows to prevent calving outside the calving pens or aborting where other cows are exposed to products of calving.
- (3) Delay returning post–parturient cows to the herd until discharge of the placenta and associated fluids is complete.
- (4) Promptly remove all products of calving and properly clean and disinfect the calving area.
- (5) Provide feeding equipment and implement procedures to prevent contaminating feed with calving products.
- (6) Make any other management, vaccination (whole-herd vaccination plan), equipment or premises changes deemed necessary under this agreement.
- (7) Set a test schedule and specific dates for accomplishing the tasks described in the Herd Plan.

NOTE: Authority cited: Sections 407, 10324, 10326, 10327 and 10386, Food and Agricultural Code. Reference: Sections 403, 408, 461, 520, 521, 527, 5006, 9161, 9169, 9531, 9565–9567, 10304, 10305, 10308, 10322, 10323, 10325, 10381–10385, 10387, 10401, 10403, 10404, 10421 and 10493, Food and Agricultural Code; and Title 9, Part 78, Code of Federal Regulations, January 1, 1997 Edition.

History

- 1. Amendment filed 6–22–71; effective thirtieth day thereafter (Register 71, No. 26). For prior history, see Register 63, No. 18.
- 2. Amendment filed 9–14–81; effective thirtieth day thereafter (Register 81, No. 38)
- 3. Repealer and new section filed 5-24-99; operative 6-23-99 (Register 99, No. 22)

§ 754.1. Control Areas.

(a) Establishing Brucellosis Control Areas. Pursuant to Section 10381 of the Food and Agricultural Code, all counties in the State of California are established as Brucellosis Control Areas. A Brucellosis Control Area is an area established by the Department to qualify and maintain for bo-

vine brucellosis control in accordance with the certification standards of the United States Department of Agriculture.

- (b) Managing Control Areas. When a county or area has been established as a Brucellosis Control Area the following shall apply:
- (1) Testing and Classifying Animals. Affected herds shall be tested as described in Section 754(b)(4). Brucellosis tests used will qualify the control area for status classification and shall be in conformance with Section 752.3 of this Chapter. Animals and herds shall be classified in conformance with Section 752.4 of this chapter.
- (2) Herd Test. A test that includes all cattle described in Section 752.3(e).
- (3) Disposing of Reactors, Cleaning, and Disinfecting. As described in Section 752.5(b).

Note: Authority cited: Sections 407, 10324, 10326, 10327 and 10386. Food and Agricultural Code. Reference: Sections 403, 408, 461, 520, 521, 527, 5006, 9101, 9163–9169, 9531, 9532, 9561–9567, 9570, 9574, 9698–9702, 10304, 10305, 10308–10311, 10321–10323, 10325, 10382–10385, 10387, 10401, 10403–10407 and 10493–10496, Food and Agricultural Code; and Title 9, Part 78, Code of Federal Regulations, January 1, 1997 Edition.

HISTORY

- 1. Amendment filed 4–16–68; effective thirtieth day thereafter (Register 68, No. 16). For prior history, see Register 62, No. 5.
- 2. Amendment filed 12–26–75; effective thirtieth day thereafter (Register 75, No. 52).
- Amendment filed 9–14–81; effective thirtieth day thereafter (Register 81, No. 38).
- 4. Repealer and new section filed 5–24–99; operative 6–23–99 (Register 99, No. 22).

§ 754.2. Critical Brucellosis Areas.

If brucellosis is reintroduced into a brucellosis free area, and the spread of infection appears imminent, a Critical Brucellosis Area shall be established and the following shall apply:

- (a) The county, counties, or area shall be declared a Critical Brucellosis Area by the Department.
- (b) Female cattle may enter a Critical Brucellosis Area from within the State only if they bear evidence of official calfhood vaccination against brucellosis. Calves under minimum vaccination age, cattle consigned for immediate slaughter, and those moving between premises controlled by the same owner without change of ownership, are exempt from this requirement.
- (c) No person shall move, or cause to be moved, any cattle from a premises in a Critical Brucellosis Area to another premises, either within or outside of a Critical Brucellosis Area, or receive, or cause to be received, any cattle from a premises in a Critical Brucellosis Area unless they are accompanied by evidence of an official negative blood test for brucellosis conducted within 30 days prior to the movement. The following are exempt from the test requirement:
 - (1) Calves less than four (4) months of age.
- (2) Official Strain 19 dairy vaccinates less than 18 months of age and beef vaccinates less than 24 months of age.
 - (3) Cattle consigned for immediate slaughter.
- (4) Cattle moving for feeding purposes to premises under control of the owner and where no commingling with other livestock will occur.
- (5) Cattle from herds in which all lactating animals were negative to a brucellosis milk surveillance test and all non-lactating animals were negative to a blood brucellosis test within 30 days prior to the movement.
- (6) In cases of demonstrated hardship, or of an emergency beyond the control of the cattle owner, the Department may issue a conditional permit allowing the movement of cattle from one location to another.
 - (d) There are no Critical Brucellosis Areas.

Note: Authority cited: Sections 407, 10324, 10326, 10327 and 10386, Food and Agricultural Code. Reference: Sections 403, 408, 461, 520, 521, 527, 5006, 9531, 9561, 9562–9567, 9570, 9572–9574, 9691–9693, 9698–9702, 10304–10310, 10322, 10323, 10325, 10351–10359, 10381–10385, 10387, 10401, 10403, 10404, 10421, 10493–10496, 10511 and 10512, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 12–26–75; effective thirtieth day thereafter (Register 75, No. 52). For prior history, see Register 75, No. 2.
- Amendment filed 9–14–81; effective thirtieth day thereafter (Register 81, No. 38).

3. Repealer and new section filed 5–24–99; operative 6–23–99 (Register 99, No. 22).

§ 754.3. Beef Cattle Brucellosis Regulations (Interstate).

NOTE: Authority cited: Sections 407, 9570, 10324 and 10326, Food and Agricultural Code. Reference: Sections 461, 9570 and 10301–10492, Food and Agricultural Code.

HISTORY

- 1. Amendment of subsections (a) and (c) filed 8–22–78; effective thirtieth day thereafter (Register 78, No. 34). For prior history, see Registers 72, No. 51; 74, No. 37; 75, No. 2; 75, No. 52 and 77, No. 29.
- 2. Amendment filed 8–2–79; effective thirtieth day thereafter (Register 79, No. 31)
- 3. Amendment filed 9–14–81; effective thirtieth day thereafter (Register 81, No. 38).
- 4. Amendment filed 1–13–86; effective thirtieth day thereafter (Register 86, No. 3)
- 5. Repealer filed 5-24-99; operative 6-23-99 (Register 99, No. 22).

§ 754.4. Brucellosis Area Certification.

NOTE: New authority cited: Sections 407, 9570, 10324, and 10326, Food and Agricultural Code. Reference: Sections 461, 9570, and 10301–10492, Food and Agricultural Code.

HISTORY

- 1. Amendment of subsection (b) filed 7–11–77; effective thirtieth day thereafter (Register 77, No. 29). For prior history, see Register 75, No. 52.
- 2. Amendment filed 9–14–81; effective thirtieth day thereafter (Register 81, No. 38).
- 3. Repealer filed 5-24-99; operative 6-23-99 (Register 99, No. 22).

§ 754.5. Approved Brucellosis Tests.

NOTE: New authority cited: Sections 407, 9570, 10324, and 10326, Food and Agricultural Code. Reference: Sections 461, 9570, and 10301–10492, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 4–16–68; effective thirtieth day thereafter (Register 68, No. 16). For prior history, see Register 57, No. 16.
- 2. New subsections (d) and (e) filed 12-26-75; effective thirtieth day thereafter (Register 75, No. 52).
- 3. Amendment filed 9–14–81; effective thirtieth day thereafter (Register 81, No. 38).
- 4. Repealer filed 5–24–99; operative 6–23–99 (Register 99, No. 22).

§ 754.6. Segregation of Feeder Cattle—Moved Interstate.

NOTE: Authority cited: Sections 407, 9570, 10324, 10326, and 10386, Food and Agricultural Code. Reference: Sections 461, 9570, and 10301–10492, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–23–57 as an emergency; effective on filing (Register 57, No. 2).
- 2. Amendment filed 4–26–57; effective thirtieth day thereafter (Register 57, No. 7)
- 3. Amendment filed 4–16–68; effective thirtieth day thereafter (Register 68, No. 16)
- 4. Amendment filed 10–3–69 as an emergency; effective upon filing (Register 69, No. 40).
- Certificate of Compliance—Section 11422.1, Gov. Code, filed 11–24–69 (Register 69, No. 48).
- 6. Editorial correction filed 4-29-82 (Register 82, No. 18).
- 7. Repealer filed 5-24-99; operative 6-23-99 (Register 99, No. 22).

§ 754.7. Bovine Brucellosis Vaccine and Antigen, Sections 10342 and 10326, California Food and Agricultural Code.

NOTE: New Authority cited: Sections 407, 9570, 10324, 10326, and 10386, Food and Agricultural Code.

HISTORY

- 1. New Section filed 9–18–59; effective thirtieth day thereafter (Register 59, No. 16).
- 2. Amendment filed 4–16–68; effective thirtieth day thereafter (Register 68, No. 16).
- 3. Repealer filed 5-24-99; operative 6-23-99 (Register 99, No. 22).

§ 754.8. Prohibition of Importation of Cattle from the State of Texas.

NOTE: Authority cited: Sections 407, 9570, 10324 and 10326, Food and Agricultural Code. Reference: Sections 461 and 10326, Food and Agricultural Code.

HISTORY

 New section filed 6-14-83 as an emergency; effective upon filing (Register 83, No. 25). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 10-12-83. Repealer filed 7–8–83 as an emergency; effective upon filing (Register 83, No. 30). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 11–5–83.

§ 754.21. Brucellosis Regulation—Entry of Cattle from Certain Areas.

HISTORY

- 1. New section filed 10–11–68 as an emergency; effective upon filing (Register 68, No. 38).
- Amendment filed 11–20–68 as an emergency; effective upon filing (Register 68, No. 44).
- 3. Certificate of Non-compliance (repealer by operation of Sec. 11422.1, Gov. Code) filed 2–6–69 (Register 69, No. 6).

Article 2. Movement of Cattle into California from Mexico

§ 755. Definitions.

- (a) As used in this article:
- (1) "Accredited Veterinarian" means a veterinarian approved by the USDA in accordance with 9 CFR Part 161 (1/1/02 Edition) to perform functions specified in this article.
- (2) "Official brucellosis test" means a test to determine the brucellosis disease status of test–eligible cattle as defined by 9 CFR Part 78, Section 78.1.1 (1/1/02 Edition).
- (3) "Official tuberculosis test" is synonymous with "Official tuberculin test" as defined in 9 CFR, Part 77, Section 77.5 (1/1/02 Edition).
- (4) "USDA" means the United States Department of Agriculture, Animal and Plant Health Inspection Service.

NOTE: Authority cited: Section 407 and 9932, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570 and 9574, Food and Agricultural Code.

HISTORY

- 1. Amendment of article 2 heading and new article 2 (sections 755–755.6) and section filed 7–3–2003 as an emergency; operative 7–3–2003 (Register 2003, No. 27). A Certificate of Compliance must be transmitted to OAL by 10–31–2003 or emergency language will be repealed by operation of law on the following day. For prior history of article 2, see Register 59, No. 3.
- Certificate of Compliance as to 7–3–2003 order transmitted to OAL 9–19–2003 and filed 10–20–2003 (Register 2003, No. 43).

§ 755.1. General Requirements.

- (a) The State Veterinarian may impose a quarantine pursuant to Food and Agricultural Code section 9562 if the requirements as specified in this article have not been met, or to amend the requirements for entry into California in response to a change in disease status in any location, state, territory or country as determined by the State Veterinarian.
- (b) The provisions of this article are in addition to other provisions that may be required for moving animals into and within California as specified in statute or regulation.
- (c) Any person transporting animals into or within California shall produce any official documents required by the Department or USDA for each load or part of a shipment upon request by the Department or other official to prove that each animal transported meets the requirements of this article. Animals in any load or part of a shipment may be inspected en route or after arrival.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570, and 9574, Food and Agricultural Code.

HISTORY

- 1. New section filed 7-3-2003 as an emergency; operative 7-3-2003 (Register 2003, No. 27). A Certificate of Compliance must be transmitted to OAL by 10-31-2003 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 7–3–2003 order transmitted to OAL 9–19–2003 and filed 10–20–2003 (Register 2003, No. 43).

§ 755.2. Certificate of Veterinary Inspection.

(a) A Certificate of Veterinary Inspection is a numbered interstate document that is a record of veterinary health inspection of one or more animals, issued on an official form of the state of origin and by an accredited veterinarian from the state of origin.

- (b) A Certificate of Veterinary Inspection shall include all of the following:
 - (1) Date of inspection;
 - (2) Number of animals in the consignment;
- (3) Description of the animals including the species, breed, age, and sex, and the official identification number(s) or registration tattoos;
- (4) Name, address, and telephone number of the consignor, consignee, and the origin and destination of the animals;
 - (5) Interstate livestock entry permit number, when required;
 - (6) Statement of the purpose for which the animals are being moved;
- (7) Statement by the owner or accredited veterinarian at the point of origin as required by the Department or USDA for the interstate or intrastate movement of animals.
- (8) Signed by the accredited veterinarian who examined the animals in the shipment.
- (c) A copy of the completed Certificate of Veterinary Inspection shall be mailed to the Department within 15 days of examination to the following address: Department of Food and Agriculture, Animal Health Branch, 1220 "N" Street, Room A–107, Sacramento, California 95814.
- (d) The examining licensed and accredited veterinarian shall indicate on the Certificate of Veterinary Inspection that each animal in the shipment meets California entry requirements.
- (e) As an alternative to official individual identification on a Certificate of Veterinary Inspection, another animal identification document may be used if approved by the Department and USDA.
- (f) The Department may require a Certificate of Veterinary Inspection for animals entering California because of a disease condition in another state, even though the animals are exempt from obtaining a Certificate of Veterinary Inspection under this article.
- (g) All animals shall be transported directly and without delay to the destination stated on the Certificate of Veterinary Inspection.
- (h) A Certificate of Veterinary Inspection shall be valid for 30 days following the inspection of the animals described.

NOTE: Authority cited: Section 407 and 9932, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570 and 9574, Food and Agricultural Code.

HISTORY

- 1. New section filed 7–3–2003 as an emergency; operative 7–3–2003 (Register 2003, No. 27). A Certificate of Compliance must be transmitted to OAL by 10–31–2003 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 7–3–2003 order transmitted to OAL 9–19–2003 and filed 10–20–2003 (Register 2003, No. 43).

§ 755.3. Interstate Livestock Entry Permits.

- (a) An Interstate Livestock Entry Permit may be required for the importation of animals into California pursuant to the requirements of this article.
- (b) An Interstate Livestock Entry Permit is a numbered document issued by the Department for approving the movement of animals that meet entry requirements into California.
- (c) Requests for Interstate Livestock Entry Permits shall be made to the Department's Animal Health Branch and before the animals are transported to California. Requests for entry permits may be made by telephone, electronic transmission, or other means approved by the Department. Written application may be required when necessary to accomplish the purposes of this article.
- (d) Each Interstate Livestock Entry Permit shall have a unique number and the number may be issued to the applicant by telephone or other electronic means approved by the Department. A copy of the permit will not be sent to the applicant unless specifically requested or it is needed to accompany a shipment.
- (e) The applicant for the Interstate Livestock Entry Permit shall establish that all animals in the shipment meet California entry requirements, and possess a Certificate of Veterinary Inspection when required.
- (f) The applicant for the Interstate Livestock Entry Permit shall provide the Department with the following information:
 - (1) Name, address, and telephone number of the shipper or importer;

Page 58.4

- (2) Origin of the shipment:
- (3) The number and description of the animals being shipped including species, breed, age, sex, and purpose for which the animals will be used.
- (4) Name, mailing address, and telephone number of entity receiving the animals, or a geographic destination if animals are not being received at the destination mailing address;
- (5) Name, address, and telephone number of a contact person in California, if not the owner; and the name, address, and telephone number of the person requesting the permit;
 - (6) Certificate of Veterinary Inspection number, if available;
 - (7) Name of the herd veterinarian, if available; and
- (8) Must meet the entry requirements for the type of animals entering California.
- (g) An Interstate Livestock Entry Permit is required for the entire shipment of animals, which may consist of one or more loads.
- (h) All animals shall be transported directly and without delay to the destination stated on the Interstate Livestock Entry Permit.
- (i) The State Veterinarian may deny the request for an Interstate Livestock Entry Permit pursuant to sections 9562 and 9570 of the Food and Agricultural Code.
- (j) Interstate Livestock Entry Permits shall expire 15 days after issuance.

NOTE: Authority cited: Section 407 and 9932, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570 and 9574, Food and Agricultural Code.

HISTORY

- 1. New section filed 7-3-2003 as an emergency; operative 7-3-2003 (Register 2003, No. 27). A Certificate of Compliance must be transmitted to OAL by 10-31-2003 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 7–3–2003 order transmitted to OAL 9–19–2003 and filed 10–20–2003 (Register 2003, No. 43).

§ 755.4. Requirements for Entry into California.

- (a) Cattle that have been in Mexico and are forty (40) percent or more dairy breed in appearance or genetics shall not be imported into California. This includes steers and spayed heifers.
 - (b) All cattle originating from Mexico and entering California shall:
- (1) Comply with the requirements for entry into the United States pursuant to 9 CFR, Parts 93.400–93.416 and Parts 93.424–93.427 (1/1/02 Edition), USDA Veterinary Services Notice 02–11, and as approved by the Secretary of the Department; and
- (2) Have a completed Certificate of Veterinary Inspection with individual animal identification, issued at the time of inspection in the United States. Any test result as required including the name of the laboratory conducting the test, and a representation of the calfhood brucellosis vaccination tattoo as evidence of brucellosis vaccination when required, shall be recorded on, or attached to the Certificate of Veterinary Inspection; and
- (3) Each shipment of cattle shall have an Interstate Livestock Entry Permit and meet the additional requirements as stated for the following classes of cattle:
- (A) Mexico origin sexually intact cattle more than 6 months of age shall have a negative official tuberculosis and brucellosis test completed within 60 days prior to entering California from Mexico.
- (B) Mexico origin female cattle shall be calfhood vaccinated for brucellosis, having a legible vaccination tattoo as evidence of vaccination, before arriving in California.
- (c) All Mexico origin cattle passing through or held in another state, or states, of the United States after entry from Mexico will not be considered native to that state, or states, by California unless they have met California's entry requirements and any movement restrictions applicable to Mexican origin cattle.
- (d) The Department may require copies of any document, certificate, declaration or affidavit required by the USDA for the entry of ruminants from Mexico.

NOTE: Authority cited: Section 407 and 9932, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570 and 9574, Food and Agricultural Code.

HISTORY

- 1. New section filed 7-3-2003 as an emergency; operative 7-3-2003 (Register 2003, No. 27). A Certificate of Compliance must be transmitted to OAL by 10-31-2003 or emergency language will be repealed by operation of law on the following day.
- 2. Certificate of Compliance as to 7–3–2003 order transmitted to OAL 9–19–2003 and filed 10–20–2003 (Register 2003, No. 43).

§ 755.5. Mexico Origin Cattle Maintained in California.

- (a) Mexico origin sexually intact cattle shall be quarantined and isolated pursuant to Food and Agricultural Code section 9562 at destination pending the results of an official tuberculosis and official brucellosis test conducted 60–90 days after entering California.
- (1) Male cattle may be released from quarantine if negative to the brucellosis and tuberculosis tests.
- (2) Female cattle shall continue to be maintained under quarantine until negative to an official brucellosis test conducted 30–60 days after calving.
- (3) Animals coming from a Tuberculosis Accredited Free or Tuberculosis Modified Accredited Advanced region within Mexico as defined by the USDA are exempt from the tuberculosis test requirement.
- (b) If a brucellosis or tuberculosis reactor animal is found during any testing procedures in California:
- (1) The positive animal(s) shall be slaughtered in a state or federally inspected slaughter facility or laboratory, or returned to the regulatory authorities of the country of origin, and
- (2) The whole herd, lot, or group shall be evaluated by the designated tuberculosis epidemiologist to determine the risk of spreading disease before release from quarantine.
- (c) Mexico origin animals shall not be eligible for indemnity unless they are required to be slaughtered as a result of tests conducted after they have been released for unrestricted movement in California.
- (d) Cattle discovered within California that, because of their location, physical appearance, and/or history, appear to be Mexico origin cattle of unknown disease status shall be confined and placed under quarantine until their origin has been determined. It shall be the responsibility of the owner or person in possession of the cattle to produce evidence that the cattle have met requirements to enter and move legally in California. If satisfactory evidence cannot be produced, the cattle in question, depending on their origin and subject to approval by state or federal regulatory authorities, shall be returned directly to Mexico, returned to the state of origin or port of entry, or sold for immediate slaughter. The Department may consider it necessary to identify and/or test the cattle before their export or slaughter pursuant to sections 10382 through 10385 of the Food and Agricultural Code.
- (e) All costs of individual and/or herd testing or other required procedures relating to Mexico origin cattle shall be borne by the owner or person in possession of the cattle.

NOTE: Authority cited: Section 407 and 9932, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570 and 9574, Food and Agricultural Code.

HISTORY

- New section filed 7-3-2003 as an emergency; operative 7-3-2003 (Register 2003, No. 27). A Certificate of Compliance must be transmitted to OAL by 10-31-2003 or emergency language will be repealed by operation of law on the following day.
- 2. Certificate of Compliance as to 7-3-2003 order transmitted to OAL 9-19-2003 and filed 10-20-2003 (Register 2003, No. 43).

§ 755.6. Violations.

- (a) Failure to comply with any part of this article constitutes a violation.
- (b) The Department shall act consistent with any existing enforcement authority concurrently or at a later date unless otherwise prohibited. Such authority includes, but is not limited to, the following:
- (1) Denial, suspension, or revocation of a license, registration, certificate, permit, exception, or other indicia of authority issued by the Department;
 - (2) Civil or administrative penalties;
- (3) Referral to the appropriate District Attorney or the Attorney General for criminal prosecution or other appropriate remedy; and,

(4) Reimbursement to the Department for any costs incurred due to any violation of this article.

NOTE: Authority cited: Section 407 and 9932, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570 and 9574, Food and Agricultural Code.

HISTORY

- 1. New section filed 7–3–2003 as an emergency; operative 7–3–2003 (Register 2003, No. 27). A Certificate of Compliance must be transmitted to OAL by 10–31–2003 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 7–3–2003 order transmitted to OAL 9–19–2003 and filed 10–20–2003 (Register 2003, No. 43).

Article 2.5. Interstate Movement of Cattle and Specified Animals into California

§ 756. Definitions.

- (a) As used in this article:
- (1) "Accredited Veterinarian" means a veterinarian approved by the USDA in accordance with 9 CFR Part 161 (1/1/02 Edition) to perform functions specified in this article.
- (2) "Designated tuberculosis epidemiologist" means a state or federal veterinarian with knowledge of epidemiology, selected by state and federal veterinarians in charge with the concurrence of the USDA. The designated tuberculosis epidemiologist will coordinate and evaluate livestock disease eradication programs as assigned.
- (3) "Official tuberculosis test" is synonymous with "Official tuberculin test" as defined in 9 CFR Part 77, Section 77.1 (1/1/02 Edition).
- (4) "USDA" means the United States Department of Agriculture, Animal and Plant Health Inspection Service.

NOTE: Authority cited: Section 407 and 9932, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570 and 9574, Food and Agricultural Code.

HISTORY

- 1. Amendment of article 2.5 heading, repealer of article 2.5 (sections 757–759.5) and new article 2.5 (sections 756–759) and section filed 7–3–2003 as an emergency; operative 7–3–2003 (Register 2003, No. 27). A Certificate of Compliance must be transmitted to OAL by 10–31–2003 or emergency language will be repealed by operation of law on the following day.
- 2. Certificate of Compliance as to 7–3–2003 order transmitted to OAL 9–19–2003 and filed 10–20–2003 (Register 2003, No. 43).

§ 756.1. General Requirements.

- (a) The State Veterinarian may impose a quarantine pursuant to Food and Agricultural Code section 9562 if the requirements as specified in this article have not been met, or to amend the requirements for entry into California in response to a change in disease status in any location, state, territory or country as determined by the State Veterinarian.
- (b) The provisions of this article are in addition to other provisions that may be required for moving animals into and within California as specified in statute or regulation.
- (c) Any person transporting animals into or within California shall produce official documents, including but not limited to, a Certificate of Veterinary Inspection with the Interstate Livestock Entry Permit number as required, with attachments, for each load or part of a shipment upon request by the Department or other official to prove that each animal transported meets the requirements of this article. Animals in any load or part of a shipment may be inspected en route or after arrival.

 $Note: Authority\ cited: Section\ 407\ and\ 9932, Food\ and\ Agricultural\ Code.\ Reference: Sections\ 9561,\ 9562,\ 9570\ and\ 9574,\ Food\ and\ Agricultural\ Code.$

HISTORY

- 1. New section filed 7–3–2003 as an emergency; operative 7–3–2003 (Register 2003, No. 27). A Certificate of Compliance must be transmitted to OAL by 10–31–2003 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 7–3–2003 order transmitted to OAL 9–19–2003 and filed 10–20–2003 (Register 2003, No. 43).

§ 756.2. Certificate of Veterinary Inspection.

(a) A Certificate of Veterinary Inspection is a numbered interstate document that is a record of veterinary health inspection of one or more ani-

- mals, issued on an official form of the state of origin and by an accredited veterinarian from the state of origin.
- (b) A Certificate of Veterinary Inspection shall include all of the following:
 - (1) Date of inspection;
 - (2) Number of animals in the consignment;
- (3) Description of the animals including the species, breed, age, and sex, and the official identification number(s) or registration tattoos;
- (4) Name, address, and telephone number of the consignor, consignee, and the origin and destination of the animals;
 - (5) Interstate livestock entry permit number, when required;
 - (6) Statement of the purpose for which the animals are being moved;
- (7) Statement by the owner or accredited veterinarian at the point of origin as required by the Department or USDA for the interstate or intrastate movement of animals.
- (8) Signed by the accredited veterinarian who examined the animals in the shipment.
- (c) A copy of the completed Certificate of Veterinary Inspection shall be mailed to the Department within 15 days of examination to the following address: Department of Food and Agriculture, Animal Health Branch, 1220 "N" Street, Room A–107, Sacramento, California 95814.
- (d) The examining licensed and accredited veterinarian shall indicate on the Certificate of Veterinary Inspection that each animal in the shipment meets California entry requirements.
- (e) As an alternative to official individual identification on a Certificate of Veterinary Inspection, another animal identification document may be used if approved by the Department and USDA.
- (f) The Department may require a Certificate of Veterinary Inspection for animals entering California because of a disease condition in another state, even though the animals are exempt from obtaining a Certificate of Veterinary Inspection under this article.
- (g) All animals shall be transported directly and without delay to the destination stated on the Certificate of Veterinary Inspection.
- (h) A Certificate of Veterinary Inspection shall be valid for 30 days following the inspection of the animals described.

NOTE: Authority cited: Section 407 and 9932, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570 and 9574, Food and Agricultural Code.

HISTORY

- 1. New section filed 7–3–2003 as an emergency; operative 7–3–2003 (Register 2003, No. 27). A Certificate of Compliance must be transmitted to OAL by 10–31–2003 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 7–3–2003 order transmitted to OAL 9–19–2003 and filed 10–20–2003 (Register 2003, No. 43).

§ 756.3. Interstate Livestock Entry Permits.

- (a) An Interstate Livestock Entry Permit may be required for the importation of animals into California pursuant to the requirements of this article.
- (b) An Interstate Livestock Entry Permit is a numbered document issued by the Department for approving the movement of animals that meet entry requirements into California.
- (c) Requests for Interstate Livestock Entry Permits shall be made to the Department's Animal Health Branch and before the animals are transported to California. Requests for entry permits may be made by telephone, electronic transmission, or other means approved by the Department. Written application may be required when necessary to accomplish the purposes of this article.
- (d) Each Interstate Livestock Entry Permit shall have a unique number and the number may be issued to the applicant by telephone or other electronic means approved by the Department. A copy of the permit will not be sent to the applicant unless specifically requested or it is needed to accompany a shipment.
- (e) The applicant for the Interstate Livestock Entry Permit shall establish that all animals in the shipment meet California entry requirements, and possess a Certificate of Veterinary Inspection when required.
- (f) The applicant for the Interstate Livestock Entry Permit shall provide the Department with the following information:

Page 58.6

- (1) Name, address, and telephone number of the shipper or importer;
- (2) Origin of the shipment;
- (3) The number and description of the animals being shipped including species, breed, age, sex, and purpose for which the animals will be used.
- (4) Name, mailing address, and telephone number of entity receiving the animals, or a geographic destination if animals are not being received at the destination mailing address;
- (5) Name, address, and telephone number of a contact person in California, if not the owner; and the name, address, and telephone number of the person requesting the permit;
 - (6) Certificate of Veterinary Inspection number, if available;
 - (7) Name of the herd veterinarian, if available; and
- (8) Must meet the entry requirements for the type of animals entering California.
- (g) An Interstate Livestock Entry Permit is required for the entire shipment of animals, which may consist of one or more loads.
- (h) All animals shall be transported directly and without delay to the destination stated on the Interstate Livestock Entry Permit.
- (i) The State Veterinarian may deny the request for an Interstate Livestock Entry Permit pursuant to sections 9562 and 9570 of the Food and Agricultural Code.
- (j) Interstate Livestock Entry Permits shall expire 15 days after issuance.

NOTE: Authority cited: Section 407 and 9932, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570 and 9574, Food and Agricultural Code.

HISTORY

- 1. New section filed 7–3–2003 as an emergency; operative 7–3–2003 (Register 2003, No. 27). A Certificate of Compliance must be transmitted to OAL by 10–31–2003 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 7–3–2003 order transmitted to OAL 9–19–2003 and filed 10–20–2003 (Register 2003, No. 43).

§ 757. Cattle Scabies.

- (a) Pursuant to Food and Agricultural Code sections 9562 and 9570, the State Veterinarian may require persons importing animals into California to meet the following requirements to prevent the introduction or spread of scabies:
 - (1) A Certificate of Veterinary Inspection;
 - (2) An Interstate Livestock Entry Permit;
 - (3) Treatment of animals to prevent the spread of scabies.

NOTE: Authority cited: Sections 407, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570 and 9574, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 12–8–70 as an emergency; effective upon filing (Register 70, No. 50). For prior history, see Register 68, No. 46.
- Certificate of Compliance—Section 11422.1, Government Code, filed 2–26–71 (Register 71, No. 9).
- 3. Repealer and new section filed 7–3–2003 as an emergency; operative 7–3–2003 (Register 2003, No. 27). A Certificate of Compliance must be transmitted to OAL by 10–31–2003 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 7–3–2003 order transmitted to OAL 9–19–2003 and filed 10–20–2003 (Register 2003, No. 43).

§ 758. Tuberculosis — Requirements for Entry into California.

- (a) All sexually intact cattle regardless of age shall have the following:
- (1) An Interstate Livestock Entry Permit and
- (2) A Certificate of Veterinary Inspection.
- (b) All breeds of cattle, bison, goats and cervids, of any age and sex, identified as originating from or documented as having been in or at a location, state, territory, or foreign country that the State Veterinarian determines to be a threat for introducing bovine tuberculosis into California or that is documented as having a significant tuberculosis infection and entering California may be required to meet the following additional requirements:

- (1) All animals more than six (6) months of age must be negative to an official tuberculosis test completed within 60 days prior to entering California, or
- (2) Animals must have been part of a whole herd negative official tuberculin test (all animals more than six (6) months of age tuberculosis tested and all negative) within 12 months before departure, and have a negative official tuberculin test within 60 days before departure for California (90 days for cervids). If an animal was not tested at the last whole herd tuberculin test, documents must accompany the animal showing it: had a negative official tuberculin test before entering the herd and within 12 months of departure for California, or it was born into the herd, and
- (3) All imported animals shall be quarantined and held at their destination until an official tuberculin test in California 61 to 120 days after their last test before entry (91 to 120 days for cervids) has been completed. Animals may move from that location only under written directions from the Animal Health Branch. If a suspect or a reactor is found in a shipment, the whole herd at destination will be quarantined until a designated tuberculosis epidemiologist determines the final classification. No indemnity shall be paid for imported animals classified as suspects or reactors.
- (c) Individually identified animals moving directly to an officially inspected slaughter establishment shall be exempt from entry test requirements.
- (d) Animals exposed to or originating from any quarantined herd, premises, county, zone, or area shall not enter California.
- (e) The Department may require mitigation of risk factors OR deny the entry into California of any species of animal or any animal material if there may be a possibility of transmission of bovine tuberculosis infection.

NOTE: Authority cited: Section 407 and 9932, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570 and 9574, Food and Agricultural Code.

HISTORY

- 1. New section filed 7–3–2003 as an emergency; operative 7–3–2003 (Register 2003, No. 27). A Certificate of Compliance must be transmitted to OAL by 10–31–2003 or emergency language will be repealed by operation of law on the following day. For prior history, see Register 97, No. 39.
- Certificate of Compliance as to 7–3–2003 order transmitted to OAL 9–19–2003 and filed 10–20–2003 (Register 2003, No. 43).

§ 758.1. Tuberculosis — Designated Pens in Feedlots.

- (a) Designated pens are a set of pens on a premises approved by the Department and USDA for the feeding of cattle from California herds quarantined for tuberculosis and whose movement shall be restricted only to slaughtering establishments approved by the Department or USDA.
- (b) Feedlots requesting approval for designated pen status shall contact the Department's Animal Health Branch District Office containing the feedlot or the Animal Health Branch in Sacramento.
- (c) Approval of designated pens may be granted when the owner or manager of the feedlot completes and submits to the Department an application for the designated pen. The application will include the following:
 - (1) Name and address of the feedlot,
- (2) Name, address and telephone number of applicant, and the name and telephone number of the contact person such as manager or foreman,
 - (3) Pen numbers subject to designated pen status, and
- (4) Signature of the applicant that certifies compliance with the following requirements:
- (A) Designated pens shall be maintained for finish feeding of cattle in a dry lot with no provisions for pasturing or grazing,
- (B) Double cattle-proof fences shall separate the designated pen from the remainder of the feedlot by a minimum of 12 feet. An alley may satisfy this separation requirement if cattle are not maintained in the alley, and
 - (C) Cattle entering feedlots and maintained in designated pens:
- 1. Shall be moved directly to designated pens without contact with cattle not destined for designated pens. Common areas may be used to process cattle held in designated pens provided the area is cleaned and

disinfected with an approved disinfectant after each use and before cattle from non-designated pens are exposed to the area.

- 2. Shall have official individual permanent identification before entering the feedlot; and a lot tag which must be applied upon entering the designated pen.
- (d) Feedlots shall apply and receive written approval from the Department prior to the initial arrival of the exposed cattle.
- (e) Approval of designated pens in feedlots may be renewed every 12 months pending an annual inspection to determine if the conditions of the agreement continue to be met by the feedlot; or until:
 - (1) The feedlot requests deactivation, or
- (2) The Department or USDA determines the status should be eliminated because of the feedlot's failure to comply with the agreement or these regulations, or
- (3) Changes in Federal or State law or regulations require elimination of or change in the status.
- (f) Cattle maintained in designated pens may be inspected by the Department or the USDA.
- (g) Records including but not limited to any Certificate of Veterinary Inspection, test results, Interstate Livestock Entry Permits, or other official documents of incoming and outgoing cattle shall be maintained by the feedlot.
- (1) Records shall be retained for a period of 5 years after cattle enter the feedlot.
- (2) Records shall be available for inspection and photocopying upon request by the Department or the USDA.
- (h) The Department may amend the requirements for designated pens in response to a change in disease status as determined by the State Veterinarian.

NOTE: Authority cited: Section 407 and 9932, Food and Agricultural Code, Reference: Sections 9561, 9562, 9570 and 9574, Food and Agricultural Code.

HISTORY

- New section filed 7-3-2003 as an emergency; operative 7-3-2003 (Register 2003, No. 27). A Certificate of Compliance must be transmitted to OAL by 10-31-2003 or emergency language will be repealed by operation of law on the following day.
- 2. Certificate of Compliance as to 7-3-2003 order transmitted to OAL 9-19-2003 and filed 10-20-2003 (Register 2003, No. 43).

§ 759. Violations.

- (a) Failure to comply with any part of this article constitutes a violation.
- (b) The Department shall act consistent with any existing enforcement authority concurrently or at a later date unless otherwise prohibited. Such authority includes, but is not limited to, the following:
- (1) Denial, suspension, or revocation of a license, registration, certificate, permit, exception, or other indicia of authority issued by the Department:
 - (2) Civil or administrative penalties;
- (3) Referral to the appropriate District Attorney or the Attorney General for criminal prosecution or other appropriate remedy; and,
- (4) Reimbursement to the Department for any costs incurred due to any violation of this article.

NOTE: Authority cited: Section 407 and 9932, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570 and 9574, Food and Agricultural Code.

HISTORY

- New section filed 8-1-94 as an emergency; operative 8-1-94 (Register 94, No. 31). A Certificate of Compliance must be transmitted to OAL by 11-29-94 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 8–1–94 order transmitted to OAL 11–18–94 and filed 12–20–94 (Register 94, No. 51).
- 3. Amendment of section heading, first paragraph and subsection (a) filed 6-15-2000 as an emergency; operative 6-15-2000 (Register 2000, No. 24). A Certificate of Compliance must be transmitted to OAL by 10-13-2000 or emergency language will be repealed by operation of law on the following day.
- 4. Certificate of Compliance as to 6-15-2000 order transmitted to OAL 8-30-2000 and filed 10-12-2000 (Register 2000, No. 41).
- 5. Repealer and new section filed 7-3-2003 as an emergency; operative 7-3-2003 (Register 2003, No. 27). A Certificate of Compliance must be transmitted to OAL by 10-31-2003 or emergency language will be repealed by operation of law on the following day.

 Certificate of Compliance as to 7–3–2003 order transmitted to OAL 9–19–2003 and filed 10–20–2003 (Register 2003, No. 43).

§ 759.1. Designation of Special Risk Areas.

NOTE: Authority cited: Sections 407, 9561, 9570, 9572 and 9932, Food and Agricultural Code. Reference: Sections 9161, 9165, 9166, 9574 and 10007.

HISTORY

- 1. New section filed 8-1-94 as an emergency; operative 8-1-94 (Register 94, No. 31). A Certificate of Compliance must be transmitted to OAL by 11-29-94 or emergency language will be repealed by operation of law on the following day.
- 2. Certificate of Compliance as to 8-1-94 order transmitted to OAL 11-18-94 and filed 12-20-94 (Register $94,\,No.\,51).$
- 3. Repealer filed 7–3–2003 as an emergency; operative 7–3–2003 (Register 2003, No. 27). A Certificate of Compliance must be transmitted to OAL by 10–31–2003 or emergency language will be repealed by operation of law on the following day.
- 4. Certificate of Compliance as to 7–3–2003 order transmitted to OAL 9–19–2003 and filed 10–20–2003 (Register 2003, No. 43).

§ 759.2. Permit and Inspection Requirements To Prevent Tuberculosis.

NOTE: Authority cited: Sections 407, 9531, 9561, 9570, 9572, 9931 and 9932, Food and Agricultural Code. Reference: Sections 408, 461, 9161, 9165, 9166, 9574, 10007 and 10008.

HISTORY

- 1. New section filed 8–1–94 as an emergency; operative 8–1–94 (Register 94, No. 31). A Certificate of Compliance must be transmitted to OAL by 11–29–94 or emergency language will be repealed by operation of law on the following day.
- 2. Certificate of Compliance as to 8-1-94 order transmitted to OAL 11-18-94 and filed 12-20-94 (Register $94,\,No.\,51$).
- 3. Repealer filed 7–3–2003 as an emergency; operative 7–3–2003 (Register 2003, No. 27). A Certificate of Compliance must be transmitted to OAL by 10–31–2003 or emergency language will be repealed by operation of law on the following day.
- 4. Certificate of Compliance as to 7-3-2003 order transmitted to OAL 9-19-2003 and filed 10-20-2003 (Register 2003, No. 43).

§ 759.3. Bovine Tuberculosis: Restricting Dairy Breeds from Mexico.

NOTE: Authority cited: Sections 407, 9561, 9570, 9572 and 9932, Food and Agricultural Code. Reference: Sections 9161, 9165, 9166, 9574, 10007 and 10008.

History

- 1. New section filed 8–1–94 as an emergency; operative 8–1–94 (Register 94, No. 31). A Certificate of Compliance must be transmitted to OAL by 11–29–94 or emergency language will be repealed by operation of law on the following day.
- 2. Certificate of Compliance as to 8-1-94 order transmitted to OAL 11-18-94 and filed 12-20-94 (Register $94,\,No.\,51$).
- 3. Repealer filed 7-3-2003 as an emergency; operative 7-3-2003 (Register 2003, No. 27). A Certificate of Compliance must be transmitted to OAL by 10-31-2003 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 7–3–2003 order transmitted to OAL 9–19–2003 and filed 10–20–2003 (Register 2003, No. 43).

§ 759.4. Bovine Tuberculosis — Michigan.

NOTE: Authority cited: Sections 407, 9561, 9562, 9570, 9572 and 9932, Food and Agricultural Code. Reference: Sections 401, 403, 408, 461, 482, 9161, 9163, 9165–9169, 9531, 9562, 9565–9567, 9691–9693, 9698–9702 and 9901–10152, Food and Agricultural Code.

HISTORY

- New section filed 6-15-2000 as an emergency; operative 6-15-2000 (Register 2000, No. 24). A Certificate of Compliance must be transmitted to OAL by 10-13-2000 or emergency language will be repealed by operation of law on the following day.
- 2. Certificate of Compliance as to 6-15-2000 order transmitted to OAL 8-30-2000 and filed 10-12-2000 (Register 2000, No. 41).
- 3. Repealer filed 7–3–2003 as an emergency; operative 7–3–2003 (Register 2003, No. 27). A Certificate of Compliance must be transmitted to OAL by 10–31–2003 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 7–3–2003 order transmitted to OAL 9–19–2003 and filed 10–20–2003 (Register 2003, No. 43).

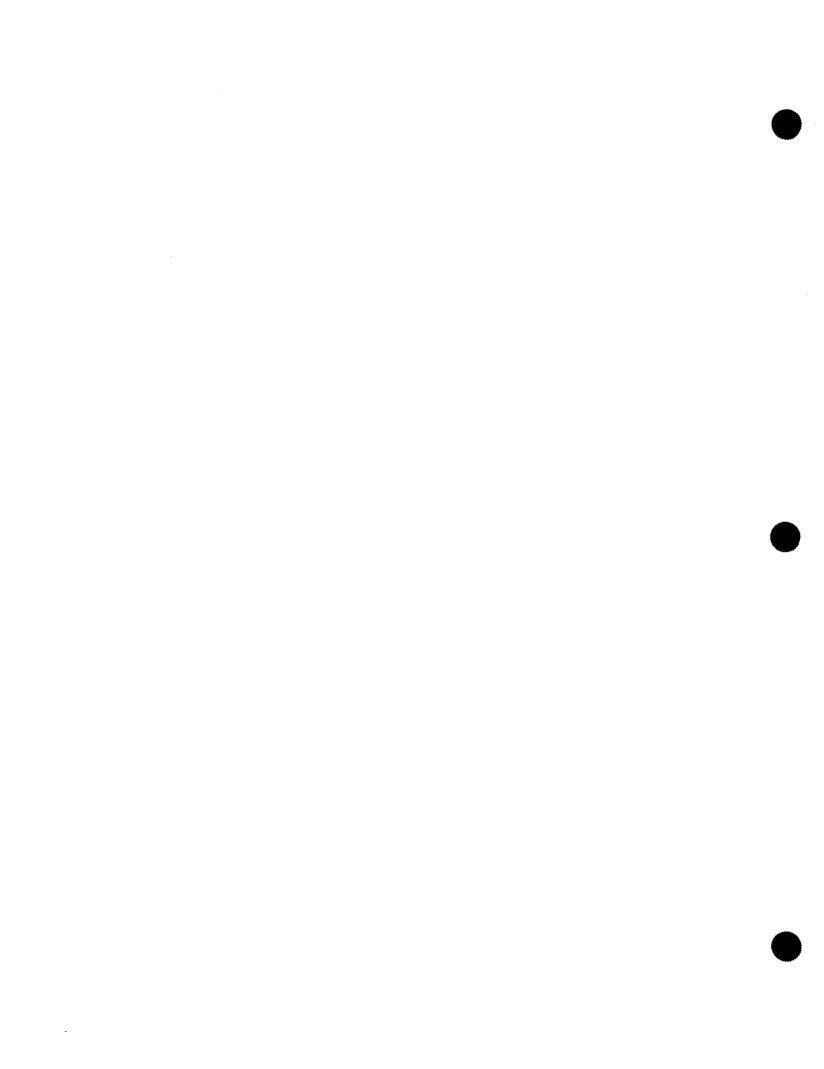
Page 58.8

§ 759.5. Movement of Cattle from Mexico Into California.

NOTE: Authority cited: Sections 407 and 9570, Food and Agricultural Code. Reference: Section 9932, Food and Agricultural Code.

- HISTORY
- 1. New section filed 3–28–96 as an emergency; operative 3–28–96 (Register 96, No. 13). A Certificate of Compliance must be transmitted to OAL by 7–26–96 or emergency language will be repealed by operation of law on the following day.
- 2. Certificate of Compliance as to 3-28-96 order, including amendment of subsec-
- tions (b)(1)–(2) transmitted to OAL 7–24–96 and filed 9–4–96 (Register 96, No. 37)
- 3. Repealer filed 7-3-2003 as an emergency; operative 7-3-2003 (Register 2003, No. 27). A Certificate of Compliance must be transmitted to OAL by 10-31-2003 or emergency language will be repealed by operation of law on the following day.
- 4. Certificate of Compliance as to 7–3–2003 order transmitted to OAL 9–19–2003 and filed 10–20–2003 (Register 2003, No. 43).

[The next page is 59.]



Article 3. Interstate and Intrastate Movement of Sheep and Goats

§ 760. Definitions.

- (a) As used in this article:
- (1) "Accredited veterinarian" means a veterinarian approved by the Department and the United States Department of Agriculture (USDA) in accordance with the provisions in 9 CFR Part 161 (1/1/02 Edition).
 - (2) "Animal" means a sheep or goat.
- (3) "Approved saleyard" means a premises approved by the Department and the USDA to handle sheep and goats for release only to recognized slaughter establishments or to a feedlot approved by the Department for feeding animals for the express purpose of improving the animals' condition for movement to slaughter.
- (4) "Brucella ovis free flock" means a flock of sheep officially recognized by the state of origin as free of Brucella ovis.
- (5) "Brucellosis" means the contagious, infectious, and communicable disease caused by bacteria of the genus Brucella.
- (6) "Designated scrapie epidemiologist" means a state or federal veterinarian with knowledge of scrapie epidemiology, selected by state and federal veterinarians in charge with the concurrence of the USDA scrapie staff. The designated epidemiologist will coordinate and evaluate the Scrapie Eradication Program as assigned.
- (7) "Direct movement to slaughter" means transported to a facility for slaughter, without stops or unloading except for feeding and watering during which the animals are not commingled with any other animals.
- (8) "Flock" means a number of animals that are kept, fed and herded together having a single or multiple ownership. Changes in ownership of part or all of a flock do not change the identity of the flock. This term shall be interchangeable with the term herd and shall apply to purebred and commercial sheep or goats.
- (9) "Official certificate" means a Certificate of Veterinary Inspection, or other inspection or movement document approved by the Department, issued by a licensed accredited veterinarian at the point of origin prior to an interstate animal health movement into California.
- (10) "Official eartag" means an identification eartag approved by the Department and USDA as sufficiently tamper-resistant for the intended use and providing unique identification for each animal. An official eartag may conform to the alphanumeric National Uniform Ear Tagging System or another system approved by the Department and USDA, or it may bear a premises identification number that either contains or is used in conjunction with the producer's livestock production numbering system to provide a unique identification number.
- (11) "Official identification" means an identification mark or device approved by the Department and USDA.
- (12) "Official test for Brucella ovis" means a sample collected from a test eligible ram by a licensed accredited veterinarian and tested using an approved method at an approved laboratory. The individual identification of the ram tested must be recorded and accompany the sample to the laboratory
- (13) "Owner" means a person, partnership, company, corporation, or any other legal entity that has legal or rightful title to animals, whether or not they are subject to a mortgage.
- (14) "Premises" means the ground, area, buildings, and equipment occupied by one or more flocks of animals.
- (15) "Premises identification" means a Department and USDA approved method used to identify an animal back to the premises of the flock of origin.
- (16) "Scrapie" means a transmissible spongiform encephalopathy that is a fatal, degenerative disease affecting the central nervous system of sheep and goats.
- (17) "Scrapie consistent state" means a state that the Department and USDA recognize as having an effective scrapie control program.

- (18) "Scrapie Eradication Program" means the cooperative state and federal program administered by the USDA and Consistent States to control and eradicate scrapie.
- (19) "Scrapie infected flock" means any flock in which a representative of the Department or USDA has determined that a scrapie–positive female animal has resided unless an epidemiological investigation conducted by a representative of the Department or USDA shows that the animal did not lamb or abort in the flock.
- (20) "Scrapie low-risk commercial sheep and goats" means commercial whiteface, whiteface cross, or commercial hair sheep, and goats commingled with such sheep that would be low risk goats if they were not commingled with such sheep. Animals must be identified with official eartags, official tattoos, legible permanent brand or ear notch pattern registered with an official brand registry, or other methods approved by the Department. The flock must have no known risk factors for scrapie, including any exposure to female blackface sheep. Low-risk commercial sheep may only exist in a state where scrapie has not been diagnosed in the previous 10 years in commercial whiteface, whiteface cross, or commercial hair sheep that were not commingled with female blackface sheep.
- (21) "Scrapie low-risk goat" means a goat that is not scrapie-positive, suspect, has not been exposed to scrapie, has not commingled with sheep, and is from: a state in which scrapie has not been identified in a goat during the previous 10 years, or; a state in which scrapie has been identified in a goat during the previous 10 years, but the scrapie-positive goat was not born in the state, resided in the state for less than 72 months and did not kid while in the state, or; a state in which scrapie has been identified in a goat during the previous 10 years, and the scrapie-positive goat was commingled with sheep, but flock records allowed a complete epidemiological investigation to be completed and all resulting goat herds have completed the requirements of flock plans and are in compliance with post-exposure monitoring plans.
- (22) "Scrapie non-compliant flock" means any flock whose owner fails to comply with the requirements of the Department or USDA for the control and eradication of scrapie.
- (23) "Scrapie positive animal" means an animal for which a diagnosis of scrapie has been made by a laboratory approved by the Department and the USDA.
- (24) "Scrapie source flock" means a flock in which an animal was born and subsequently diagnosed as scrapie–positive at an age of 72 months or less.
- (25) "Scrapie suspect animal" means a sheep or goat suspected of having scrapie by an accredited veterinarian or a Department or USDA representative.
- (26) "Slaughter channels" means any animal that is sold, transferred, or moved directly to a slaughter facility; or to an approved saleyard; or to an individual for custom slaughter; or for feeding for the express purpose of improving the animals' condition for movement to slaughter. Sexually intact mature female animals kept in the same enclosure as breeding animals from another flock are not in slaughter channels.
- (27) "USDA" means the United States Department of Agriculture, Animal and Plant Health Inspection Service.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570 and 9574, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 9–18–70 as an emergency; effective upon filing (Register 70, No. 38). For prior history, see Register 66, No. 27.
- 2. Certificate of Compliance—Section 11422.1, Gov. Code, filed 10–28–70 (Register 70, No. 44).
- 3. Amendment filed 3–9–79; effective thirtieth day thereafter (Register 79, No. 10).
- 4. Repealer of former article 3 (sections 760–761), new article 3 (sections 760–760.9) and new section filed 4–8–2003 as an emergency; operative 4–8–2003 (Register 2003, No. 15). A Certificate of Compliance must be transmitted to OAL by 8–6–2003 or emergency language will be repealed by operation of law on the following day.

- Certificate of Compliance as to 4–8–2003 order, including amendment of section, transmitted to OAL 7–18–2003 and filed 7–29–2003 (Register 2003, No. 31).
- Editorial correction implementing amendments contained in 7-29-2003 Certificate of Compliance and amending HISTORY 5 (Register 2003, No. 36).

§ 760.1. General Requirements.

- (a) The State Veterinarian may impose a quarantine pursuant to Food and Agricultural Code section 9562 if the requirements as specified in this article have not been met, or amend the requirements for entry into California in response to a change in disease status in any location, state, territory or country as determined by the State Veterinarian.
- (b) The provisions of this article are in addition to other provisions that may be required for moving animals into and within California as specified in statute or regulation.
- (c) Any person transporting animals into or within California shall produce any official documents required, including but not limited to, a Certificate of Veterinary Inspection with the Interstate Livestock Entry Permit number as required, with attachments, for each load or part of a shipment upon request by the Department or other official to prove that each animal transported meets the requirements of this article. Animals in any load or part of a shipment may be inspected en route or after arrival. NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570 and 9574, Food and Agricultural Code.

HISTORY

- 1. New section filed 4–8–2003 as an emergency; operative 4–8–2003 (Register 2003, No. 15). A Certificate of Compliance must be transmitted to OAL by 8–6–2003 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 4–8–2003 order, including amendment of subsection (a), transmitted to OAL 7–18–2003 and filed 7–29–2003 (Register 2003, No. 31).
- 3. Editorial correction implementing amendments contained in 7–29–2003 Certificate of Compliance and amending HISTORY 2 (Register 2003, No. 36).

§ 760.2. Certificate of Veterinary Inspection.

- (a) A Certificate of Veterinary Inspection is a numbered interstate document that is a record of veterinary health inspection of one or more animals, issued on an official form of the state of origin and by an accredited veterinarian from the state of origin.
- (b) A Certificate of Veterinary Inspection shall include all of the following:
 - (1) Date of inspection;
 - (2) Number of animals in the consignment;
- (3) Description of the animals including species, breed, age, and sex and the official identification number(s) or registration tattoos;
- (4) Name, address, and telephone number of the consignor, consignee, and the origin and destination of the animals;
 - (5) Interstate livestock entry permit number, when required;
 - (6) Purpose for which the animals are being moved;
- (7) Written statement by the owner or accredited veterinarian at the point of origin as required by the Department or USDA for the interstate or intrastate movement of animals.
- (8) Signed by the accredited veterinarian who examined the animals in the shipment.
- (c) A copy of the completed Certificate of Veterinary Inspection shall be mailed to the Department within 15 days of examination to the following address: Department of Food and Agriculture, Animal Health Branch, 1220 "N" Street, Room A–107, Sacramento, California 95814.
- (d) The examining licensed and accredited veterinarian shall indicate on the Certificate of Veterinary Inspection that each animal in the shipment meets California entry requirements.
- (e) As an alternative to official individual identification on a Certificate of Veterinary Inspection, another animal identification document may be used if approved by the Department and USDA.
- (f) The Department may require a Certificate of Veterinary Inspection for animals entering California because of a disease condition in another state, even though the animals are exempt from obtaining a Certificate of Veterinary Inspection under this article.

- (g) All animals shall be transported directly and without delay to the destination stated on the Certificate of Veterinary Inspection.
- (h) A Certificate of Veterinary Inspection shall be valid for 30 days following the inspection of the animals described.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570 and 9574, Food and Agricultural Code.

HISTORY

- 1. New section filed 4–8–2003 as an emergency; operative 4–8–2003 (Register 2003, No. 15). A Certificate of Compliance must be transmitted to OAL by 8–6–2003 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 4–8–2003 order, including amendment of section, transmitted to OAL 7–18–2003 and filed 7–29–2003 (Register 2003, No. 31).
- 3. Editorial correction implementing amendments contained in 7–29–2003 Certificate of Compliance and amending HISTORY 2 (Register 2003, No. 36).

§ 760.3. Interstate Livestock Entry Permits.

- (a) An Interstate Livestock Entry Permit may be required for the importation of animals into California pursuant to the requirements of this article
- (b) An Interstate Livestock Entry Permit is a numbered document issued by the Department for approving the movement of animals that meet entry requirements into California.
- (c) Requests for Interstate Livestock Entry Permits shall be made to the Department's Animal Health Branch before the animals are transported to California. Requests for entry permits may be made by telephone, electronic transmission, or other means accepted by the Department. Written application may be required when necessary to accomplish the purposes of this article.
- (d) Each Interstate Livestock Entry Permit shall have a unique number and the number may be issued to the applicant by telephone or other electronic means approved by the Department. A copy of the permit will not be sent to the applicant unless specifically requested or it is needed to accompany a shipment.
- (e) The applicant for the Interstate Livestock Entry Permit shall establish that all animals in the shipment meet California entry requirements, and possess a Certificate of Veterinary Inspection when required.
- (f) The applicant for the Interstate Livestock Entry Permit shall provide the Department with the following information:
 - (1) Name, address, and telephone number of the shipper or importer;
 - (2) Origin of the shipment;
- (3) The number and description of the animals being imported, including, species, breed, age, sex, and purpose for which the animals will be used:
- (4) Name, mailing address, and telephone number of entity receiving the animals, or a geographic destination if animals are not being received at the destination mailing address;
- (5) Name, address, and telephone number of a contact person in California, if not the owner; and the name, address, and telephone number of the person requesting the permit;
 - (6) Certificate of Veterinary Inspection number, if available;
 - (7) Name of the flock veterinarian, if available; and
- (8) Confirm that animals meet the entry requirements for the type of animals entering California.
- (g) An Interstate Livestock Entry Permit is required for the entire shipment of animals, which may consist of one or more loads.
- (h) All animals shall be transported directly and without delay to the destination stated on the Interstate Livestock Entry Permit.
- (i) The State Veterinarian may deny the request for an Interstate Livestock Entry Permit pursuant to sections 9562 and 9570 of the Food and Agricultural Code.
- (j) Interstate Livestock Entry Permits shall expire 15 days after issuance.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570 and 9574, Food and Agricultural Code.

HISTORY

 New section filed 4-8-2003 as an emergency; operative 4-8-2003 (Register 2003, No. 15). A Certificate of Compliance must be transmitted to OAL by

Page 60

- 8-6-2003 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 4–8–2003 order, including amendment of section, transmitted to OAL 7–18–2003 and filed 7–29–2003 (Register 2003, No. 31).
- Editorial correction implementing amendments contained in 7–29–2003 Certificate of Compliance and amending HISTORY 2 (Register 2003, No. 36).

§ 760.4. Ovine Brucellosis — Requirements for Entry of Rams into California.

- (a) Rams six (6) months of age and over shall have all of the following:
- (1) Individual identification with an official eartag or registration tattoo if accompanied by registration papers;
- (2) A negative official test for *Brucella ovis* within 60 days before entry into California or be from a *Brucella ovis* free flock. The individual identification of the ram tested must be recorded and accompany the sample to the laboratory.
- (A) Rams may be exempt from the *Brucella ovis* test requirement when:
 - 1. Moved for grazing purposes, without change of ownership, or
- 2. Entered in a show or sale outside of California where ownership changes, and the ram is returning to California.
- (B) Any ram with a positive test result will not be allowed entry into California until retested negative 30–60 days after the initial positive test.
- (3) A Certificate of Veterinary Inspection as specified by this article, with official identification, test results, name of the approved laboratory, date of the test, or the "*Brucella ovis* free flock number" must be recorded on the form.
- (b) Any ram six (6) months of age and older originating from a flock in which *Brucella ovis* has been diagnosed within the past 12 months shall have either:
- (1) A negative official *Brucella ovis* test conducted within 60 days prior to entry and isolation from the breeding flock upon arrival until retested negative within 45–120 days of the initial pre–entry test; or
- (2) Two (2) consecutive negative official *Brucella ovis* tests conducted 45–120 days apart with the last test conducted within 60 days prior to entry.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570 and 9574, Food and Agricultural Code.

HISTORY

- 1. New section filed 4–8–2003 as an emergency; operative 4–8–2003 (Register 2003, No. 15). A Certificate of Compliance must be transmitted to OAL by 8–6–2003 or emergency language will be repealed by operation of law on the
- Certificate of Compliance as to 4–8–2003 order, including amendment of section, transmitted to OAL 7–18–2003 and filed 7–29–2003 (Register 2003, No. 31).
- 3. Editorial correction implementing amendments contained in 7–29–2003 Certificate of Compliance and amending HISTORY 2 (Register 2003, No. 36).
- 4. Amendment filed 10–27–2006; operative 11–26–2006 (Register 2006, No. 43).

§ 760.5. Scrapie — Requirements for Entry of Sheep and Goats into California.

- (a) An Interstate Livestock Entry Permit is required for all animals imported into California except:
- (1) Lambs or kids less than 18 months of age in slaughter channels that have not lambed, kidded, aborted, or are pregnant;
 - (2) Low risk goats.
- (b) Official identification, in accordance with the methods and procedures in 9 CFR Part 79 (1/1/02 Edition), is required for all animals imported into California except:
- (1) Lambs or kids less than 18 months of age in slaughter channels that have not lambed, kidded, aborted, or are pregnant;
 - (2) Low-risk goats;
- (3) Castrated animals less than 18 months of age that are not for exhibition:
 - (4) Animals moving for grazing without change of ownership.
- (c) A Certificate of Veterinary Inspection is required for all sexually intact breeding animals imported into California, and the owner shall include the following phrase on the certificate: "The animals are not scra-

pie-positive or suspect, or are from a scrapie non-compliant flock." The following animals are exempt from this requirement:

- (1) Lambs or kids less than 18 months of age in slaughter channels that have not lambed, kidded, aborted, or are pregnant;
 - (2) Low-risk goats;
 - (3) Animals moving for grazing without change of ownership;
 - (4) Animals over 18 months of age in slaughter channels;
 - (5) Low risk commercial sheep, which require the following:
- (A) A written statement containing the following phrase issued by the accredited veterinarian at the point where the animals originated, and dated within 12 months of the date of movement: "To the best of my knowledge, the flock has no known risk factors for or exposure to scrapie. I have inspected the flock and it does not contain any: animal exhibiting signs of scrapie, female blackfaced sheep or female blackfaced cross sheep that were not born in the flock." The statement must include the owner's name, address, and the official eartags, official tattoos, or premises identification number and a drawing of the owner's registered brand or ear notch pattern if applicable; and,
- (B) A written statement containing the following phrase by the owner within 30 days of the date of movement: "The animals were born in the flock and the flock does not contain any animal showing signs of scrapie. To the best of my knowledge, the flock has no risk factors for or exposure to scrapie, and the flock has never contained any: animal diagnosed as having scrapie, any female blackfaced sheep or any female blackface cross sheep that were not born in the flock."
- (d) All animals imported into California for exhibition require the following:
- (1) Official identification, in accordance with the methods and procedures in 9 CFR Part 79 (1/1/02 Edition), shall be kept on the animals;
 - (2) Certificate of Veterinary Inspection;
 - (3) Interstate Livestock Entry Permit.
- (e) Any animal that is scrapie positive, suspect, or may have been exposed to scrapie, or from a scrapie infected, source, or non-compliant flock, shall be evaluated on a case-by-case basis and may only be allowed entry into California with the approval of the designated scrapie epidemiologist.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570 and 9574, Food and Agricultural Code.

HISTORY

- New section filed 4–8–2003 as an emergency; operative 4–8–2003 (Register 2003, No. 15). A Certificate of Compliance must be transmitted to OAL by 8–6–2003 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 4–8–2003 order, including amendment of subsections (b), (c) and (d)(1), transmitted to OAL 7–18–2003 and filed 7–29–2003 (Register 2003, No. 31).
- 3. Editorial correction implementing amendments contained in 7–29–2003 Certificate of Compliance and amending HISTORY 2 (Register 2003, No. 36).

§ 760.6. Scrapie — Intrastate Movement of Sheep and Goats.

- (a) Official identification, in accordance with the methods and procedures in 9 CFR Part 79 (1/1/02 Edition), is required for all animals changing ownership except:
- (1) Lambs or kids less than 18 months of age in slaughter channels that have not lambed, kidded, aborted, or are pregnant; or
 - (2) Low-risk goats; or
- (3) Castrated animals less than 18 months of age that are not for exhibition.
- (b) Exhibition animals shall have official identification, in accordance with the methods and procedures in 9 CFR Part 79 (1/1/02 Edition), which shall be kept on the animals.
- (c) Any animal that is scrapie positive or suspect may only be moved from one premises to another premises if the designated scrapie epidemiologist determines that such a move poses a minimum risk to other animals in California.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570 and 9574, Food and Agricultural Code.

- New section filed 4–8–2003 as an emergency; operative 4–8–2003 (Register 2003, No. 15). A Certificate of Compliance must be transmitted to OAL by 8–6–2003 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 4–8–2003 order, including amendment of section, transmitted to OAL 7–18–2003 and filed 7–29–2003 (Register 2003, No. 31).
- Editorial correction implementing amendments contained in 7–29–2003 Certificate of Compliance and amending HISTORY 2 (Register 2003, No. 36).

§ 760.7. Scabies — Requirements for Entry of Sheep and Goats into California.

- (a) Pursuant to Food and Agricultural Code sections 9562 and 9570, the State Veterinarian may require persons importing animals into California to meet the following requirements to prevent the introduction or spread of scabies:
 - (1) A Certificate of Veterinary Inspection;
 - (2) An Interstate Livestock Entry Permit;
 - (3) Treat animals to prevent the spread of scabies.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570 and 9574, Food and Agricultural Code.

HISTORY

- 1. New section filed 4–8–2003 as an emergency; operative 4–8–2003 (Register 2003, No. 15). A Certificate of Compliance must be transmitted to OAL by 8–6–2003 or emergency language will be repealed by operation of law on the following day.
- 2. Certificate of Compliance as to 4–8–2003 order transmitted to OAL 7–18–2003 and filed 7–29–2003 (Register 2003, No. 31).

§ 760.8. Records Retention.

- (a) Each person who buys or sells, for his or her own account or as the agent of the buyer or seller, transports, receives for transport, offers for sale or transportation, applies official identification, or otherwise handles sheep or goats must insure animals are identified as required and shall retain the following records where applicable:
- (1) Transfer of ownership, shipment, or handling of the sheep or goats, such as, yarding receipts, sale tickets, invoices and waybills for at least five (5) years after the person has sold or otherwise disposed of the sheep or goats to another person;
- (2) Official documents used for transportation purposes, including Certificates of Veterinary Inspection and Interstate Livestock Entry Permit numbers for at least five (5) years after the animals entered California
- (3) Records of all identification marks or devices used to officially identify any animal moving intrastate and/or interstate, including the date animals were identified and the official identification number applied, must be maintained for at least five (5) years by the owner of the flock of origin or any person who applies the identification.
- (b) The records shall be available for inspection and photocopying upon request by the Department or the USDA.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570 and 9574, Food and Agricultural Code.

HISTORY

- New section filed 4–8–2003 as an emergency; operative 4–8–2003 (Register 2003, No. 15). A Certificate of Compliance must be transmitted to OAL by 8–6–2003 or emergency language will be repealed by operation of law on the following day.
- 2. Certificate of Compliance as to 4-8-2003 order transmitted to OAL 7-18-2003 and filed 7-29-2003 (Register 2003, No. 31).

§ 760.9. Violations.

- (a) Failure to comply with any part of this article constitutes a violation.
- (b) The Department shall act consistent with existing enforcement authority concurrently or at a later date unless otherwise prohibited. Such authority includes the following:
- (1) Denial, suspension, or revocation of a license, registration, certificate, permit, exception, or other indicia of authority issued by the Department:
 - (2) Civil or administrative penalties;

- (3) Referral to the appropriate District Attorney or the Attorney General for criminal prosecution or other appropriate remedy;
- (4) Reimbursement to the Department for any costs incurred due to any violation of this article.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570 and 9574, Food and Agricultural Code.

HISTORY

- 1. New section filed 4–8–2003 as an emergency; operative 4–8–2003 (Register 2003, No. 15). A Certificate of Compliance must be transmitted to OAL by 8–6–2003 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 4–8–2003 order transmitted to OAL 7–18–2003 and filed 7–29–2003 (Register 2003, No. 31).

§ 761. Canadian Sheep Prohibited Because of Scrapie, Section 211, Agricultural Code.

NOTE: Authority cited: Sections 16 and 211, Agricultural Code. Proclamation of Governor.

HISTOR'

- 1. New section filed 3–28–59 as an emergency; effective upon filing (Register 59, No. 6).
- Certificate of Compliance—Section 11422.1, Gov. Code, filed 5–26–59 (Register 59, No. 8).
- 3. Repealer filed 12–31–59 as an emergency; effective upon filing (Register 60, No. 1).
- 4. Certificate of Compliance—Section 11422.1, Government Code, filed 2–26–60 (Register 60, No. 4).

Article 3.5. Brucella ovis Free Flock Certification

§ 765. Brucella ovis Free Flock Certification Requirements.

- (a) Definitions are incorporated by reference from section 760(a)(1) through (5), (7) through (15), and (27) of Article 3 of Chapter 2, Division 2, of Title 3 of the California Code of Regulations.
- (b) Any person interested in obtaining *Brucella ovis* Free Flock Certification in California, should contact their local Animal Health Branch District Office of the Department.
- (c) A flock of sheep may qualify as a *Brucella ovis* Free Flock when all rams six (6) months of age and older have completed two (2) negative *Brucella ovis* tests 45–120 days apart.
- (d) The Department will provide written verification to the owner of the flock recognizing the flock as a *Brucella ovis* Free Flock upon receipt of all completed test results from the veterinarian or the laboratory where the testing was performed as required by this section. The written verification will include, at a minimum, a statement that the flock is certified in California as a *Brucella ovis* Free Flock, and the date of certification.
 - (e) Approved Brucella ovis Tests.
- (1) Brucella ovis testing must be performed in a laboratory approved by the Department.
- (2) Samples must be taken and sent to an approved laboratory by a California state licensed and USDA accredited veterinarian.
- (3) Tests used for *Brucella ovis* Free Flock Certification must be approved by the Department or the USDA.
- (f) Brucella ovis Free Flock Certification will be valid for one year. For continuous Brucella ovis Free Flock Certification status:
- (1) All rams six (6) months of age and older must have one negative *Brucella ovis* test within 9–15 months of the last certification date, and
- (2) Any ram introduced into the flock must be from a *Brucella ovis* Certified Free Flock as defined herein, or be held in isolation until the completion of two (2) negative *Brucella ovis* tests conducted 45–120 days apart.
- (3) A flock that loses certified–free flock status may be recertified by repeating the certification process.
 - (g) Positive Brucella ovis Tests.
- (1) Any ram with a positive test result shall be held in isolation and retested 30–60 days after the initial positive test, or removed from the flock.
- (2) A loss of certified free status will result when a positive ram has not been held in isolation. A flock that loses certified–free flock status may be recertified by repeating the certification process.

Page 60.2 Register 2006, No. 43; 10-27-2006

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 9561, 9562 and 9570, Food and Agricultural Code.

HISTORY

1. Amendment of article heading and new section filed 10–27–2006; operative 11–26–2006 (Register 2006, No. 43). For prior history, see Register 2003, No. 31.

§ 765.1. Scrapie Disease of Sheep Quarantined Areas.

HISTORY

- New section filed 5-22-69 as an emergency; effective upon filing (Register 69, No. 21). For prior history, see Register 69, No. 19.
- 2. Certificate of Non–compliance—Sec. 11422.1, Gov. Code (Repealer by operation of law) filed 8–4–69 (Register 69, No. 32).
- 3. Amendment filed 1–19–70 as an emergency; effective upon filing (Register 70, No. 4).
- Certificate of Non-compliance (repealer by operation of Section 11422.1, Gov. Code) filed 5–25–70 (Register 70, No. 22).
- Amendment filed 7–6–82 as an emergency; effective upon filing (Register 82, No. 29).
- Order of Repeal of 7–6–82 emergency order filed 7–12–82 by OAL pursuant to Government Code Section 11349.6 (Register 82, No. 29).

Article 4. Vessel and Aircraft Garbage Disposal

§ 770. Definitions.

(a) "Food stores" as defined in Section 16003 of the Food and Agricultural Code means any of the following when carried as stores of vessels or aircraft, including those carried in passengers' and crews' quarters: fresh fruits or fresh vegetables or animal products. Those products that have been sterilized and canned such as canned milk or canned meats are exempt.

(b) "Garbage" as defined in Section 16004 of the Food and Agricultural Code means all waste material derived in whole or in part from fruits, vegetables, meats, or other plant or animal (including poultry) material, and other refuse of any character whatsoever that has been associated with any such material on board any means of conveyance, including food scraps, table refuse, galley refuse, food wrappers or packaging materials, and other waste material from stores, food preparation areas, passengers' or crews' quarters, dining rooms, or any other areas on vessels, aircraft, or other means of conveyance.

NOTE: Authority cited: Sections 407 and 16051, Food and Agricultural Code. Reference: Sections 16003–16004, Food and Agricultural Code.

HISTORY

- 1. New Sections 770-778 filed 5-13-46 (Register 3).
- 2. Amendment filed 7–11–77; effective thirtieth day thereafter (Register 77, No. 29).
- 3. Amendment filed 10–5–83; effective thirtieth day thereafter (Register 83, No. 41).

§ 771. Retention and Maintenance on Vessels, Aircraft or Other Vehicles.

Garbage may be retained or maintained inboard on vessels, on aircraft or on other vehicles in tightly closed containers or receptacles only. The Director of Food and Agriculture, his deputy or inspector may at any time require such other disposal or treatment of garbage, containers, or receptacles as he or they may deem necessary for the protection of agriculture. NOTE: Authority cited: Sections 407 and 16051, Food and Agricultural Code. Reference: Sections 16101 and 16152, Food and Agricultural Code.

HISTORY

- Amendment filed 7-11-77; effective thirtieth day thereafter (Register 77, No. 29).
- Amendment filed 10-5-83; effective thirtieth day thereafter (Register 83, No. 41).

§ 772. Collection or Transportation of Discharged Garbage.

No garbage shall be collected at, or transported from, any vessel or aircraft except for immediate disposal by a method described in Section 774 without removal from the dock, pier, mole, or airport, unless the person, firm, or corporation collecting or transporting such garbage holds a valid license issued by the Director or by the United States Department of Agriculture permitting such collection or transportation to an incinerator or grinder, or for movement to sea for dumping as herein provided. All garbage so collected, transported, or otherwise moved from the dock, pier, mole or airport shall be in tight containers.

NOTE: Authority cited: Sections 407 and 16051, Food and Agricultural Code. Reference: Sections 16151 and 16153, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 7–11–77; effective thirtieth day thereafter (Register 77, No. 29).
- Amendment filed 10-5-83; effective thirtieth day thereafter (Register 83, No. 41).

§ 773. Segregation of Garbage.

Domestic garbage and sterilized foreign garbage sterilized in accordance with Section 774(d) may have recyclable materials separated and removed at an intermediate facility between the point of collection and disposal, provided the facility, method of separation, method of treatment of the recyclable material and final disposition of the recyclable material is adequate to prevent dissemination of livestock diseases. Domestic garbage and sterilized foreign garbage remaining shall be disposed of by one of the methods described in Section 774(a), (b), (c), or (d)(3). NOTE: Authority cited: Sections 407 and 16051, Food and Agricultural Code. Reference: Sections 16004, 16051, 16101 and 16151, Food and Agricultural Code.

History

- 1. Amendment filed 7–11–77; effective thirtieth day thereafter (Register 77, No. 29)
- 2. Amendment filed 10–5–83; effective thirtieth day thereafter (Register 83, No. 41).

§ 774. Methods of Garbage Disposal.

All facilities used for garbage disposal shall be adequate to prevent the dissemination of plant and animal diseases, and disposal shall be by one of the following methods:

- (a) Complete reduction to ash by incineration.
- (b) Reduction to a liquid state by grinding and discharge into sea water.
- (c) Dumping at sea at a distance from shore which will preclude the return ashore of any portion of such garbage. Such dumping shall be done in compliance with the provisions of Section 4401 et seq. of the Health and Safety Code of California.
- (d) Sterilization by heat in a closed tank, chamber or cabinet for a period of two hours at a constant mass temperature not less than 212°F.
- (1) The sterilization tank, chamber or cabinet shall be provided with an adequate source of steam and equipped with a recording thermometer and a mechanical agitator to assure complete and uniform heat penetration to all parts of the mass for the duration of the exposure.
- (2) Temperature records shall be retained on file six months for periodic checks by authorized inspectors.
- (3) After sterilization, as provided in this section, the garbage shall be disposed of in a sanitary land fill and covered in a timely manner to prevent dissemination by birds or other animals. The land fill must not be on premises or adjacent to premises where livestock are kept.
- (e) Garbage from a vessel having food stores procured only in California may be disposed of in a sanitary land fill provided the vessel has not had contact with any port outside of California since procuring stores.
- (f) Garbage from aircraft, derived from meals served or prepared for serving to passengers or crew while in flight, may be disposed of by grinding through a garbage disposal unit and discharged into a sewage disposal system designed and operated to prevent the discharge of sewage effluents onto land surfaces, lagoons or other stationary waters.
- (g) Garbage from aircraft involved only in domestic flights, originating and terminating in the continental United States, Alaska, Hawaii, or Canada that do not contact foreign airports, and that utilize only food stores produced and procured within these areas, may be disposed of in a sanitary land fill.

NOTE: Authority cited: Sections 407, 16051 and 16151, Food and Agricultural Code. Reference: Sections 16101, 16151 and 16152, Food and Agricultural Code.

- 1. Amendment of subsection (g) filed 3-3-78; effective thirtieth day thereafter (Register 78, No. 9). For prior history, see Register 77, No. 29.
- 2. Amendment filed 10-5-83; effective thirtieth day thereafter (Register 83, No.

§ 775. Vessel and Aircraft Garbage Collector's License.

NOTE: Authority cited: Sections 407 and 16051, Food and Agricultural Code. Reference: Section 16151, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 7–11–77; effective thirtieth day thereafter (Register 77, No. 29).
- 2. Repealer filed 10-5-83; effective thirtieth day thereafter (Register 83, No. 41).

§ 776. Permits for Removal of Food Stores.

NOTE: Authority cited: Sections 407 and 16051, Food and Agricultural Code. Reference: Section 16153, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 7–11–77; effective thirtieth day thereafter (Register 77, No. 29).
- 2. Repealer filed 10-5-83; effective thirtieth day thereafter (Register 83, No. 41).

§ 777. Enforcing Officers.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Section 13, Food and Agricultural Code

HISTORY

- 1. Amendment filed 7-11-77; effective thirtieth day thereafter (Register 77, No.
- 2. Repealer filed 10-5-83; effective thirtieth day thereafter (Register 83, No. 41).

§ 778. Subject to Other Rules and Regulations.

NOTE: Authority cited: Section 407, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 7–11–77; effective thirtieth day thereafter (Register 77, No.
- 2. Repealer filed 10-5-83; effective thirtieth day thereafter (Register 83, No. 41).

Control Fowl Pest and Asiatic Article 5. **Newcastle Disease**

NOTE: Authority cited for Article 5 (Sections 782 and 783); Sections 200, 202, 204, 204.5, 205, and 206, Agricultural Code.

[The next page is 61.]

- 1. New Sections 782 and 783 filed 4-7-50 as an emergency (Register 20, No. 1).
- 2. Repealer of Article 5 (Sections 782 and 783) filed 2–23–83; effective thirtieth day thereafter (Register 83, No. 9).

Article 5.5. Pollorum Disease and Fowl Typhoid of Poultry

§ 784. Definitions. [Repealed]

NOTE: Authority cited for Article 5.5: Sections 16 and 200, Agricultural Code. Reference: Sections 200.5, 202, 204, and 204.5, Agricultural Code.

HISTORY

- 1. New Article 5.5 (Sections 784 and 784.1) filed 7–19–63; effective thirtieth day thereafter (Register 63, No. 13).
- Repealer of article 5.5 (sections 784–784.2) and section filed 4–1–2008; operative 5–1–2008 (Register 2008, No. 14).

§ 784.1. Intrastate Movement. [Repealed]

HISTORY

1. Repealer filed 4-1-2008; operative 5-1-2008 (Register 2008, No. 14).

§ 784.2. Interstate Movement. [Repealed]

NOTE: Authority cited: Sections 16 and 211, Agricultural Code.

HISTORY

- 1. New section fled 7–19–63; effective thirtieth day thereafter (Register 63, No. 13)
- 2. Repealer filed 4-1-2008; operative 5-1-2008 (Register 2008, No. 14).

Article 6. Vesicular Exanthema in Swine—Quarantine Regulation

§ 790. Definition of Terms.

As used in this regulation:

- (a) "Director."
- The Director of Agriculture of the State of California.
- (b) "Bureau."
- Bureau of Livestock Disease Control, California Department of Agriculture.
 - (c) "Person."
 - Any person, firm, corporation, company, or association.
 - (d) "Ouarantined District."

Those counties or parts of counties of the State, as enumerated in Section 790.1 of this article, in which—

- (1) Vesicular exanthema exists, or
- (2) There are swine that have been infected with or exposed to vesicular exanthema, or
 - (3) Raw garbage is being fed to swine, or
 - (4) Raw garbage has been fed to swine within 30 days, or
- (5) There are premises that have not been cleaned and disinfected since vesicular exanthema was last found.
- (e) "Nonquaratined District" Those counties or parts of counties not under quarantine for vesicular exanthema.
 - (f) "Moved" or "Movement."

As applied to swine, the term "moved" or "movement" means transported, shipped, delivered, or received for transportation, driven on foot or caused to be driven on foot, by any person, and as applied to swine products, the term "moved" or "movement" means transported, shipped, or delivered or received for transportation, by any person.

(g) "Garbage."

Waste consisting in whole or in part of animal waste resulting from handling, preparing, cooking, and consuming of food, including the offal from animal carcasses or parts thereof, but excluding such waste, from ordinary household operations, which is fed directly to swine on the same premises.

(h) "Raw Garbage."

Garbage that has not been heated throughout to boiling or equivalent temperature (usually 212 degrees F. at sea level) but for 30 minutes, or treated according to a method approved by the chief of the bureau.

(i) "Cooked Garbage."

Garbage that has been heated throughout to boiling or equivalent temperature (usually 212 degrees F. at sea level) for 30 minutes, or treated according to a method approved by the chief of the bureau.

(j) "Swine Product."

Any carcass, part, or offal of swine that has not been processed as follows:

- (1) Boneless swine products heated to an internal temperature of at least 156 degrees F. momentarily, or to an internal temperature of at least 145 degrees F. for 15 minutes.
- (2) Swine products, containing bone, heated to an internal temperature of at least 156 degrees F. for 15 minutes.
- (3) Other method or methods of processing approved by the chief of the bureau, or by the United States Department of Agriculture.
- (4) The processing referred to in (1) and (2) shall be under the supervision of a federal, state, or state–approved municipal meat inspector.
 - (k) "Public Stockyard."

A stockyard or auction yard or sales yard where trading in livestock is carried on; where yarding, feeding, and watering facilities are provided by the stockyard, transportation, or similar company.

(1) "Conveyance."

Truck, trailer, railroad, car, boat, or any other object used or capable of being used to transport swine.

(m) "Common Carrier."

Any conveyance hired or loaned to transport swine.

NOTE: Authority cited for Article 6, Sections 16, 200, 202, 204, 204.5, 205 and 206, Agricultural Code.

HISTORY

- 1. New Article 6 (§§ 790, 790.1, 791, 791.1, 792, 792.1) filed 2–17–54; effective thirtieth day thereafter (Register 54, No. 4).
- 2. Amendment filed 7–30–54; effective thirtieth day thereafter (Register 54, No. 16)
- 3. Amendment filed 9–21–54 as an emergency; designated effective 10–1–54 at 12.01 a.m. (Register 54, No. 20).

§ 790.1. Districts Under Quarantine.

HISTORY

- 1. Amendment filed 1–31–56 as an emergency; effective upon filing (Register 56, No. 3). (For previous history of section see Register 55, No. 17).
- 2. Repealer filed 4–20–56 as an emergency; effective upon filing (Register 56, No. 7)

§ 790.2. Destruction of Swine to Prevent the Spread of Vesicular Exanthema.

- (a) When deemed necessary by the director in order to prevent the continuation and the spread of vesicular exanthema, he may require all swine in a quarantined district, infected with the disease or exposed to such disease, to be destroyed, and the carcasses disposed of under the supervision of a representative of the bureau.
- (b) The director may require that guards be stationed in and about all quarantined areas to police the same, and to enforce the law and regulations relating to vesicular exanthema.
- (c) When swine are destroyed in a quarantined district as provided by this section, the director may require such premises as he deems necessary to be cleaned, disinfected and tested under the direction of a representative of the bureau before such premises are released from quarantine.

HISTORY

1. New section filed 11–23–55 as an emergency; effective upon filing (Register 55, No. 17).

§ 791. Movements of Swine and Swine Products from a Quarantined District.

(a) Excepting when accompanied by a permit issued by a federal or state inspector, the movement of swine or swine products from a quarantined district is prohibited.

[The next page is 63.]

- (b) Swine within a quarantined district may be moved, for immediate slaughter and processing, as described in Section 790 hereof, under permit issued by a federal or state inspector directly to an establishment approved by the chief of the bureau or by the United States Department of Agriculture.
- (c) Swine within a quarantined district may be moved direct to another quarantined district on permit from a state or federal inspector; said inspector may issue such a permit only when he is satisfied that there is no danger of spreading vesicular exanthema by or through such movement.
- (d) Swine or Swine Products That Have Been Exposed to or Infected With Vesicular Exanthema.
- (1) Swine or swine products infected with or exposed to vesicular exanthema may be moved for processing, as described in Section 790 hereof, under permit issued by a federal or state inspector directly to a slaughtering or processing establishment approved by the chief of the bureau or by the United States Department of Agriculture. The movement shall be under federal or state seals or accompanied by a federal or state inspector.
- (2) Swine that have been exposed to or infected with vesicular exanthema may be moved, under official permit for slaughter only, directly to a federal inspected establishment where adequate provisions are maintained to prevent the pork products therefrom moving into interstate commerce or to a state inspected establishment, 60 days after the last animal has healed, provided no swine on the premises have been fed raw garbage for at least 30 days prior to movement. The 60–day period, referred to in this paragraph, may be reduced to 30 days if no swine have been added to or moved to, over or upon the said premises from outside sources since the last infection was observed.

- 1. New section filed 2–17–54; effective thirtieth day thereafter (Register 54, No. 4).
- 2. Amendment filed 7–30–54; effective thirtieth day thereafter (Register 54, No. 16).
- 3. Amendment filed 9-21-54 as an emergency; designated effective 10-1-54 at 12:01 a.m. (Register 54, No. 20).
- 4. Amendment filed 4–1–55 as an emergency; effective upon filing (Register 55, No. 5)

§ 791.1. Movement of Garbage.

- (a) Garbage shall not be moved from a quarantined district to, through or into a nonquarantined district, except in the following instances:
- (1) When, under permit of the director, garbage is to be moved for the purpose of cooking;
- (2) When, under permit of the director, said garbage has been cooked;
- (3) When, under permit of the director, garbage is to be moved to a location where swine are not likely to come into contact with raw garbage.
- (b) After any quarantine district located within a nonquarantined district meets the requirements of a nonquarantined district, and is so declared, no raw garbage shall be moved within, through or into such nonquarantined district for the purpose of feeding to swine as raw garbage.

HISTORY

- 1. New section filed 2–17–54; effective thirtieth day thereafter (Register 54, No. 4).
- Amendment filed 3-22-54 as an emergency; effective upon filing (Register 54, No. 7).

§ 792. Cleaning and Disinfecting of Conveyances and Facilities.

Common carrier vehicles and public yards known to have been used for transporting or handling swine fed raw garbage or infected with or exposed to vesicular exanthema shall be cleaned and disinfected. The cleaning and disinfection required in this section shall be done immediately and before the yards or vehicles are again used to transport or handle swine.

HISTORY

 New section filed 2-17-54; effective thirtieth day thereafter (Register 54, No. 4). 2. Amendment filed 9–21–54 as an emergency; designated effective 10–1–54 at 12.01 a.m. (Register 54, No. 20).

§ 792.1. The Cleaning and Disinfecting

required in this regulation shall be as follows:

- (a) Remove all litter, feed, and manure from all portions of each car, boat, truck, or other vehicle, including all ledges and framework outside, and handle such litter, feed, and manure in such manner as not to expose livestock to any disease contained therein; clean the interior and the exterior of each such vehicle and its equipment, saturate the entire interior surface, including all doors, end gates, portable chutes, and similar equipment with one of the disinfectants prescribed in (c). The following prescribed method of cleaning and disinfecting of other facilities shall be used:
- (b) Empty all troughs, racks, and other feeding and watering appliances; remove all litter, feed and manure from the floors, posts, or other parts, and handle such litter, feed, and manure in such manner as not to expose livestock to any disease contained therein; saturate the entire surface of the fencing, troughs, chutes, floors, walls, and all other parts with one of the disinfectants prescribed in (c).
 - (c) Disinfectants to be used:
- (1) Soda ash (sodium carbonate) used at the rate of one pound to three gallons of water.
 - (2) Sal soda used at the rate of 13 1/2 ounces to one gallon of water.
- (3) Lye (sodium hydroxide) used at the rate of 13 ounces to five gallons of water.
- (d) The cleaning and disinfecting required in this regulation shall be done without expense to the State.
- (e) The cleaning and disinfecting shall be done under the supervision of and approved by a state or federal inspector.

Article 7. Swine Diseases from Garbage

§ 793. Licensing.

HISTORY

- 1. New Article 7 (Sections 793–794.5) filed 10–14–55; designated effective 1–1–56 (Register 55, No. 15). For prior history, see Register 54, No. 20.
- 2. Repealer filed 11-29-84; effective thirtieth day thereafter (Register 84, No. 48).

§ 794. New Construction and Installations.

- (a) Plans for new construction and installations shall be submitted to the Director of Agriculture for his official approval prior to starting said construction or installation.
- (b) New construction of buildings and of feeding and cooking platforms shall have concrete foundations with rat-proof walls. Said rat-proof walls shall extend at least 18 inches below ground level, and shall be not less than three inches thick.
- (c) Balcony brooder or feeding platforms are not permitted unless constructed of concrete or equally impervious material.

HISTORY

1. Amendment filed 6–20–56 as an emergency; effective upon filing (Register 56, No. 12).

§ 794.1. Garbage Cooking Operations.

- (a) Garbage cooking equipment and facilities shall be adequate for the type, size and location of the garbage feeding operation.
- (b) The cooking area shall be segregated from the feeding, housing or hog lot sections by fencing adequate to prevent access to raw garbage by swine, other livestock and poultry.
- (c) Cooking operations shall be so located and protected as to insure proper cooking under varying weather conditions.
- (d) Garbage shall be cooked within 24 hours from the time of arrival at the cooking area. In emergency cases, as a breakdown of equipment or when extra tonnage is involved due to holidays, the time limit may be extended to 48 hours.
- (e) All cooking operations shall be conducted in a clean and sanitary manner. At no time shall food wastes, rubbish, boxes, crates and salvage

material be allowed to accumulate in the cooking area. The cooking area and equipment shall be washed, steamed or dry cleaned at the close of daily cooking operations.

- (f) In the cooking operation, the vat or container used shall not be filled to more than 90% of the full capacity of said vat or container.
- (g) All operators cooking over 50 gallons of garbage at one time shall possess and use a thermometer capable of recording temperatures up to 220°F, and of a size sufficient to accomplish the purpose. The operator shall check temperatures of the entire mass being cooked in order to determine whether said mass has been cooked to a boiling temperature.
- (h) A record of each cooking operation shall be maintained by the operator and retained by the operator for a period of at least 60 days.
- (i) Cooking platforms shall be tightly constructed to prevent leakage, and shall be constructed of concrete or equally impervious materials which can be readily washed, cleaned and disinfected. This requirement shall apply where one ton or more of garbage is cooked at one time. Adequate drainage shall be installed and maintained to prevent drainage into hog pens of fluids remaining in the cooking area. Grease traps or catch basins shall be provided for drainage from the cooking platforms.
- (j) An adequate supply of piped fresh water shall be available at all cooking and feeding areas where over one ton of garbage is cooked.

§ 794.2. Feeding Operations.

All feeding platforms or containers in or adjacent to any garbage feeding area shall:

- (a) be of concrete or equally impervious materials, tightly constructed to prevent leakage, that can be readily cleaned, washed, and disinfected;
- (b) have a curb adequate to confine garbage and fluids but in no case less than three inches high; and
- (c) be kept in a clean and sanitary condition by washing or dry cleaning. Refuse shall be removed from the feeding area within 48 hours after completion of the feeding.

HISTORY

1. Amendment filed 6-20-56 as an emergency; effective upon filing (Register 56, No. 12).

§ 794.3. Sanitation Requirements.

- (a) Disposal of refuse shall be handled in such a manner as to prevent the establishment of a nuisance or a harbor for insects and rodents.
- (b) Liquid wastes shall be disposed of in such a manner as to prevent the pollution of water used for public, domestic and livestock purposes, and also to avoid the creation of a nuisance or health hazard.
- (c) A supply of clean drinking water shall be available at all times. Water troughs shall be kept clean and so constructed or covered as to permit only the nose of the hog to enter.
 - (d) Adequate control of insects and rodents shall be employed.
- (e) All dead animals shall be disposed of within 24 hours after death by movement to an approved reduction plant, by cremation, or by burial.

§ 794.4. Direct Fire Cooking Equipment.

(a) Size.

The vat or container shall be large enough to hold at least 10% more than the largest load obtained for one cooking.

- (b) Equipment Design.
- (1) Location of Vat.

Shallow, flat vats shall be set in a firebox so that no more than one inch of the sides extends above the firebox.

Upright drums or metal barrels may extend above the firebox, provided the cooking operation has proved to be satisfactory and adequate.

- (2) The material of the firebox shall be of fire brick or of equally fireresistant material.
- (3) All four sides of the vat shall be walled in, allowing openings where necessary for fuel and draft.
 - (4) Cover.

A tight cover shall be provided and so designed that accumulated water of condensation will run back into the vat.

- (5) Facilities shall be provided for agitation of garbage while being cooked.
 - (c) Fuel.

Fuel supply shall be adequate to maintain a continuous and controlled flame during the cooking period.

§ 794.5. Steam Treating Equipment.

- (a) Tanks or vats equipped with mechanical agitators, either mobile or stationary, shall have recording thermometers installed in such a manner as to record correctly the lowest temperature of the garbage being cooked.
 - (b) Steam Pipes in Truck Bed.
- (1) The maximum load to be cooked shall not exceed 90% of the capacity of the truck bed, unless a satisfactory and adequate mechanical agitator is used.
- (2) Steam pipes or channels in truck beds shall be in contact with the floor, and shall be so located and of sufficient number to heat the entire load to a boiling or equivalent temperature. Steam pipes or steam channels shall be blown out regularly. Outlet holes shall be checked for obstruction, and shall be maintained in good operating condition.
 - (3) Cover.
- A tight cover shall be provided unless adequate provisions are made for mechanical agitation.
- (4) Operators cooking over five—ton loads of garbage at one time in trucks shall install a platform of height and length along one side of cooking platform sufficient for the safe determination of cooking temperatures and the proper agitation of cold spots in the garbage being cooked.
 - (5) Cold Spots.

Some means shall be provided for correcting cold spots found in the garbage being cooked. Claw forks or steam nozzles shall be used for manual agitation, in lieu of installed mechanical agitation.

(6) Sanitation.

Adequate means for cleaning trucks and equipment shall be provided.

HISTORY

 Amendment filed 3-1-56 as an emergency; effective upon filing (Register 56, No. 4).

Article 8. Swine Disease Programs

§ 795. Approved Methods of Immunizing Swine Against Hog Cholera Prior to Entering California.

NOTE: Authority cited: Sections 407, 9570 and 9572, Food and Agricultural Code. Reference: Section 10722, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 7–2–69; effective thirtieth day thereafter (Register 69, No. 27). For prior history, see Register 63, No. 9.
- 2. Amendment filed 3–18–71; effective thirtieth day thereafter (Register 71, No. 12).
- 3. Repealer filed 6-7-78; effective thirtieth day thereafter (Register 78, No. 23).
- Amendment of article heading filed 3–1–2005; operative 3–31–2005 (Register 2005, No. 9).
- 5. Editorial correction of NOTE (Register 2005, No. 10).

§ 795.10. Use of Live Hog Cholera Virus Limited.

NOTE: Authority cited: Sections 407 and 10781, Food and Agricultural Code. Reference: Sections 10721, 10722, 10723, 10753 and 10781, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 7–2–69; effective thirtieth day thereafter (Register 69, No. 27). For prior history, see Register 63, No. 9.
- 2. Amendment filed 6-7-78; effective thirtieth day thereafter (Register 78, No. 23).
- 3. Repealer filed 3-1-2005; operative 3-31-2005 (Register 2005, No. 9).

§ 795.11. Sale of Modified Live Hog Cholera Vaccine Restricted; Reporting Requirements.

HISTORY

- 1. New section filed 7–24–63; effective thirtieth day thereafter (Register 63, No. 13)
- 2. Repealer filed 7-2-69; effective thirtieth day thereafter (Register 69, No. 27).

§ 795.12. Use of Modified Live Hog Cholera Virus Vaccine Limited.

HISTORY

- 1. New section filed 7–24–63; effective thirtieth day thereafter (Register 63, No. 13).
- 2. Repealer filed 7-2-69; effective thirtieth day thereafter (Register 69, No. 27).

§ 795.13. Holding of Hog Cholera Infected or Exposed Swine on Premises.

NOTE: Authority cited: Sections 16 and 215.18, Food and Agricultural Code. New authority: Sections 407 and 10781, Food and Agricultural Code.

HISTORY

- 1. New section filed 5-29-63; designated effective 7-1-63 (Register 63, No. 9).
- 2. Repealer filed 3–1–2005; operative 3–31–2005 (Register 2005, No. 9).

§ 795.14. Transportation of Swine Restricted (Intrastate).

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Section 10781, Food and Agricultural Code.

HISTORY

- 1. New section filed 7–24–63; effective thirtieth day thereafter (Register 63, No. 13).
- 2. Amendment filed 3–18–71; effective thirtieth day thereafter (Register 71, No. 12).
- 3. Repealer filed 3–1–2005; operative 3–31–2005 (Register 2005, No. 9).

§ 795.15. Transportation of Swine into and from Saleyard Restricted.

HISTORY

- 1. New section filed 7–24–63; effective thirtieth day thereafter (Register 63, No. 13).
- Amendment filed 7–2–69; effective thirtieth day thereafter (Register 69, No. 27).
- 3. Amendment filed 7–9–69; effective thirtieth day thereafter (Register 69, No. 28).
- 4. Repealer filed 6-7-78; effective thirtieth day thereafter (Register 78, No. 23).

§ 795.16. Cleaning and Disinfecting of Public Stockyards Which Contained Diseased Swine.

NOTE: Authority cited: Sections 16 and 215.18, Food and Agricultural Code. (New authority: Sections 407 and 10781, Food and Agricultural Code.)

HISTORY

- 1. New section filed 5-29-63; designated effective 7-1-63 (Register 63, No. 9).
- 2. Repealer filed 3-1-2005; operative 3-31-2005 (Register 2005, No. 9).

§ 795.17. Quarantine and Destruction of Swine Infected with or Exposed to Hog Cholera.

HISTORY

- 1. New section filed 7–24–63; effective thirtieth day thereafter (Register 63, No. 13).
- 2. Amendment filed 6–7–78; effective thirtieth day thereafter (Register 78, No. 23).
- 3. Repealer filed 3–1–2005; operative 3–31–2005 (Register 2005, No. 9).

\S 795.18. Hog Cholera Disease of Swine Quarantine Area.

HISTORY

- 1. Amendment filed 9–2–69 as an emergency; effective upon filing (Register 69, No. 36). For prior history see Register 69, No. 32.
- 2. Certificate of Non–compliance (repealer by operation of Sec. 11422.1, Gov. Code) filed 2–20–70 (Register 70, No. 8).

§ 795.19. Hog Cholera—Interstate Movement.

NOTE: Authority cited: Sections 407, 9570, 9572, Food and Agricultural Code. Reference: Section 10722, Food and Agricultural Code.

HISTORY

- New section filed 8-6-69 as an emergency; effective upon filing (Register 69, No. 32).
- Certificate of Compliance—Section 11422.1, Gov. Code, filed 10–9–69 (Register 69, No. 41).
- Amendment filed 3–18–71; effective thirtieth day thereafter (Register 71, No. 12).
- 4. Repealer filed 3-1-2005; operative 3-31-2005 (Register 2005, No. 9).

§ 795.30. Swine Brucellosis—Intrastate Movement.

NOTE: Authority cited: Sections 407 and 10781, Food and Agricultural Code. Reference: Section 10781, Food and Agricultural Code.

HISTORY

- 1. New section filed 3-5-62; effective thirtieth day thereafter (Register 62, No. 5).
- 2. Amendment filed 5–29–63; designated effective 7–1–63 (Register 63, No. 9).
- 3. Amendment filed 1–15–68; effective thirtieth day thereafter (Register 68, No. 3).
- 4. New subsection (c) and renumbering from Section 795.3 filed 7–27–71; effective thirtieth day thereafter (Register 71, No. 31).
- 5. Repealer filed 3–1–2005; operative 3–31–2005 (Register 2005, No. 9).
- 6. Editorial correction of NOTE (Register 2005, No. 10).

§ 795.31. Swine Brucellosis—Interstate Movement.

NOTE: Authority cited: Sections 16, 215.18, 261, Agricultural Code. Reference: Sections 211, 215.1 and 215.4, Agricultural Code.

HISTORY

- 1. Repealer filed 12–29–72 as an emergency; effective upon filing (Register 72, No. 53). For prior history, see Register 71, No. 31.
- 2. Certificate of Compliance filed 4-25-73 (Register 73, No. 17).

§ 795.32. Swine Brucellosis: Interstate Movement.

NOTE: Authority cited: Sections 407, 9570, 9572 and 10781, Food and Agricultural Code. Reference: Sections 10781 and 10782, Food and Agricultural Code.

HISTORY

- 1. New section filed 7–27–71; effective thirtieth day thereafter (Register 71, No. 31).
- 2. Amendment filed 12–29–72 as an emergency; effective upon filing (Register 72, No. 53).
- 3. Certificate of Compliance filed 4-25-73 (Register 73, No. 17).
- 4. Repealer filed 3–1–2005; operative 3–31–2005 (Register 2005, No. 9).
- 5. Editorial correction of NOTE (Register 2005, No. 10).

§ 795.33. Swine Brucellosis—Movement for Exhibition Purposes and Purebred Sales.

NOTE: Authority cited: Sections 16, 215.18 and 261, Agricultural Code. New authority cited: Sections 407 and 10781, Agricultural Code.

HISTORY

- 1. Renumbering from 795.5 filed 7-27-71; effective thirtieth day thereafter (Register 71, No. 31). For prior history, see Register 69, No. 46.
- 2. Repealer filed 3–1–2005; operative 3–31–2005 (Register 2005, No. 9).

§ 795.34. Swine Brucellosis Control Area Regulation.

On or after July 1, 1962, the Department may, after hearing establish and maintain swine brucellosis control areas within the State wherein the Department shall examine and test such swine for brucellosis as the Director may specify and limit the movements of swine from herds found to be infected with brucellosis to bring about the control and eradication of swine brucellosis within such control ares. When a county has been established as a swine brucellosis control area, the following shall apply:

- (a) Definitions
- (1) "Premises" means any place where swine have been or are kept.
- (2) "Swine or animal" means the domestic hog of the family Suidae.
- (3) "Vaccine" means any vaccine produced by a laboratory licensed by the United States Department of Agriculture or California Department of Public Health for use in preventing and/or treatment of brucellosis in
- (4) "Swine brucellosis" means the disease of swine caused by "Brucella" microorganisms.
- (5) "Official inspector" means an inspector in the employ of the United States Department of Agriculture, State Department of Agriculture, or the County Veterinarian's Office.
- (6) "Accredited veterinarian" means a veterinarian who is so designated by the United States Department of Agriculture and the Department
- (7) A "herd test" means a swine brucellosis test on all segregated breeding swine over six (6) months of age on a premise.
- (8) "Reactor" means any swine that discloses a complete agglutination reaction in the blood titer dilution of 1/100 or higher; and any swine in an infected herd or herd of unknown status disclosing complete agglutination reaction in the blood titer dilution of 1/25 or higher, or any swine disclosing a positive card test reaction.

- (9) "Infected herd" means a herd that discloses one or more swine with a complete agglutination reaction in the blood titer dilution of 1/100 or higher, or a positive reaction to the brucellosis card test.
- (10) "Negative herd" means a herd that has been herd tested and discloses no animal reacting to the brucellosis card test or revealing more than incomplete blood titer dilutions of 1/100, or a herd in which at least ten (10) percent of the breeding swine have been tested annually in the Market Swine Testing Program for three consecutive years and no reactors disclosed.
 - (11) "Negative swine or animal" means an animal from:
 - (A) A validated brucellosis-free herd; or
- (B) A herd with a negative herd test within the previous 30 days unless otherwise classified by Department officials; or
- (C) A herd of unknown or infected status and negative to the brucellosis card test, or disclosing less than complete agglutination in the blood titer of 1/25 or higher.
- (12) "Market Swine Testing Program" means the testing of breeding swine marketed for slaughter.
 - (b) Tests.

Blood tests shall be conducted on swine that will qualify herds as negative herds and "validated brucellosis-free herds" and control areas as "validated brucellosis-free areas." When requested by an official inspector, any owner of swine in a Swine Brucellosis Control Area shall confine and restrain all swine on his premises for bleeding and failure to do so shall be regarded as a violation of this section.

(1) Collection of Samples.

Blood samples shall be collected by accredited veterinarians or official inspectors. Reports of bleeding shall be on forms prescribed by the Department.

(2) Identification of Animals.

All breeding swine officially tested under this regulation shall be identified by ear tag, or tattoo, or registration number, or other means prescribed by the Department.

(3) Testing.

All tests conducted under this regulation shall be conducted in laboratories of the Federal or State Departments of Agriculture, University of California School of Veterinary Medicine, an approved County Veterinarian's laboratory, or by such persons as may be authorized to conduct the brucellosis card test.

(4) Infected Herds.

When a herd has been found to be infected, all breeding swine in the herd shall be maintained under hold order in accordance with Section 9565 of the Agricultural Code until the herd qualifies as negative in accordance with one of the following plans or such other means specified by the Department:

PLAN A. TO BE USED WHEN BRUCELLOSIS IS WELL ESTABLISHED IN THE HERD

- 1. Market the entire infected herd for slaughter under official supervision.
- 2. Clean and disinfect the swine houses and equipment in accordance with (c) of this section. Such houses and premises are to be kept free of swine for 60 days.
- 3. Replace with (a) breeding stock from validated brucellosis-free herds or, (b) swine which have passed a negative test for brucellosis conducted within 30 days prior to entry onto the premises. Such swine shall be maintained under hold order on the premises, separate from other swine, until they pass two negative tests for brucellosis not less than 90 days apart after date of entry onto the premises.

PLAN B. MAY BE USED WHEN ONLY A FEW REACTORS ARE FOUND AND NO CLINICAL SYMPTOMS OF BRUCELLOSIS HAVE BEEN NOTED

- 1. Remove reactors from farm to slaughter under official supervision.
- 2. Retest herd at 30-day intervals, removing reactors, until entire herd is negative.

Following two negative herd tests at least 90 days apart, the herd may be released from hold order.

(c) Cleaning and Disinfecting.

Premises shall be cleaned and disinfected under supervision or proper direction of an official inspector following removal of reacting animals.

(d) Biological Products.

Owners shall not allow the use of any biological product or vaccine for the prevention or treatment of brucellosis in a herd, unless authorized by the Department.

(e) Validated Herds.

When two consecutive herd tests 60 to 90 days apart are negative, the herd may be declared a validated brucellosis—free herd for a period of 12 months or such other length of time that the department may specify, provided all swine on the farm kept for feeding purposes shall be segregated from the breeding herd until moved for slaughter. A certificate will be issued to the owner by the cooperating Federal—State officials designating the herd as brucellosis—free. Validation is made annually or at such other time specified by the Department by passing a negative herd test.

(f) Validated Brucellosis-Free Areas.

Areas may be declared validated brucellosis—free for a period of three years, provided:

- (1) All breeding herds in the area have been included in one of the following within 18 months immediately preceding the declaration of the validated brucellosis—free area status.
 - (A) Declared a validated brucellosis-free herd;
 - (B) A complete herd test;
- (C) Market Swine Testing Program for at least three years, except newly assembled herds; such herds shall be in the Market Swine Testing Program a length of time specified by the Department.
- (2) All herds in which the existence of brucellosis has been established are handled according to the provisions of (b) (4).
- (3) Not more than three percent of the herds, or one herd, whichever is greater, shall have been found to be infected on the most recent test conducted during the 18 months immediately preceding the declaration of the validated brucellosis—free area status.
- (g) Maintaining Validated Brucellosis—Free Areas. Validated brucellosis—free areas may be validated at the end of each period of validation provided all the herds in the area are handled according to the provisions of (f) and the herd infection rate does not exceed five percent during the three—year validation period.
- (h) Additions to Swine Brucellosis Control Areas and to Validated Brucellosis-Free Herds.
- (1) Replacement animals may be added without test if procured directly from a validated brucellosis-free herd currently listed or a negative herd in a validated brucellosis-free area.
- (2) All other replacement breeding animals shall have passed a negative agglutination test within 30 days and be held in isolation until passing a second negative agglutination test. The second test shall be at least 90 days after the first, in the case of boars and open gilts, or after farrowing in the case of bred sows and gilts.

NOTE: New authority cited: Sections 407 and 10781, Food and Agricultural Code. HISTORY

- 1. New section filed 3-5-62; effective thirtieth day thereafter (Register 62, No. 5).
- 2. Amendment filed 1–15–68; effective thirtieth day thereafter (Register 68, No. 3).
- 3. Renumbering from 795.6 filed 7–27–71; effective thirtieth day thereafter (Register 71, No. 31).

§ 795.35. Established Swine Brucellosis Control Areas.

All counties of the State are established Swine Brucellosis Control Areas.

NOTE: New authority cited: Sections 407 and 10781, Food and Agricultural Code.

HISTORY

1. Renumbering from Section 795.61 filed 7–27–71; effective thirtieth day thereafter (Register 71, No. 31). For prior history, see Register 68, No. 3.

§ 795.50. Prevention of Pseudorabies: Importation and Movement of Swine in California.

NOTE: Authority cited: Sections 407, 9164, 9570, and 10781, Food and Agricultural Code. Reference: Sections 9165, 9166, 10721–10726, 10781, and 10782, Food and Agricultural Code.

HISTORY

- 1. New section filed 9–30–81; effective thirtieth day thereafter (Register 81, No. 40).
- 2. Editorial correction of printing error filed 2-21-91 (Register 91, No. 12).
- 3. Amendment filed 2-21-91; operative 3-23-91 (Register 91, No. 12)
- 4. Repealer filed 3-1-2005; operative 3-31-2005 (Register 2005, No. 9).

§ 795.60. Swine Pseudorabies-Control.

- (a) Surveillance, Samples, Testing. The Secretary shall maintain a surveillance program for pseudorabies that includes sampling of blood or other tissues obtained from swine at the time of slaughter.
- (b) Investigation; Herd Testing. When a surveillance sample is determined to be positive for pseudorabies:
- (1) The Secretary shall initiate an investigation that may include sampling of blood or other tissues to determine the sources and extent of pseudorabies exposure and infection in the swine herd from which the positive test result was obtained.
- (2) The Secretary shall extend the investigation to include pseudorabies testing of all swine herds within a minimum 1.5 mile radius of an infected herd.

NOTE: Authority cited: Sections 407 and 10781, Food and Agricultural Code. Reference: Sections 461, 481 and 9531, Food and Agricultural Code.

HISTORY

1. New section filed 9-12-95; operative 10-12-95 (Register 95, No. 37).

§ 795.61. Swine Pseudorabies-Identification.

(a) Prior to being offered for sale, all sows and boars shall be identified by the owner or the market to which consigned. The identification method (e.g., official ear tag or backtag) shall be such that the Secretary may readily determine the farm of origin.

NOTE: Authority cited: Sections 407 and 10781, Food and Agricultural Code. Reference: Sections 10751 and 10781, Food and Agricultural Code.

HISTORY

1. New section filed 9-12-95; operative 10-12-95 (Register 95, No. 37).

§ 795.62. Swine Pseudorabies–Mandatory Herd Eradication.

- (a) Hold Order. The Secretary shall place all swine on any premises suspected of being infected with or having been exposed to pseudorabies through either domestic or feral sources of the disease under a hold order. The Secretary shall serve either the owner or owner's agent with a hold order that specifies that the animals are to be held on the premises where found or at another location as the Secretary may deem necessary.
- (1) Upon receipt of a written permit for movement of animals, swine from a herd under a hold order may only move directly to a location specified in the permit.
- (2) It shall be a violation for an owner or owner's agent to sell, loan, trade, barter, or otherwise move swine under a hold order from the identified premises without written permission of the Secretary.
- (b) Herd Plan. A herd plan for the eradication of pseudorabies from an infected herd shall be prepared by the owner in cooperation with the Department not later than sixty days after the date of the hold order. Herds currently under a hold order for Pseudorabies shall prepare a herd plan not later than 60 days after the effective date of this regulation.
- (1) The Secretary shall conduct an epidemiological investigation of the infected herd and premises to determine the actions necessary to eradicate the disease from the herd.
- (2) The owner of an infected herd may request the participation of a licensed, accredited veterinarian in the epidemiological investigation and the preparation of the herd plan. The cost of the services of the participating veterinarian shall be at the owner's expense.
- (3) The herd plan shall be based on one of the strategies outlined in the Livestock Conservation Institute's "Swine Pseudorabies Eradication Guidelines", Copyright 1990, or other such strategy as approved by the Secretary. The herd plan shall specify the methods and actions necessary to eradicate pseudorabies from the infected herd, and may include herd management practice, modification of facilities, separation from feral swine, cleaning and disinfection of premises, and vaccination procedures. The herd plan shall schedule tasks and accomplishments to pro-

vide a realistic probability of eradicating pseudorabies from the affected herd within 24 months of the date of the hold order, or not later than 24 months from the effective date of this regulation. Upon a showing of good cause the 24 month period may be extended by the Secretary.

- (4) The herd plan required by (b)(3) shall constitute an agreement between the owner of the infected herd and the Secretary. Failure to enter into a herd plan within the time specified in (b) constitutes a violation.
- (c) Expenses. If the owner elects to use pseudorabies vaccine, the expense of the pseudorabies vaccine shall be the responsibility of the owner of the infected herd. The use of pseudorabies vaccine is subject to the Secretary's approval.
- (d) Testing. Within 24 months of the date of the hold order, the Secretary may provide for blood sample collection and laboratory testing for pseudorabies virus. For the purposes of this section, the following definitions apply:
- (1) "Official pseudorabies epidemiologist" is a State or Federal veterinarian designated by the State animal health official and veterinarian in charge to investigate and diagnose suspected pseudorabies in livestock. The official pseudorabies epidemiologist is expected to have had special training in the diagnosis and epidemiology of pseudorabies which will provide the unique qualifications demanded by the position.
- (2) "Official pseudorabies serological test" Any official test approved by the Administrator of Animal and Plant Health Inspection Service, United States Department of Agriculture for diagnosis of pseudorabies in swine, conducted in a laboratory approved by the Administrator, and listed in Section 9 of the Code of Federal Regulations (CFR), Part 85.1, to determine the presence or absence of pseudorabies antibodies.
- (3) Official random–sample test (95/10)" A sampling procedure utilizing official pseudorabies serological tests which provides a 95–percent probability of detecting infection in a herd in which at least 10 percent of the swine are seropositive for pseudorabies. Each segregated group of swine on an individual premises must be considered a separate herd and sampled as follows: Less than 100 head–test 25, 100–200 head–test 27, 201–999 head–test 28, 1,000 and over–test 29.
- (4) "Official random–sample test (95/5)" A sampling procedure utilizing official pseudorabies serologic tests which provides a 95–percent probability of detecting infection in a herd in which at least 5 percent of the swine are seropositive for pseudorabies. Each segregated group of swine on an individual premises must be considered a separate herd and sampled as follows: Less than 100 head–test 45, 100–200 head–test 51, 201–999 head–test 57, 1,000 and over–test 59.
- (e) Compliance. If an owner fails or refuses to participate in the development and execution of the herd plan required by (b), (b)(3), and (b)(4), to comply with the provisions of the herd plan or to eradicate pseudorabies from the herd within 24 months, the owner shall be in violation of these regulations. The owner may appeal to the Secretary for an extension beyond the 24 month period.
- (f) Procedures For Release of Hold Order. The Secretary shall release the herd of swine from the hold order when no livestock or other animals on the premises have shown clinical signs of pseudorabies after removal of positive swine and at least one of the four following conditions has been met:
- (1) All swine were removed from the premises; the premises were cleaned and disinfected under official supervision with a disinfectant approved for such use by United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services; and the premises have been maintained free of swine for 30 days or a period of time determined adequate by an official pseudorabies epidemiologist.
- (2) All swine positive to an official pseudorabies serological test have been removed from the premises. All remaining swine, except suckling pigs, were subjected to an official pseudorabies serological test and found negative 30 days or more after removal of all positive swine.
- (3) All swine positive to an official pseudorabies serological test have been removed from the premises; all breeding swine that remain in the herd and an official random sample (95/10) of grower–finishing swine over 2 months of age are subjected to an official pseudorabies serological

test and found negative 30 days or more after removal of positive swine. A second test of grower-finishing swine at least 30 days after the first test is required for so long as the State is in Stage III or IV of the United States Department of Agriculture, Swine Pseudorabies Eradication Program.

- (4) All swine present on the date the hold order was imposed have been removed, and there have been no clinical signs in the herd for at least 6 months. Two successive official random sample (95/10) tests of the breeding herd (95/5 for Stage III States), and two successive official random sample (95/10) tests of progeny at least 4 months of age, conducted at least 90 days apart, have been determined by the official pseudorabies epidemiologist to reveal no infection. Herds released from the hold order by this provision are required to be tested by an official random sample (95/10) test one year after release of the hold order. This provision shall remain in effect for so long as the State is in Stage III of the United States Department of Agriculture, Swine Pseudorabies Eradication Program.
- (g) The Secretary may require additional herd tests prior to release of the hold order if pseudorabies is present on neighboring farms or if reintroduction of infection into the herd is suspected.

NOTE: Authority cited: Sections 407, 9561, 9568, 9569 and 10781, Food and Agricultural Code. Reference: Sections 408, 9163, 9165, 9531, 9565, 9566 and 9567, Food and Agricultural Code.

HISTORY

1. New section filed 9-12-95; operative 10-12-95 (Register 95, No. 37).

Article 8.5. Interstate and Intrastate Movement of Swine

§ 796. Definitions.

- (a) "Animal" means any swine in captivity.
- (b) "Herd" means any group of livestock maintained on common ground for any purpose, or two or more groups of livestock under common ownership or supervision, geographically separated, but which have an interchange or movement of animals. Swine used for 4–H, The National FFA Organization, or school projects kept isolated from the parent herd shall be considered a separate herd.
- (c) "Isolated" means separation of swine by a physical barrier in such a manner that other swine do not have access to the isolated swine's body, excrement, or discharges; not allowing the isolated swine to share a building with a common ventilation system with other swine; and not allowing the isolated swine to be within 10 feet of other swine if not sharing a building with a common ventilation system.
- (d) "Official brucellosis test" means any test for the diagnosis of brucellosis as defined by 9 CFR Part 78.1 (1/1/02 Edition).
- (e) "Official identification" of swine means any method approved by the Department and USDA for the identification of swine in interstate commerce as defined by 9 CFR Part 71.19 (1/1/02 Edition).
- (f) "Official pseudorabies test" means any test for the diagnosis of pseudorabies as defined by 9 CFR Part 85.1 (1/1/02 Edition).
- (g) "Premises" means the farm of origin where swine were born and raised or where they have resided for a minimum of 90 continuous days immediately preceding shipment.
- (h) "State or federal inspected slaughter facility" means a property where swine are slaughtered and inspected by authorized state or federal officials including all properties contiguous to the property containing the slaughter establishment if the contiguous properties are owned or controlled by the operator or those conducting business with the operator that involves live swine or products from swine.
- (i) "Swine for immediate slaughter" means swine imported into California for slaughter at an establishment under state or federal inspection within 14 days after entry.
- (j) "USDA" means United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services.

NOTE: Authority cited: Section 407 and 10781, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570, 9574, 10721, 10722, 10723, 10724, 10725, 10726, 10751, 10752, 10753, 10781, 10782, 10783, 10784, 10785 and 10786, Food and Agricultural Code.

HISTORY

1. New article 8.5 (sections 796–796.6) and section filed 3–1–2005; operative 3–31–2005 (Register 2005, No. 9). For prior history of article 9, section 796, see Register 2003, No. 23.

§ 796.1. General Requirements.

- (a) The State Veterinarian may impose a quarantine pursuant to Food and Agricultural Code section 9562 if the requirements as specified in this article have not been met, or to amend the requirements for entry into California in response to a change in disease status in any location, state, territory or country as determined by the State Veterinarian.
- (b) The provisions of this article are in addition to other provisions that may be required for moving animals into and within California as specified in statute or regulation.
- (c) Any person transporting animals into or within California shall produce official documents, including but not limited to, a Certificate of Veterinary Inspection with the Interstate Livestock Entry Permit number as required, with attachments, for each load or part of a shipment upon request by the Department or other official to prove that each animal transported meets the requirements of this article. Animals in any load or part of a shipment may be inspected en route or after arrival.

NOTE: Authority cited: Section 407 and 9562, Food and Agricultural Code. Reference: Sections 9561, 9570, 9574 and 10724, Food and Agricultural Code.

HISTORY

1. New section filed 3-1-2005; operative 3-31-2005 (Register 2005, No. 9).

§ 796.2. Certificate of Veterinary Inspection.

- (a) A Certificate of Veterinary Inspection is a numbered interstate document that is a record of veterinary health inspection of one or more animals, issued on an official form of the state of origin and by an accredited veterinarian from the state of origin.
- (b) A Certificate of Veterinary Inspection shall include all of the following:
 - (1) Date of inspection;
 - (2) Number of animals in the consignment;
- (3) Description of the animals including the species, breed, age, weight, color, markings, and sex, and the official identification number(s) or registration tattoos;
- (4) Name, address, and telephone number of the consignor, consignee, and the origin and destination of the animals;
 - (5) Interstate livestock entry permit number, when required;
 - (6) Statement of the purpose for which the animals are being moved;
- (7) Signed by the accredited veterinarian who examined the animals in the shipment.
- (c) A copy of the completed Certificate of Veterinary Inspection shall be mailed to the Department within 15 days of examination to the following address:

DEPARTMENT OF FOOD AND AGRICULTURE ANIMAL HEALTH BRANCH 1220 "N" STREET ROOM A-107 SACRAMENTO, CALIFORNIA 95814.

- (d) The examining licensed and accredited veterinarian shall indicate on the Certificate of Veterinary Inspection that each animal in the shipment meets California entry requirements.
- (e) As an alternative to official identification on a Certificate of Veterinary Inspection, another animal identification document may be used if approved by the Department and USDA.
- (f) The Department may require a Certificate of Veterinary Inspection for animals entering California because of a disease condition in another state, even though the animals are exempt from obtaining a Certificate of Veterinary Inspection under this article.
- (g) All animals shall be transported directly and without delay to the destination stated on the Certificate of Veterinary Inspection.
- (h) A Certificate of Veterinary Inspection shall be valid for 30 days following the inspection of the animals described.

NOTE: Authority cited: Section 407 and 10781, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570, 9574, 10721, 10722, 10723, 10724, 10725, 10726, 10751, 10752, 10753, 10781, 10782, 10783, 10784, 10785 and 10786, Food and Agricultural Code.

Page 68

HISTORY

1. New section filed 3-1-2005; operative 3-31-2005 (Register 2005, No. 9).

§ 796.3. Interstate Livestock Entry Permits.

- (a) An Interstate Livestock Entry Permit may be required for the importation of animals into California pursuant to the requirements of this article.
- (b) An Interstate Livestock Entry Permit is a numbered document issued by the Department for approving the movement of animals that meet entry requirements into California.
- (c) Requests for Interstate Livestock Entry Permits shall be made to the Department's Animal Health Branch before the animals are transported to California. Requests for entry permits may be made by telephone, electronic transmission, or other means approved by the Department. Written application may be required when necessary to accomplish the purposes of this article.
- (d) Each Interstate Livestock Entry Permit shall have a unique number and the number may be issued to the applicant by telephone or other electronic means approved by the Department. A copy of the permit will not be sent to the applicant unless specifically requested or it is needed to accompany a shipment.
- (e) The applicant for the Interstate Livestock Entry Permit shall establish that all animals in the shipment meet California entry requirements, and possess a Certificate of Veterinary Inspection when required.
- (f) The applicant for the Interstate Livestock Entry Permit shall provide the Department with the following information:
 - (1) Name, address, and telephone number of the shipper or importer;
 - (2) Origin of the shipment;
- (3) The number and description of the animals being shipped including species, breed, age, sex, and purpose for which the animals will be used
- (4) Name, mailing address, and telephone number of entity receiving the animals, or a geographic destination if animals are not being received at the destination mailing address;
- (5) Name, address, and telephone number of a contact person in California, if not the owner; and the name, address, and telephone number of the person requesting the permit;
 - (6) Certificate of Veterinary Inspection number, if available;
 - (7) Name of the herd veterinarian, if available; and
- (8) Must meet the entry requirements for the type of animals entering California.
- (g) An Interstate Livestock Entry Permit is required for the entire shipment of animals, which may consist of one or more loads.
- (h) All animals shall be transported directly and without delay to the destination stated on the Interstate Livestock Entry Permit.
- (i) The State Veterinarian may deny the request for an Interstate Livestock Entry Permit pursuant to sections 9562 and 9570 of the Food and Agricultural Code.
- (j) Interstate Livestock Entry Permits shall expire 15 days after issuance.

NOTE: Authority cited: Section 407 and 10781, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570, 9574, 10721, 10722, 10723, 10724, 10725, 10726, 10751, 10752, 10753, 10781, 10782, 10783, 10784, 10785 and 10786, Food and Agricultural Code.

HISTORY

1. New section filed 3-1-2005; operative 3-31-2005 (Register 2005, No. 9).

§ 796.4. Pseudorabies — Movement of Swine into California for Purposes Other Than Slaughter.

- (a) Swine imported from any state for purposes other than slaughter must comply with the most stringent interstate movement requirements applicable to any other swine in the shipment.
- (b) Swine imported into California for any purpose, except slaughter, shall have:
 - (1) Certificate of Veterinary Inspection; and
 - (2) Official identification; and
 - (3) Interstate Livestock Entry Permit; and

- (A) A regular Interstate Livestock Entry Permit will not be granted for swine vaccinated for pseudorabies. However, the State Veterinarian may grant a special permit, on a case-by-case basis, with specific limitations necessary to prevent the spread of pseudorabies from such swine. A special permit application must be submitted and include all information required for a regular permit plus official identification for each animal in the shipment, exposure history, which of the animals have been vaccinated, and the vaccine type, brand, and date of vaccination.
- (4) a negative test result to an official pseudorabies test within 30 days prior to entry. Persons receiving swine must have documentation issued by the accredited veterinarian at the point of origin, showing each animal was negative to the official pseudorabies test within 30 days prior to entry.
- (c) Swine shall be quarantined and isolated pursuant to Food and Agricultural Code section 9562 at destination pending the results of an official pseudorabies retest conducted 30 to 60 days after entering California.
- (1) Swine may be released from quarantine if negative to the official pseudorabies retest or when slaughtered in a state or federally inspected slaughter establishment.
- (d) Swine may be exempt from the test, quarantine and isolation, and retest requirements when:
- (1) Native to and shipped directly from a state classified as Stage IV or V by the USDA and not exposed to swine from a state classified below Stage IV by the USDA.
- (e) Additional testing may be required for any pseudorabies positive, suspect or exposed animals in or separate from the shipment.

NOTE: Authority cited: Section 407 and 10781, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570, 9574, 10721, 10722, 10723, 10724, 10725, 10726, 10751, 10752, 10753, 10781, 10782, 10783, 10784, 10785 and 10786, Food and Agricultural Code.

HISTORY

1. New section filed 3-1-2005; operative 3-31-2005 (Register 2005, No. 9).

§ 796.5. Swine Brucellosis — Movement of Swine into California for Purposes Other Than Slaughter.

- (a) Swine imported from any state for purposes other than slaughter must comply with the most stringent interstate movement requirements applicable to any other swine in the shipment.
- (b) Swine imported into California for any purpose, except slaughter, shall have:
 - (1) Certificate of Veterinary Inspection; and
 - (2) Interstate Livestock Entry Permit; and
 - (3) Official identification; and
- (4) for sexually intact swine over four months of age, a negative test result to an official brucellosis test within 30 days prior to entry. Persons receiving swine must have documentation issued by the accredited veterinarian at the point of origin, showing each animal was negative to the official brucellosis test within 30 days prior to entry.
- (c) Swine shall be quarantined and isolated pursuant to Food and Agricultural Code section 9562 at destination pending the results of an official brucellosis retest conducted 30 to 60 days after entering California.
- (1) Swine may be released from quarantine if negative to the official brucellosis retest or when slaughtered in a state or federally inspected slaughter establishment.
- (d) Swine may be exempt from the test, quarantine and isolation, and retest requirements when:
- (1) Native to and shipped directly from a validated brucellosis-free herd or validated brucellosis-free state or region classified by the USDA, and not exposed to or commingled with swine from a state that is not classified as free from swine brucellosis by the USDA. Verification that the animals originated from a validated brucellosis-free herd or validated brucellosis-free state or region shall be stated on the Certificate of Veterinary Inspection.
- (e) Additional testing may be required for any brucellosis positive, suspect or exposed animals in or separate from the shipment.

NOTE: Authority cited: Section 407 and 10781, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570, 9574, 10721, 10722, 10723, 10724, 10725,

10726, 10751, 10752, 10753, 10781, 10782, 10783, 10784, 10785 and 10786, Food and Agricultural Code.

HISTORY

1. New section filed 3-1-2005; operative 3-31-2005 (Register 2005, No. 9).

§ 796.6. Movement of Swine into California for Immediate Slaughter.

- (a) Swine imported from any state not destined for immediate slaughter that are imported with swine from any state for immediate slaughter, must be slaughtered at a state or federally inspected slaughter facility within 14 days of importation into California.
- (b) Swine imported for immediate slaughter at a state or federally inspected slaughter plant must:
- (1) Have an Interstate Livestock Entry Permit when the State Veterinarian determines the threat of a disease being introduced into California exists with the movement of swine. Any person importing swine for immediate slaughter shall contact the Department's Animal Health Branch prior to shipment to ensure this requirement is met.
 - (2) Official identification;
- (3) Be unloaded at the slaughter facility within 24 hours after entering California without diversion; and
- (4) Be slaughtered within 14 days of importation. Upon request, the State Veterinarian may grant exemptions to the 14-day limit on a case-by-case basis.
- (c) Movement of live swine from the slaughter facility is prohibited unless the State Veterinarian authorizes the specific movement after the receipt of a written request for such movement. Written requests for exemption must include all of the following:
 - (1) Information regarding the health history of the swine;
 - (2) Name and address of the person removing the animal;
- (3) Location or address of the facility at which the swine will be maintained: and
- (4) Special economic hardship, if any, related to permitting the swine to be removed from the facility.

NOTE: Authority cited: Section 407 and 10781, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570, 9574, 10721, 10722, 10723, 10724, 10725, 10726, 10751, 10752, 10753, 10781, 10782, 10783, 10784, 10785 and 10786, Food and Agricultural Code.

HISTORY

- 1. New section filed 3-1-2005; operative 3-31-2005 (Register 2005, No. 9).
- 2. Amendment of subsection (b)(1) filed 4–2–2007; operative 5–2–2007 (Register

§ 796.7. Annual Import Permit for Slaughter Plants.

- (a) An annual import permit is an Interstate Livestock Entry Permit that may be issued to the owner or manager of slaughter plants for the importation of swine for immediate slaughter in California.
- (b) The owner or manager of slaughter plants may request an annual import permit by contacting the Animal Health Branch in Sacramento at least 15 days before the first expected entry, or expiration of a prior annual entry permit.
- (c) Approval for the annual import permit may be granted when the owner or manager of the slaughter plant completes and submits to the Department an application for the annual import permit. The application for the annual entry permit will include the following:
 - (1) Date of the application; and
- (2) Name, address, and telephone number of the applicant, and the name and telephone number of the contact person such as manager or foreman; and
- (3) The establishment's name and complete address (mailing and physical location) with telephone and facsimile numbers; and
- (4) Signature of the applicant certifying compliance with the following requirements:
- (A) Provide the annual entry permit number to the shipper of each load of swine in the shipment prior to shipment;
- (B) All swine in each load of the shipment shall have official identification.

- (C) Unload all swine at the slaughter facility within 24 hours after entering California without diversion;
- (D) Slaughter all swine within 14 days of importation. Upon request, the State Veterinarian may grant exemptions to the 14-day limit on a case-by-case basis;
- (E) Prohibit the movement of any live swine off the premises of the slaughter facility unless the State Veterinarian authorizes the specific movement after the receipt of a written request for such movement as specified in section 796.6(c); and
- (F) Maintain accurate written records of any carcass thereof, or any live swine if authorized by the State Veterinarian in accordance with section 796.6(c) coming onto and going off the property of the slaughter facility. These records shall be retained for a period of 2 years and be made readily available for review upon request of state or federal officials. Records shall include, but not be limited to: bills of sale, certificates, shipping documents, and a log of shipments onto and off the premises.
- 1. For shipments onto the premises, the log shall include, but not be limited to: official identification for each animal; number of swine; date of shipment; and name, address, and telephone number of seller.
- 2. For shipments off of the premises, the log shall include, but not be limited to: number of carcasses leaving the premise; number of rendered animals; and number and official identification of any live animals leaving the premises in accordance with section 796.6(c).
- (d) Approval of the annual import permit may be renewed every 12 months when the Department determines that the conditions of the agreement continue to be met by the slaughter plant, or until:
 - (1) The slaughter plant requests deactivation, or
- (2) The Department or USDA determines the annual permit should be voided because of the slaughter plant's failure to comply with the agreement or these regulations, or
- (3) Changes in federal or state law or regulations require elimination of or change in the status.
- (e) Swine imported on an annual import permit may be inspected by the Department or USDA.
- (f) The Department may amend the requirements for the annual import permit issued to slaughter plants in response to a change in disease status as determined by the State Veterinarian.

NOTE: Authority cited: Section 407 and 10781, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570, 9574, 10721, 10722, 10723, 10724, 10725, 10726, 10751, 10752, 10753, 10781, 10782, 10783, 10784, 10785 and 10786, Food and Agricultural Code.

HISTORY

1. New section filed 3-1-2005; operative 3-31-2005 (Register 2005, No. 9).

§ 796.8. Designated Swine Feedyard.

- (a) A designated swine feedyard is one that has been approved by the State Veterinarian and meets the following requirements:
- (1) Maintains accurate written records of all swine coming onto or going off of the premises. These records shall be retained for the time period specified in 9 CFR 71.19(e)(2), (1/1/02 Edition), and shall be maintained in a manner which will clearly enable the determination of the origin and destination of individual animals and lots. Records shall include but not be limited to bills of sale, certificates, shipping documents, test records, and a log of shipments onto and off of the premises.
- (A) For each shipment onto the premises, the log shall include: official identification for each animal; number of animals; date of shipment; and name, address, and telephone number of seller; certificate number and state issuing the pertinent certificates; and Interstate Livestock Entry Permit number issued by the Department.
- (B) For each shipment off of the premises: the log shall include official identification for each animal; number of head; date of shipment; and name, address, and telephone number of the purchaser.
- (2) Makes all records readily available for review upon request by state or federal officials.
- (3) Post a sign in a prominent place stating the following: "DES-IGNATED SWINE FEEDYARD NO SALES EXCEPT FOR IM-

Page 70 Register 2007, No. 14; 4-6-2007

MEDIATE SLAUGHTER AT STATE OR FEDERAL APPROVED PLANTS." The sign shall be clearly readable at a distance of ten feet.

- (4) Prohibit the movement of any live swine off of the premises of the designated swine feedyard except:
- (A) Swine shipped directly and without addition or deletion from the shipment, and without entering any other premises containing swine, to a state or federally inspected slaughter establishment, or
- (B) Swine shipped after 100 percent of the swine on the premises have been tested negative to an official pseudorabies and an official brucellosis test at least 30 days after the addition of any new swine (tests completed prior to arrival at the designated feedyard will not fulfill this requirement); or
- (C) Persons receiving permission from the State Veterinarian pursuant to a request showing special circumstances protecting against transmission of disease.
- (b) The State Veterinarian may suspend or revoke the designated feedyard status of a premises for failure to comply with the provisions of this section or any federal or state law or regulation related to the importation of swine into California, or movement or control of the swine.
- (c) Requirements of this section are in addition to all other state or federal requirements relating to interstate movement of swine and swine disease control.

NOTE: Authority cited: Section 407 and 10781, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570, 9574, 10721, 10722, 10723, 10724, 10725, 10726, 10751, 10752, 10753, 10781, 10782, 10783, 10784, 10785 and 10786, Food and Agricultural Code.

HISTORY

1. New section filed 3-1-2005; operative 3-31-2005 (Register 2005, No. 9).

§ 796.9. Violations.

- (a) Failure to comply with any part of Article 8.5 of Chapter 2, Division 2 of Title 3 of the California Code of Regulations, constitutes a violation punishable by a fine up to one hundred dollars (\$100) per individual animal for each violation.
- (b) Pursuant to section 9574 of the Food and Agricultural Code, any person who negligently or intentionally violates any state or federal law or regulation, including any quarantine regulation, by importing any animal or other article, which by virtue of being pest infested or disease infected, causes an infestation or infection of a pest, animal, or disease, or causes an existing infestation to spread beyond any quarantine boundaries is liable civilly in a sum not to exceed twenty–five thousand dollars (\$25,000) for each act that constitutes a violation of the law or regulation.
- (c) The Department may pursue other remedies in addition to subsections (a) and (b). Pursuing any one remedy does not preclude the Department from pursuing any of the remaining remedies concurrently or at a later date unless otherwise prohibited by law. Existing remedies include but are not limited to:
- (1) Denial, suspension, or revocation of a license, registration, certificate, permit, exception, or other indicia of authority issued by the Department:
 - (2) Civil or administrative penalties;
- (3) Referral to the appropriate District Attorney or the Attorney General for criminal prosecution or other appropriate remedy; and
- (4) Reimbursement of the Department for any cost incurred due to any violation of this article.

NOTE: Authority cited: Section 407 and 10781, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570, 9574, 10721, 10722, 10723, 10724, 10725, 10726, 10751, 10752, 10753, 10781, 10782, 10783, 10784, 10785 and 10786, Food and Agricultural Code.

HISTORY

- 1. New section filed 3-1-2005; operative 3-31-2005 (Register 2005, No. 9).
- 2. Editorial correction of subsections (a) and (c) (Register 2005, No. 10).

Article 9. Reportable Conditions for Animals and Animal Products

§ 797. List of Reportable Conditions for Animals and Animal Products.

- (a) The term "condition" means any illness, disease, infection, pathogen, contagion, toxin, bacteria, virus, prion, or any other material or factors affecting animals or animal products.
- (b) The State Veterinarian shall determine which conditions shall be listed in the "List of Reportable Conditions for Animals and Animal Products" and the timeframes for reporting those conditions pursuant to section 9101 of the Food and Agricultural Code. In determining the conditions and timeframes included on the list, the State Veterinarian shall use standard epidemiological practice or credible scientific research.
- (c) The State Veterinarian shall update this list as required by conditions prevailing at the time.
- (d) All licensed veterinarians, any person operating a diagnostic laboratory, or any person who has been informed, recognizes or should recognize by virtue of education, experience, or occupation, that any animal or animal product is or may be affected by, or has been exposed to, or may be transmitting or carrying any of the conditions on the "List of Reportable Conditions for Animals and Animal Products" shall report the following information to the Department in the manner and timeframes as specified on the list:
 - (1) Name and contact information of the person reporting;
 - (2) Description of the animal(s) or animal product(s);
- (3) Description and/or address of the premises where the animal(s) or animal product(s) are located;
 - (4) Approximate date and time the condition was discovered;
- (5) Any other information pertinent to the condition that may affect public health, animal health, or food safety.
- (e) The Department of Food and Agriculture shall publish this list by posting it on the Department's Internet web site (www.cdfa.ca.gov) and by making a hard copy list available on request by contacting the California Department of Food and Agriculture, Animal Health Branch, 1220 N Street, Room A-107, Sacramento, CA 95814, telephone (916) 654–1447.
- (f) The current updated list pursuant to subsection (b) shall constitute the "List of Reportable Conditions for Animals and Animal Products". With the adoption of the first of these updates, Title 3, California Code of Regulations, section 796 is inoperative.

NOTE: Authority cited: Sections 407 and 9101, Food and Agricultural Code. Reference: Sections 9101 and 9562, Food and Agricultural Code.

HISTORY

1. New section filed 3–26–2003; operative 3–26–2003 pursuant to Government Code section 11343.4 (Register 2003, No. 13). For prior history of article 10 (section 797), see Register 85, No. 34.

Article 10. Cattle Health Advisory Task Force

§ 797.5. Cattle Health Advisory Task Force.

- (a) The Department's bovine disease control or eradication programs shall be reviewed on an annual basis by the Cattle Health Advisory Task Force.
- (b) The Cattle Health Advisory Task Force will advise the Department on administrative aspects of its control or eradication programs, on the effectiveness of its disease control requirements, and in the enforcement of regulations pursuant to section 10610 of the Food and Agricultural Code.

NOTE: Authority cited: Sections 407 and 10610, Food and Agricultural Code. Reference: Sections 9166, 9167, 9562 and 10610, Food and Agricultural Code.

HISTORY

 Change without regulatory effect adopting new article 10 (section 797.5) and new section filed 4–23–2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No. 17).

Article 11. Emergency Control and Eradication of Animal Diseases

§ 798. Venezuelan Equine Encephalomyelitis.

NOTE: Authority cited: Sections 407 and 9570, Food and Agricultural Code.
HISTORY

- 1. New Article 11 (Section 798) filed 7-16-71 as an emergency; effective upon filing (Register 71, No. 29).
- 2. Certificate of Non–Compliance (repealer by operation of Sec. 11422.1, Gov. Code) filed 11–12–71 (Register 71, No. 46).

§ 798.1. Venezuelan Equine Encephalomyelitis: Control and Vaccination.

NOTE: Authority cited: Sections 407 and 9561, Food and Agricultural Code.

HISTORY

- 1. New section filed 7–30–71 as an emergency; effective upon filing (Register 71, No. 31)
- 2. Amendment filed 9–13–71 as an emergency; effective upon filing (Register 71, No. 38).
- Repealer filed 12–13–71 as an emergency; effective upon filing (Register 71, No. 51).

§ 799. Vesicular Stomatitis.

- (a) All animals susceptible to vesicular stomatitis are prohibited entry into the State of California if they have been exposed to vesicular stomatitis during the past 30 days.
- (b) Prior to entering the State, all susceptible animals originating in states where vesicular stomatitis has been diagnosed in the past six (6) months may be required to obtain a permit of entry as the Department determines necessary to protect against the introduction of vesicular stomatitis. For each shipment, a determination of permit requirements must be obtained from, and permits will be issued by, the Animal Health Branch, California Department of Food and Agriculture, 1220 N Street, Room A–107, Sacramento, California 95814, Telephone (916) 654–1447. Permit requests may be made by telephone; however, a written application will be required when the information provided is not sufficient to include the following:
 - (1) owner
 - (2) shipping agent
 - (3) description and identification of the animals
 - (4) destination address
 - (5) person(s) receiving the shipment
 - (6) type of facility receiving the shipment
 - (7) name and phone number of veterinarian requesting the permit
- (c) The Department may authorize importation of animals from any area when restrictions as specified by the California State Veterinarian are determined adequate to protect against the introduction of vesicular stomatitis.

NOTE: Authority cited: Sections 407 and 9570, Food and Agricultural Code. Reference: Section 9570, Food and Agricultural Code.

HISTORY

- New section filed 7-24-92 as an emergency; operative 7-24-92 (Register 92, No. 30). A Certificate of Compliance must be transmitted to OAL 11-23-92 or emergency language will be repealed by operation of law on the following day.
- Repealer filed 9–23–92 as an emergency; operative 9–23–92 (Register 92, No. 39). A Certificate of Compliance must be transmitted to OAL 1–21–93 or emergency language will be repealed by operation of law on the following day.
- 3. New section filed 6-16-95 as an emergency; operative 6-16-95 (Register 95, No. 24). A Certificate of Compliance must be transmitted to OAL by 10-16-95 or emergency language will be repealed by operation of law on the following day.
- 4. Repealed by operation of Government Code section 11346.1(f) (Register 96, No. 17).

5. New section filed 9–23–97; operative 9–23–97 pursuant to Government Code section 11343.4(d) (Register 97, No. 39).

§ 800. Asiatic Newcastle Disease. [Repealed]

HISTORY

- 1. New section filed 12–13–71 as an emergency; effective upon filing (Register 71, No. 51).
- 2. Certificate of Compliance filed 3-10-72 (Register 72, No. 11).
- 3. Amendment of subsection (a) filed 8–8–72 as an emergency; effective upon filing (Register 72, No. 33).
- 4. Certificate of Compliance filed 12-4-72 (Register 72, No. 50).
- 5. Corrected Certificate of Compliance filed 12–14–72 (Register 72, No. 51).
- 6. Repealer filed 4-1-2008; operative 5-1-2008 (Register 2008, No. 14).

§ 800.1. Asiatic Newcastle Disease Quarantine Area.

NOTE: Authority cited: Sections 407 and 9561, Food and Agricultural Code. Reference: Sections 9561–9569, Food and Agricultural Code.

HISTORY

- 1. New section filed 2–28–79 as an emergency; effective upon filing (Register 79, No. 9). For prior history see Register 77, No. 41.
- 2. Expired by own terms (Register 80, No. 34).
- 3. New section filed 9–19–80 as an emergency; effective upon filing (Register 80, No. 38). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed 1–18–81.
- 4. Repealed by operation of Section 11346.1(g), Government Code (Register 81, No. 16).
- 5. New section filed 4–14–81 as an emergency; effective upon filing (Register 81, No. 16). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 8–12–81.
- Certificate of Compliance as to 4–14–81 ordered transmitted to OAL 8–11–81 and filed 8–21–81 (Register 81, No. 34).
- 7. Repealer filed 4-1-2008; operative 5-1-2008 (Register 2008, No. 14).

§ 801. Duck Virus Enteritis. [Repealed]

HISTORY

- 1. New section filed 6–15–73 as an emergency; effective upon filing (Register 73, No. 26)
- 2. Certificate of Compliance filed 10-11-73 (Register 73, No. 41).
- 3. Repealer filed 4-1-2008; operative 5-1-2008 (Register 2008, No. 14).

§ 802. Avian Influenza—Interstate Movement. [Repealed]

NOTE: Authority cited: Sections 407 and 9570, Food and Agricultural Code, Reference: Section 9570, Food and Agricultural Code.

HISTORY

- 1. New section filed 2-8-84 as an emergency; effective upon filing (Register 84, No. 7). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 6-9-84.
- 2. Repealer filed 4-1-2008; operative 5-1-2008 (Register 2008, No. 14).

§ 802.1. Avian Influenza.

NOTE: Authority cited: Sections 407 and 9561, Food and Agricultural Code. Reference: Sections 9561–9569, Food and Agricultural Code.

HISTORY

- New section filed 4–9–84 as an emergency; effective upon filing (Register 84, No. 16). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 8–7–84.
- 2. Repealed by operation of Government Code Section 11346.1(g) (Register 84, No. 42)

§ 802.2. Avian Influenza Quarantine Area.

NOTE: Authority cited: Sections 407 and 9561, Food and Agricultural Code. Reference: Sections 9561–9569, Food and Agricultural Code.

HISTORY

- New section filed 4-9-84 as an emergency; effective upon filing (Register 84, No. 16). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 8-7-84.
- 2. Repealed by operation of Government Code Section 11346.1(g) (Register 84, No. 42)

§ 810. Contagious Equine Metritis.

The Director of Food and Agriculture finds that a foreign venereal disease of horses known as contagious equine metritis is detrimental to the equine industry.

While contagious equine metritis remains uncontrolled, the movement of stallions and mares, over 731 days of age, into California from any state where the disease occurs is prohibited. After the Director determines the disease is controlled, all stallions and mares entering California

Page 70.2

from such areas must be accompanied by a permit from the Bureau of Animal Health, California Department of Food and Agriculture. The permit will require an official health certificate indicating that the horse has been inspected, shows no symptoms of disease, and has not been exposed to contagious equine metritis. The permit may also specify other conditions that the Director considers necessary. The permit requirement may be removed when the Director determines that the disease has been eliminated.

NOTE: Authority cited: Sections 407, 9570 and 9572, Food and Agricultural Code. Reference: Section 9572, Food and Agricultural Code.

HISTORY

- New section filed 3-17-78 as an emergency; effective upon filing (Register 78, No. 11). For history of former Section 810, see Register 75, No. 17.
- 2. Certificate of Compliance transmitted to OAH 7-14-78 and filed 7-19-78 (Register 78, No. 29.)
- 3. Amendment filed 2–17–83; effective thirtieth day thereafter (Register 83, No. 8).

§ 810.1. Contagious Equine Metritis—Importation of Equidae from Countries Known to Have Contagious Equine Metritis.

- (a) The Director, in concurrence with the United States Secretary of Agriculture, finds that contagious equine metritis (CEM), an exotic venereal disease of equidae, exists among breeding horses in several foreign countries and is detrimental to the equine industry. The United States Department of Agriculture (USDA) has established, by regulations in 9 CFR Part 92, means to permit the entry of male and female horses (stallions and mares over 731 days of age) into the United States from countries affected with CEM when specific requirements to prevent the introduction of CEM into the United States are met. State of destination of such imported equidae is required to be approved by USDA under an agreement whereby the states agree to enforce state laws and regulations meeting federal standards to control movement and treatment in import facilities.
- (b) Each stallion or mare over 731 days of age imported into California under USDA permit from a foreign country where contagious equine metritis exists, pursuant to 9 CFR Part 92, shall be held at an approved facility, stated in paragraph (c), for inspections, treatment and testing required to determine the disease status of the stallion or mare. Such procedures shall be specified by the Director to accord with USDA regulations.

All costs of boarding (including procurement and maintenance of test mares), inspections, treatments and diagnostic testing shall be borne by the owner of the imported stallion or mare.

(c) Authorized facilities referred to in paragraph (b) are:

Animal Resource Services, Armstrong Tract, Equine Research Laboratory, T Buildings, University of California, Davis, California.

NOTE: Authority cited: Sections 407, 9570 and 9572, Food and Agricultural Code. Reference: Sections 9570 and 9572, Food and Agricultural Code.

HISTORY

- New section filed 12–17–80; effective thirtieth day thereafter (Register 80, No. 51).
- Amendment filed 5-17-82; effective thirtieth day thereafter (Register 82, No. 21).

Article 12. Bovine Trichomonosis Control Program

§ 820. Definitions.

- (a) As used in this article:
- (1) "Affected herd" means a group of cattle that are kept, fed or grouped together that contained, anytime within the last 12 months, an animal that had opportunity for sexual contact and was confirmed to be infected with *Tritrichomonas foetus*.
- (2) "Certificate of Veterinary Inspection" means a numbered interstate health certificate or a similar titled document that is a record of veterinary health inspection of one or more animals, issued on an official form by a USDA accredited and state licensed veterinarian from the state of ori-

- gin. The Certificate of Veterinary Inspection is valid for 30 days following the inspection of the animals described on the certificate.
- (3) "Certified Semen Services" means a subsidiary of the National Association of Animal Breeders, providing minimum requirements for the health monitoring and disease surveillance of bulls prior to entry, during an isolation period, and through residency at an artificial insemination facility.
- (4) "Exposed herd" means a herd adjacent to a premises occupied by an affected herd, herds sharing common pasture or having other contact with affected herds as determined by the State Veterinarian.
- (5) "Herd" means a group of cattle, under common ownership or supervision that is kept, fed and grouped together.
- (6) "Herdmate bull" means any bull in the herd that has been used for breeding.
- (7) "Herd of origin" means the herd in which a bovine animal had the opportunity for sexual contact at anytime within the last twelve months.
- (8) "Infected cattle" means cattle with a positive trichomonosis test and classified as infected by the State Veterinarian.
- (9) "Negative trichomonosis test" is a negative test result on a specimen collected from a bull after 10 days without contact with sexually mature female cattle.
- (10) "Official individual identification" means officially identifying an animal using devices or methods approved by the USDA, including, but not limited to, official tags, tattoos, and registration brands or a brand registration number when accompanied by a certificate.
- (11) "Specimen" means a sample taken from the preputial cavity of a bull, or the uterine contents of a bovine female, by a USDA accredited veterinarian.
- (12) "Trichomonosis" means a sexually transmitted disease of cattle caused by the protozoan parasite *Tritrichomonas foetus*.
- (13) "Trichomonosis approved laboratory" means a laboratory approved by the Department for diagnosing bovine trichomonosis.
- (14) "Trichomonosis approved veterinarian" means a USDA accredited and state licensed veterinarian who has successfully completed a training program approved by the Department for the sampling and handling of specimens for the diagnosis of trichomonosis.
- (15) "Trichomonosis confirmatory test" means a test conducted by a State diagnostic laboratory for the confirmation of positive trichomonosis tests
- (16) "Trichomonosis test" means a test for the detection of active infection with *Tritrichomonas foetus* from a specimen collected by or under the supervision of a trichomonosis approved veterinarian and conducted at a trichomonosis approved laboratory. The official identification of the animal tested must be recorded and accompany the sample to the laboratory. Trichomonosis test results must be recorded on forms approved by the Department for that purpose. Copies of test results shall be sent to the Department within 30 days of the test results. All trichomonosis tests are official tests.
- (17) "USDA" means the United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services. NOTE: Authority cited: Sections 407 and 10610, Food and Agricultural Code. Reference: Sections 9166, 9167, 9562 and 10610, Food and Agricultural Code.

HISTORY

- 1. New article 12 (sections 820–820.8) and section filed 8–21–2003; operative 9–20–2003 (Register 2003, No. 34).
- 2. Amendment filed 9-5-2007; operative 10-5-2007 (Register 2007, No. 36).

§ 820.1. Certificate of Veterinary Inspection.

- (a) A Certificate of Veterinary Inspection shall include all of the following:
 - (1) Description of the animals;
 - (2) Official individual identification;
- (3) Trichomonosis test date(s) and results;
- (4) Complete information on the consignor, consignee, origin, and destination; purpose of the movement;
- (5) Veterinarian's certification that the animals meet the trichomonosis testing requirements as specified in section 820.2; and,

- (6) Signed by the USDA accredited and state licensed veterinarian who examined the animals in the shipment.
- (b) A copy of a trichomonosis test record with a description of each animal, its official individual identification number, and trichomonosis test results may be attached to each copy of the Certificate of Veterinary Inspection instead of transferring that information onto the certificate.
- (c) The Certificate of Veterinary Inspection shall accompany each load or part of a shipment entering California where required and be available, with attachments, for examination en route and after arrival in California.
- (d) A copy of the completed Certificate of Veterinary Inspection shall be mailed to the Department within 15 days of examination to the following address: Department of Food and Agriculture, Animal Health Branch, 1220 "N" Street, Room A–107, Sacramento, California 95814.
- (e) The examining state licensed and accredited veterinarian shall indicate on the Certificate of Veterinary Inspection that each animal in the shipment meets California entry requirements.
- (f) The Department may require a Certificate of Veterinary Inspection for animals entering California because of a disease condition in another state, even though the animals may be exempt from obtaining a Certificate of Veterinary Inspection under this article.

NOTE: Authority cited: Sections 407 and 10610, Food and Agricultural Code. Reference: Sections 9166, 9167, 9562 and 10610, Food and Agricultural Code.

HISTORY

1. New section filed 8-21-2003; operative 9-20-2003 (Register 2003, No. 34).

§ 820.2. Interstate Livestock Entry Permits.

- (a) An Interstate Livestock Entry Permit may be required for the importation of animals into California pursuant to the requirements of this article.
- (b) An Interstate Livestock Entry Permit is a numbered document issued by the Department for approving the movement of animals that meet entry requirements into California.
- (c) Requests for Interstate Livestock Entry Permits shall be made to the Department's Animal Health Branch before the animals are transported to California. Requests for entry permits may be made by telephone, electronic transmission, or other means approved by the Department. Written application may be required when necessary to accomplish the purposes of this article.
- (d) Each Interstate Livestock Entry Permit shall have a unique number and the number may be issued to the applicant by telephone or other electronic means approved by the Department. A copy of the permit will not be sent to the applicant unless specifically requested or it is needed to accompany a shipment.
- (e) The applicant for the Interstate Livestock Entry Permit shall establish that all animals in the shipment meet California entry requirements, and possess a Certificate of Veterinary Inspection when required.
- (f) The applicant for the Interstate Livestock Entry Permit shall provide the Department with the following information:
- (1) Name, address, and telephone number of the shipper or importer, and the National Premises Identification Number, if available;
 - (2) Origin of the shipment;
- (3) The number and description of the animals being shipped including species, breed, age, sex, and purpose for which the animals will be used.
- (4) Name, mailing address, and telephone number of entity receiving the animals, or a geographic destination if animals are not being received at the destination mailing address, and the National Premises Identification Number, if available:
- (5) Name, address, and telephone number of a contact person in California, if not the owner; and the name, address, and telephone number of the person requesting the permit;
 - (6) Certificate of Veterinary Inspection number, if available;
 - (7) Name of the herd veterinarian, if available; and
- (8) Must meet the entry requirements for the type of animals entering California.

- (g) An Interstate Livestock Entry Permit is required for the entire shipment of animals, which may consist of one or more loads.
- (h) All animals shall be transported directly and without delay to the destination stated on the Interstate Livestock Entry Permit.
- (i) The State Veterinarian may deny the request for an Interstate Livestock Entry Permit pursuant to sections 9562 and 9570 of the Food and Agricultural Code.
- (j) Interstate Livestock Entry Permits shall expire 15 days after issuance.

NOTE: Authority cited: Sections 407 and 10610, Food and Agricultural Code. Reference: Sections 9166, 9167, 9562, 9570 and 10610, Food and Agricultural Code.

HISTORY

- 1. New section filed 8-21-2003; operative 9-20-2003 (Register 2003, No. 34).
- 2. Renumbering of former section 820.2 to section 820.3 and new section 820.2 filed 9-5-2007; operative 10-5-2007 (Register 2007, No. 36).

§ 820.3. Requirements for Entry of Bulls into California.

- (a) Bulls 18 months of age and over shall have all of the following:
- (1) Official individual identification;
- (2) An Interstate Livestock Entry Permit;
- (3) Negative trichomonosis test results within 60 days prior to entry into California; and,
 - (4) A Certificate of Veterinary Inspection which states:
- (A) The bulls represented on this Certificate of Veterinary Inspection have been tested for and found to be negative for trichomonosis pursuant to subsection (a)(3) above and have been confined and have not had sexual contact with females since their last negative test; and
- (B) Trichomonosis has not been diagnosed in the herd of origin within the past 24 months.
- (b) Any bull originating from a herd in which trichomonosis has been diagnosed within the past 24 months shall have all of the following:
- (1) Three (3) consecutive negative trichomonosis tests conducted at least seven (7) days apart, but not more than 28 days apart, with the last test conducted within 60 days prior to entry; and
- (2) A Certificate of Veterinary Inspection which states that the requirements set forth in subsection (b)(1) above have been met.
- (c) Breeding bulls entering California as part of a herd that has been authorized entry into California via a Pasture to Pasture permit pursuant to section 753.1(f)(2)(A) through (H) of Title 3 of the California Code of Regulations, require one negative trichomonosis test within the 12 months prior to entry. The Pasture to Pasture permit shall include the date and test results or a copy of the test record may be attached to the permit, and the name and telephone number of the testing veterinarian.
- (d) Bulls may be exempt from the trichomonosis test requirements for entry into California under any one or all of the following conditions:
- (1) Used solely for exhibition purposes and remains under confinement at the location of the exhibition without having access to or allowed to commingle with sexually mature female cattle; or
- (2) Used solely for artificial insemination using semen extension and preservation protocols that meet Certified Semen Services standards; or
- (3) Consigned directly to slaughter without unloading prior to the arrival at slaughter plant.

 $NOTE: Authority\ cited:\ Sections\ 407\ and\ 10610, Food\ and\ Agricultural\ Code.\ Reference:\ Sections\ 9166,\ 9167,\ 9562\ and\ 10610,\ Food\ and\ Agricultural\ Code.$

HISTORY

- 1. New section filed 8-21-2003; operative 9-20-2003 (Register 2003, No. 34).
- 2. Renumbering of former section 820.3 to section 820.4 and renumbering and amendment of former section 820.2 to section 820.3 filed 9–5–2007; operative 10–5–2007 (Register 2007, No. 36).

§ 820.4. Sale of Bulls within California.

- (a) Bulls entering California for sale purposes must meet the requirements as specified in section 820.3.
- (b) Bulls 18 months of age and over sold through a public livestock market shall be sold only to slaughter or to a feedlot designated only for slaughter unless accompanied by a negative trichomonosis test result from a sample taken by a trichomonosis approved veterinarian within 60 days prior to sale.

Page 70.4 Register 2008, No. 14; 4-4-2008

(c) Public saleyards shall post a sign or notice at least 11" x 14" in a prominent place containing the following statement: "All bulls 18 months of age and over sold for breeding must have a negative trichomonosis test or be consigned as slaughter only.", or post a sign as provided by the Department.

NOTE: Authority cited: Sections 407 and 10610, Food and Agricultural Code. Reference: Sections 9166, 9167, 9562 and 10610, Food and Agricultural Code.

HISTORY

- 1. New section filed 8-21-2003; operative 9-20-2003 (Register 2003, No. 34).
- Renumbering of former section 820.4 to section 820.5 and renumbering and amendment of former section 820.3 to section 820.4 filed 9–5–2007; operative 10–5–2007 (Register 2007, No. 36).

§ 820.5. Approval for Testing and Diagnosis.

- (a) USDA accredited California licensed veterinarians must successfully complete a training program approved by the Department for the sampling and handling of the specimens used in the diagnosis of trichomonosis before conducting any sampling.
- (b) Any testing, reading or diagnosing of trichomonosis samples must be performed in an approved laboratory under the direction of a person approved by the Department to perform such activities.
- (c) The Department shall maintain a list of trichomonosis approved veterinarians and trichomonosis approved laboratories.
- $Note: Authority\ cited: Sections\ 407\ and\ 10610, Food\ and\ Agricultural\ Code.\ Reference:\ Sections\ 9166, 9167, 9562\ and\ 10610, Food\ and\ Agricultural\ Code.$

HISTORY

- 1. New section filed 8-21-2003; operative 9-20-2003 (Register 2003, No. 34).
- Renumbering of former section 820.5 to section 820.6 and renumbering and amendment of former section 820.4 to section 820.5 filed 9–5–2007; operative 10–5–2007 (Register 2007, No. 36).

§ 820.6. Reporting of Positive Test Results.

- (a) Trichomonosis is a reportable disease that must be reported to the Department within two days of discovery as specified on the List of Reportable Conditions for Animals and Animal Products pursuant to section 9101 of the Food and Agricultural Code.
- (b) All positive test results shall be reported to the Department within two (2) calendar days of reading the test.
- (c) Trichomonosis positive test specimens may have trichomonosis confirmatory testing when requested by the trichomonosis approved veterinarian or the animal owner.

Note: Authority cited: Sections 407 and 10610, Food and Agricultural Code. Reference: Sections 9166, 9167, 9562 and 10610, Food and Agricultural Code.

HISTORY

- 1. New section filed 8-21-2003; operative 9-20-2003 (Register 2003, No. 34).
- Repealer of former section 820.6 and renumbering and amendment of former section 820.5 to section 820.6 filed 9–5–2007; operative 10–5–2007 (Register 2007, No. 36).

§ 820.7. Trichomonosis Infected Cattle.

- (a) The State Veterinarian shall impose a quarantine pursuant to Food and Agricultural Code section 9562 and serve a Notice of Required Action in accordance with section 1301.1 of Title 3 of the California Code of Regulations on the owner(s) of cattle as follows:
 - (1) Infected cattle.
- (A) Any trichomonosis infected cattle shall be held on the premises where found. Movement may be allowed only under written permission by the Department. If infected cattle are to be slaughtered, written confirmation of the slaughter is required.
 - (2) Affect Herds.
- (A) All herdmate bulls in an affected herd shall be held on the premises where found until three negative consecutive trichomonosis tests are complete. Any cattle determined to be infected will be restricted as defined in subsection (a)(1).
 - (3) Exposed herds.
- (A) The Department will conduct an epidemiological evaluation to identify exposed herds.
- (B) All herdmate bulls in a trichomonosis exposed herd shall be held on the premises where found until one negative trichomonosis test is complete. Any cattle determined to be infected will be restricted as de-

fined in subsection (a)(1) and the herd status will be changed to an affected herd and subject to the requirements of subsection (a)(2).

- (4) Herds entering California with an approved Pasture to Pasture Permit as specified in section 753.1(f)(2)(A) through (H) of Title 3 of the California Code of Regulations.
 - (A) Pasture to Pasture Permit affected herds.
- 1. Any trichomonosis infected cattle are not permitted to enter California
- 2. Any cattle determined to be infected will be restricted as defined in subsection (a)(1).
- 3. All herdmate bulls in an affected herd shall be held on the premises where found until three negative consecutive trichomonosis tests are complete; or
- 4. Return all herdmate bulls to their state of origin to complete three negative consecutive trichomonosis tests. The Department shall release the herdmate bulls from quarantine when the State Veterinarian from the state of origin notifies the Department that the required testing is complete.
 - (B) Pasture to Pasture Permit herds exposed to trichomonosis.
- 1. The Department will conduct an epidemiological evaluation to identify exposed herds.
- 2. All herdmate bulls in a trichomonosis exposed herd shall be held on the premises where found until one negative trichomonosis test is complete. Any cattle determined to be infected will be restricted as defined in subsection (a)(1) and the herd status will be changed to an affected herd and subject to the requirements of subsection (a)(4)(A); or
- 3. Return all herdmate bulls to their state of origin to complete one negative consecutive trichomonosis test. The Department shall release the herdmate bulls from quarantine when the State Veterinarian from the state of origin notifies the Department that the required testing is complete.
- (b) All trichomonosis testing shall be conducted at the expense of the owner(s) of the cattle.
- (c) Failure to complete the required testing within 60 days from the imposition of quarantine or a time period determined by the State Veterinarian will result in a quarantine of the whole herd.

NOTE: Authority cited: Sections 407 and 10610, Food and Agricultural Code. Reference: Sections 9166, 9167, 9562 and 10610, Food and Agricultural Code.

HISTORY

- 1. New section filed 8-21-2003; operative 9-20-2003 (Register 2003, No. 34).
- 2. Change without regulatory effect repealing former section 820.7 and renumbering section 820.8 to section 820.7 filed 4–23–2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No. 17).
- 3. Renumbering of former section 820.7 to section 820.8 and new section 820.7 filed 9–5–2007; operative 10–5–2007 (Register 2007, No. 36).

§ 820.8. Violations.

- (a) Failure to comply with the provisions of this Article or Food and Agricultural Code section 10610 constitutes a violation punishable by a fine up to five hundred dollars (\$500) for each violation.
- (b) The Department may additionally act consistent with any other existing enforcement authority concurrently or at a later date unless otherwise prohibited. Existing remedies include, but are not limited to, the following:
- (1) Denial, suspension, or revocation of a license, registration, certificate, permit, exception, or other indicia of authority issued by the Department:
 - (2) Civil or administrative penalties;
- (3) Referral to the appropriate District Attorney or the Attorney General for criminal prosecution or other appropriate remedy; and,
- (4) Reimbursement to the Department for any costs incurred due to any violation of this article or Food and Agricultural Code section 10610. NOTE: Authority cited: Sections 407 and 10610, Food and Agricultural Code. Reference: Sections 9166, 9167, 9562 and 10610, Food and Agricultural Code.

HISTORY

- 1. New section filed 8-21-2003; operative 9-20-2003 (Register 2003, No. 34).
- 2. Change without regulatory effect renumbering section 820.8 to section 820.7 filed 4–23–2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No. 17).

3. Renumbering of former section 820.7 to section 820.8 filed 9–5–2007; operative 10–5–2007 (Register 2007, No. 36).

Article 13. Interstate Movement of Poultry

§ 821. Definitions.

- (a) As used in this article:
- (1) "Animal" means poultry.
- (2) "Department" means the Department of Food and Agriculture.
- (3) "Poultry" means all chickens, turkeys, turkins, pheasants, Peafowl, guinea fowl, quail, ducks, geese, swans, gallinules, doves, pigeons, grouse, partridges, francolin, tinamou, ostriches and other ratites (including but not limited to the rhea, emu and cassowary) and hatching or embryonated eggs as such.
- (4) "Treatment" means to test, clean, decontaminate, disinfect, dip, medicate, vaccinate, or destroy a population of animals, animal product, and/or premises, equipment, and other materials that may have been contaminated by the condition affecting the population of animals, or animal product.
- (5) "USDA" means the United States Department of Agriculture. NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570 and 9574, Food and Agricultural Code.

HISTORY

 New article 13 (sections 821–821.5) and section filed 4–1–2008; operative 5–1–2008 (Register 2008, No. 14).

§ 821.1. General Requirements.

- (a) Certain conditions of avian species and poultry must be reported to the Department within specified timeframes, pursuant to section 9101 of the Food and Agricultural Code and section 797 of Title 3 of the California Code of Regulations. The List of Reportable Conditions for Animals and Animal Products may be obtained by contacting the Department, or by accessing the Department's Internet web site at http://www.cdfa.ca.gov.
- (b) The provisions of this article are in addition to other provisions that may be required for moving poultry into and within California as specified in statute or regulation.
- (c) Any person transporting poultry into or within California shall produce official documents upon request by the Department or other officials to prove that the requirements of this article are met. Official documents include a Certificate of Veterinary Inspection, and an Interstate Livestock Entry Permit number when required pursuant to section 821.4(c), with attachments, for each load or part of a shipment. Poultry in any load or part of a shipment may be inspected en route or after arrival. NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 9101, 9561, 9562, 9570 and 9574, Food and Agricultural Code.

HISTORY

1. New section filed 4-1-2008; operative 5-1-2008 (Register 2008, No. 14).

§ 821.2. Certificate of Veterinary Inspection.

- (a) A Certificate of Veterinary Inspection is a numbered interstate document that is a record of veterinary health inspection of one or more animals, issued on an official form of the state of origin and by a USDA accredited and state licensed veterinarian from the state of origin.
- (b) A Certificate of Veterinary Inspection shall include all of the following:
 - (1) Date of inspection;
 - (2) Number of animals in the consignment;
- (3) Description of the animals including the species, breed, age, weight, color, markings, and sex, and the official identification number(s) or registration tattoos;
- (4) Name, address, and telephone number of the consignor, consignee, and the origin and destination of the animals;
 - (5) Interstate livestock entry permit number, when required;
 - (6) Statement of the purpose for which the animals are being moved;
- (7) Statement that the imports and flock of origin are free of evidence of contagious diseases;

- (8) Signed by the USDA accredited and state licensed veterinarian who examined the animals in the shipment and acknowledging that the certificate is true and accurate:
- (c) A copy of the completed Certificate of Veterinary Inspection shall be mailed to the Department within 15 days of examination to the following address: Department of Food and Agriculture, Animal Health Branch, 1220 "N" Street, Room A–107, Sacramento, California 95814.
- (d) The examining USDA accredited and state licensed veterinarian shall indicate on the Certificate of Veterinary Inspection that each animal in the shipment meets California entry requirements.
- (e) As an alternative to official identification on a Certificate of Veterinary Inspection pursuant to subsection (b)(3), another animal identification document may be used if approved by the Department and the USDA.
- (f) The Department may require a Certificate of Veterinary Inspection for animals entering California because of a disease condition in another state, even though the animals are exempt from obtaining a Certificate of Veterinary Inspection under this article.
- (g) All animals shall be transported directly and without delay to the destination stated on the Certificate of Veterinary Inspection.
- (h) A Certificate of Veterinary Inspection shall be valid for 30 days following the inspection of the animals described.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570 and 9574, Food and Agricultural Code.

HISTORY

1. New section filed 4–1–2008; operative 5–1–2008 (Register 2008, No. 14).

§ 821.3. Interstate Livestock Entry Permits.

- (a) An Interstate Livestock Entry Permit may be required for the importation of animals into California pursuant to the requirements of this article.
- (b) An Interstate Livestock Entry Permit is a numbered document issued by the Department for approving the movement of animals that meet entry requirements into California.
- (c) Requests for Interstate Livestock Entry Permits shall be made to the Department's Animal Health Branch before the animals are transported to California. Requests for entry permits may be made by telephone, electronic transmission, or other means approved by the Department. Written application may be required when necessary to accomplish the purposes of this article.
- (d) Each Interstate Livestock Entry Permit shall have a unique number and the number may be issued to the applicant by telephone or other electronic means approved by the Department. A copy of the permit will not be sent to the applicant unless specifically requested or it is needed to accompany a shipment.
- (e) The applicant for the Interstate Livestock Entry Permit shall establish that all animals in the shipment meet California entry requirements, and possess a Certificate of Veterinary Inspection when required.
- (f) The applicant for the Interstate Livestock Entry Permit shall provide the Department with the following information:
 - (1) Name, address, and telephone number of the shipper or importer;
 - (2) Origin of the shipment;
- (3) The number and description of the animals being shipped including species, breed, age, sex, and purpose for which the animals will be used.
- (4) Name, mailing address, and telephone number of entity receiving the animals, or a geographic destination if animals are not being received at the destination mailing address;
- (5) Name, address, and telephone number of a contact person in California, if not the owner; and the name, address, and telephone number of the person requesting the permit;
 - (6) Certificate of Veterinary Inspection number, if available;
 - (7) Name of the flock veterinarian, if available; and
- (8) Must meet the entry requirements for the type of animals entering California.
- (g) When required, Interstate Livestock Entry Permits are issued for the entire shipment of animals, which may consist of one or more loads.

Page 70.6

Register 2008, No. 14; 4-4-2008

- (h) All animals shall be transported directly and without delay to the destination stated on the Interstate Livestock Entry Permit.
- (i) The State Veterinarian may deny the request for an Interstate Livestock Entry Permit pursuant to sections 9562 and 9570 of the Food and Agricultural Code.
- (j) Interstate Livestock Entry Permits shall expire 15 days after issuance.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570 and 9574, Food and Agricultural Code.

HISTORY

1. New section filed 4-1-2008; operative 5-1-2008 (Register 2008, No. 14).

§ 821.4. Requirements for Entry of Poultry.

- (a) Poultry imported into California shall be free from evidence of Avian Influenza and Exotic Newcastle Disease, and all other contagious diseases.
- (b) All poultry imported into California require a Certificate of Veterinary Inspection, except:
- (1) Poultry originating from flocks rated or classified as Pullorum–Typhoid Clean or Free by the National Poultry Improvement Plan and the Auxiliary Provisions on the National Poultry Improvement Plan, and accompanied by VS Form 9–3 (Report of Sales of Hatching Eggs, Chicks, and Poults) in accordance with 9 CFR Part 145, Part 146, and Part 147 (2007), which are incorporated by reference including additional National Poultry Improvement Plan forms (if any) as provided by the USDA.
- (c) Pursuant to Food and Agricultural Code sections 9562 and 9570, the State Veterinarian may impose additional quarantine, Interstate Livestock Entry Permit, Certificate of Veterinary Inspection, or treatment requirements on imported poultry or poultry products because of a condition in another state, whether or not the animals are exempt under this article.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570 and 9574, Food and Agricultural Code; and 9 CFR Parts 145, 146 and 147 (2007).

HISTORY

1. New section filed 4-1-2008; operative 5-1-2008 (Register 2008, No. 14).

§ 821.5. Violations.

- (a) Failure to comply with any part of this article constitutes a violation.
- (b) The Department shall act consistent with any existing enforcement authority concurrently or at a later date unless otherwise prohibited. Such authority includes, but is not limited to, the following:
- (1) Denial, suspension, or revocation of a license, registration, certificate, permit, exception, or other indicia of authority issued by the Department:
 - (2) Civil or administrative penalties;
- (3) Referral to the appropriate District Attorney or the Attorney General for criminal prosecution or other appropriate remedy; and,
- (4) Reimbursement to the Department for any costs incurred due to any violation of this article.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570 and 9574, Food and Agricultural Code.

HISTORY

1. New section filed 4-1-2008; operative 5-1-2008 (Register 2008, No. 14).

Chapter 3. Livestock Identification

Article 1. Modified Point of Origin Inspection Areas

§ 850. Description of Modified Point of Origin Inspection Areas.

There are four (4) modified point-of-origin inspection areas within the state, described as follows:

Area Number 1: Yolo County.

Area Number 2: San Luis Obispo County.

Area Number 3: All of Modoc County, and in addition that part of Lassen County which lies within the following grazing allotments in the Bureau of Land Management and National Forest Land grazing areas: Sears Flat, Neilson Corral, Tulelake, Hall Field, Selk Alaska, and Tuledad.

Area Number 4: All of Del Norte County, all of Humboldt County, and the southwest portions of Trinity County consisting of the east boundary of Six Rivers National Forest to where it intersects the fifth standard parallel, then generally south along the west boundary of the Mendocino National Forest to the Mendocino County line.

NOTE: Authority cited: Sections 407, 20171 and 21111, Food and Agricultural Code. Reference: Sections 20017, 20021 and 21111, Food and Agricultural Code.

HISTORY

- 1. New article 1(§ 850) filed 12–4–73; effective thirtieth day thereafter (Register 73, No. 49). For prior history, see Register 60, No. 20.
- 2. Amendment filed 4–30–75; effective thirtieth day thereafter (Register 75, No. 18).
- 3. Repealer and new section filed 2–24–83; effective upon filing pursuant to Government Code section 11346.2(d) (Register 83, No. 9).
- 4. Amendment filed 6–5–84; effective upon filing pursuant to Government Code section 11346.2(d) (Register 84, No. 23).
- 5. Amendment of section and NOTE filed 3–15–94; operative 4–14–94 (Register 94, No. 11).

Article 2. Feed Lot Inspection of Cattle

§ 856. Records Required for Incoming Cattle at Registered Feed Lot.

Each registered feed lot defined in Section 20015 of the Food and Agricultural Code shall maintain records for each lot of cattle received that provides all the following information:

- (a) Name and address of owner or shipper;
- (b) Date the cattle were received;
- (c) Number of cattle received;
- (d) Location from which cattle were shipped;
- (e) Name of trucking firm that hauled the cattle;
- (f) A description of the cattle that includes the brand under which they are being shipped; and
 - (g) The lot numbers assigned to the cattle.

[The next page is 71.]

NOTE: Authority cited for Article 2: Sections 407 and 20171, Food and Agricultural Code. Reference: Division 10, Food and Agricultural Code.

HISTORY

1. Repealer of Article 2(§§ 856, 858, 859, 861–864, 866, 867, 869–874, 876) and new Article 2 (§§ 856 through 861) filed 12–4–73; effective thirtieth day thereafter (Register 73, No. 49). For prior history, see Register 18, Nos. 5 and 6; 19, Nos. 4, 5 and 7; 21, No. 7; 22, No. 2; 25, No. 1; 27, Nos. 1 and 5; 29, No. 5; 53, Nos. 16 and 18; 58, Nos. 10 and 13; 56, No. 2; 60, No. 20; 61, No. 11.

§ 857. Records Required for Cattle Shipped from Registered Feed Lot.

Each registered feed lot, defined in Section 20015 of the Food and Agricultural Code, shall maintain records for each lot of cattle shipped from the feed lot that provides the following information:

- (a) Name and address of the owner;
- (b) Date the cattle were shipped;
- (c) Name of the slaughter plant or other point to which the cattle were shipped;
 - (d) The lot numbers identifying the cattle;
- (e) A description of the cattle that includes the brand under which they were shipped;
 - (f) Number of cattle shipped; and
 - (g) Name of trucking firm that hauled the cattle.

§ 858. Records to Be Made Available to Inspector.

Upon the request of a brand inspector or peace officer, the records required by Sections 856 and 857 above shall be made available to such officer for inspection and copying by the operator of the registered feed lot or his representative.

§ 859. Cattle to Be Maintained Separately.

Cattle received at a registered feed lot shall be kept separate and not commingled with other cattle until inspected by the brand inspector.

§ 860. Brand Inspection Certificate Requirements.

A brand inspection certificate shall be prepared for all cattle received at a registered feedlot. Except for those certificates which represent cattle received from a California licensed or posted stockyard or from states other than California, the certificate shall contain the information which is required by Section 21203 of the Food and Agricultural Code.

Certificates on all cattle including those exempted above shall include the following information:

- (a) The place and date of inspection, and the name of consignor and consignee.
 - (b) The number, sex and breed of cattle.
 - (c) If the cattle are to be branded, the new brand shall be listed.
 - (d) The lot number, if any, assigned to the cattle.
- (e) The brand inspection certificate number, the health certificate number, or the serial number and date of any other document accompanying cattle described in the exemption above.

NOTE: Authority cited: Sections 407 and 20171, Food and Agricultural Code. Reference: Section 21203, Food and Agricultural Code.

HISTORY

1. Amendment filed 2–15–80; effective thirtieth day thereafter (Register 80, No. 7).

§ 861. No Charge for Feedlot Reinspection for the Same Owner.

The brand inspection fee required pursuant to Article 9 (commencing with Section 21281), Chapter 6, Division 10 of the Food and Agricultural Code, shall not be collected more than once from the same owner on the same cattle reinspected at a registered feedlot, provided as follows:

- (a) On cattle that reenter the original feedlot or a feedlot in the same modified or full point of origin area, with no change in ownership.
- (b) The feedlot operator shall maintain a record for this purpose which lists and describes all such cattle. The record shall also show where the cattle were pastured, the number of previously inspected cattle shipped from the original feedlot that remain within the modified or full point of

origin area. Any additional cattle will not be exempt from the inspection fees

(c) All cattle shall be inspected in all cases upon reentry as required by Section 21051(d) of the Food and Agricultural Code.

NOTE: Authority cited: Sections 407 and 20171, Food and Agricultural Code. Reference: Section 21281, Food and Agricultural Code.

HISTORY

1. Amendment filed 2–15–80; effective thirtieth day thereafter (Register 80, No. 7).

Article 3. Inspection at Slaughter

§ 870. Monitoring Inspections at Slaughterhouses.

Brand inspectors shall visit each licensed slaughterhouse and inspect cattle received from registered feed lots and licensed and posted cattle sales markets in accordance with the following monitoring procedures to assure that all cattle shipped from such points were inspected as required by Section 21051 of the Food and Agricultural Code:

- (a) A statistical sampling system for inspecting such cattle will be developed and utilized by the director that will provide the optimum degree of probability for detecting uninspected cattle. Each feed lot and cattle sales market shall have at least one of its shipments inspected once each month.
- (b) The sampling system developed shall result in the inspection prior to slaughter of at least five percent of the cattle slaughtered at licensed slaughterhouses.
- (c) Whenever it is determined by the director that any feed lot or cattle sales market is not obtaining the required inspection on all cattle handled, all cattle received for slaughter from such feed lots or sales markets are then subject to inspection prior to slaughter until the director is satisfied that compliance is being obtained.

NOTE: Authority cited for Section 870: Sections 407 and 20171, Food and Agricultural Code. Reference: Division 10, Food and Agricultural Code.

HISTORY

1. Repealer of Article 3(§§ 892, 893, 894) and new Article 3 (§§ 870, 872, 885–891) filed 12–4–73; effective thirtieth day thereafter (Register 73, No. 49). For prior history, see Registers 19, No. 4, 25, No. 1, 27, No. 1 and No. 5, 29, No. 5, 53, No. 16, 58, No. 10.

§ 871. Records Required—Licensed Slaughterers.

NOTE: Authority cited for Section 871: Sections 407, 20171 and 64562, Food And Agricultural Code. Reference: Division 10 and Section 64691.7, Food And Agricultural Code.

HISTORY

1. Repealer filed 10-21-83; effective thirtieth day thereafter (Register 83, No. 43).

§ 872. Collection and Payment of Beef Council Fees.

NOTE: Authority cited: Sections 407 and 20171, Food and Agricultural Code. Reference: Section 64691, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 2–15–80; effective thirtieth day thereafter (Register 80, No. 7).
- 2. Repealer filed 10-21-83; effective thirtieth day thereafter (Register 83, No. 43).

§ 873. Brand Inspection Certificate Requirements at Slaughter.

A brand inspection certificate shall be completed for all cattle inspected at licensed slaughter plants. Except for cattle received from states other than California that are accompanied by identifying documents, the brand inspection certificate shall contain all of the information required in Section 21203 of the Food and Agricultural Code. For those cattle received from states other than California with identifying documents, the brand inspection certificate shall show the name of the seller or consignor, the originating state, the number of cattle and serial number and date of document.

NOTE: Authority cited: Sections 407 and 20171, Food and Agricultural Code. Reference: Section 21203, Food and Agricultural Code.

HISTORY

1. New section filed 2–15–80; effective thirtieth day thereafter (Register 80, No. 7).

Page 71 (4-1-90)

§ 885. Hide and Carcass Identification Tag.

Hides and carcasses of bovine animals slaughtered on any premise other than the premises of a slaughterhouse licensed pursuant to Division 10, Chapter 10, Article 2, of the Food and Agricultural Code shall be identified with the special "Hide and Carcass Identification Tag," approved by the Bureau of Livestock Identification.

The Hide and Carcass Identification Tag shall contain the following properties, and information:

- (a) Be press numbered, so that each set of tags contains a corresponding number that is without duplication, and is traceable;
- (b) The name, address, and telephone number of both the person offering the animal for slaughter and the person performing the slaughter;
 - (c) Date of slaughter of the animal;
- (d) A description of the bovine animal slaughtered which shall include sex, breed, brand and brand location, and eartag numbers, if any. If the animal is unbranded, the description shall include the word "No" in the brand column, and the color of the animal if the breed is unknown;
 - (e) The exact location of the place of slaughter;
- (f) The name of the person or firm that will cut and wrap or otherwise process the carcass of the animal; and
- (g) The signature of the owner or his authorized representative and a declaration of ownership of the animal slaughtered and his willingness to defend title or adverse claim.

The person requested to slaughter the animal shall not be authorized to sign on behalf of the owner.

NOTE: Authority cited for Section 885: Sections 407, 20171 and 22004, Food and Agricultural Code. Reference: Division 10, Food and Agricultural Code.

§ 886. Responsibility for Tagging Hides and Carcasses.

- (a) Any person who slaughters a bovine animal on any premise other than the premises of a slaughterhouse licensed pursuant to Division 10, Chapter 10, Article 2, of the Food and Agricultural Code when the carcass, hide, or carcass and hide is to be removed from such premise for additional processing, shall immediately after slaughter, and before leaving such premise, do all of the following:
- (1) Fill out the Hide and Carcass Identification Tag completely, obtaining all of the information and the signature required in Section 885 above:
- (2) Securely fasten one of the two correspondingly numbered tear-off stub tags to the hide of the animal slaughtered. The tag is to be fastened in the area of the tail-head; and
- (3) Securely fasten the other correspondingly numbered tear–off stub tag to the carcass of the animal slaughtered. The tag may be fastened to any part of the carcass so long as it is conspicuous and can be readily observed on the carcass hanging in a cooler.
- (b) If a person delivers a carcass, or hide and carcass, to an operator of a licensed frozen food locker plant or processor pursuant to Section 22004 of the Food and Agricultural Code which is not tagged in accordance with subsection (a) above, the locker plant operator or processor shall do the following:
- (1) Fill out the Hide and Carcass Identification Tag and fasten it to the carcass and hide as specified in subsection (a) above; and
- (2) If the hide is not with the carcass, he shall give the person delivering the carcass the remaining correspondingly numbered tear-off stub tag with instructions to fasten it to the hide from the carcass delivered.

NOTE: Authority cited for Section 886: Sections 407, 20171 and 22004, Food and Agricultural Code. Reference: Division 10, Food and Agricultural Code.

§ 887. Part of Hide and Carcass Tag to Accompany the Hide.

The top part of the Hide and Carcass Identification Tag referred to in Sections 885 and 886 above shall accompany the hide until the hide is inspected by the brand inspector. This tag, when properly completed and signed, will be accepted for brand inspection purposes as the bill of sale from the person requesting the animal to be slaughtered. This provision does not, however, preclude the brand inspector from requesting addi-

tional bills of sale or proof of ownership from the person declaring ownership of the boyine animal which was slaughtered.

NOTE: Authority cited for Section 887: Sections 407, 20171 and 22004, Food and Agricultural Code. Reference: Division 10, Food and Agricultural Code.

§ 888. Brand Inspector's Responsibility for Hide and Carcass Identification Tags.

NOTE: Authority cited: Sections 407, 20171 and 22004, Food and Agricultural Code. Reference: Division 10, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 7–24–75; effective thirtieth day thereafter (Register 75, No. 30).
- 2. Repealer filed 7-25-83; effective thirtieth day thereafter (Register 83, No. 1).

§ 889. Control of Hide and Carcass Identification Tags.

The persons to whom the Hide and Carcass Identification Tags are issued shall keep records of each tag and its number. Such records should be sufficient to show all of the following:

- (a) Each tag number used and the corresponding name of the person owning the bovine animal of which the hide and carcass was tagged;
 - (b) Unused tag numbers; and
 - (c) Voided tag numbers.

Such information shall be furnished to the Bureau of Livestock Identification upon request.

NOTE: Authority cited for Section 889: Sections 407, 20171 and 22004, Food and Agricultural Code. Reference: Division 10, Food and Agricultural Code.

§ 890. Distribution of Hide and Carcass Identification Tags.

Hide and Carcass Identification Tags shall be provided upon request by the Bureau of Livestock Identification. There will be a charge by the Bureau for each tag in an amount sufficient to recover costs of the tags. NOTE: Authority cited for Section 890: Sections 407, 20171 and 22004, Food and Agricultural Code. Reference: Division 10, Food and Agricultural Code.

§ 891. Removal of Tags.

No person shall remove a tag from a hide or carcass tagged pursuant to Sections 885, 886, 887, or 888 above, except as follows:

- (a) The tag may be removed from the hide when the hide is being readied for tanning at the tannery.
- (b) The tag may be removed from the carcass when the cutting and wrapping process begins. Such tags shall be attached to and become part of the cutting orders of the locker plant or processor.

NOTE: Authority cited for Section 891: Sections 407, 20171 and 22004, Food and Agricultural Code. Reference: Division 10, Food and Agricultural Code.

Article 4. Branding and Inspection

§ 895. Branding Positions.

In the enforcement of Division 10, Chapter 4, Article 1, relating to the branding of cattle, there shall be six branding positions for the recordation of identification brands. Such positions shall include the shoulder, ribs and hip on each side of the animal.

NOTE: Authority cited for Section 895: Sections 407, 20171 and 20603, Food and Agricultural Code. Reference: Division 10, Food and Agricultural Code.

HISTORY

1. Amendment filed 12–4–73; effective thirtieth day thereafter (Register 73, No. 49). For prior history, see Register 53, No. 23.

§ 895.1. Cattle Record Branding Positions.

In addition to the positions for cattle record brands provided in Sections 20904 and 20905 of the Food and Agricultural Code, cattle record brands may be applied as follows:

- (a) Cattle record brands consisting of a number or a combination of numbers may be applied by the owner of a recorded brand on any of the six positions designated in Section 895 above for recorded brands, provided that such record brand is used in any one of such six positions in connection with and directly below such recorded brand.
- (b) Cattle record brands consisting of at least four digits which constitute a number greater than 1,000 may be applied on the left or right ribs of cattle.

Page 72 (4-1-90)

NOTE: Authority cited for Section 895.1: Sections 407, 20171 and 20603, Food and Agricultural Code. Reference: Sections 20904–20906, Food and Agricultural Code.

HISTORY

- Amendment filed 12-4-73; effective thirtieth day thereafter (Register 73, No. 49). For prior history, see Register 54, No. 11.
- Amendment filed 3–22–74; effective thirtieth day thereafter (Register 74, No. 12).

§ 895.2. Horse Record Branding Positions.

A "super-cold iron" brand, as defined in Section 23251.1 of the Food and Agricultural Code may be applied as a record brand only on the neck of horses. Such a brand may also be used on the other positions which are authorized for cattle brands.

NOTE: Additional authority cited: Section 23021, Food and Agricultural Code. Reference: Sections 20901, 20902 and 23251, Food and Agricultural Code.

HISTORY

 New section filed 2-6-78; effective thirtieth day thereafter. Printed in Register 78, No. 13 for technical reasons.

§ 896. Brand Registration Procedure.

HISTORY

- 1. Repealer filed 8-6-57; effective thirtieth day thereafter (Register 57, No. 12).
- 2. New section filed 1-12-78 as procedural and organizational; effective upon filing (Register 78, No. 2).
- 3. Repealer filed 7-25-83; effective thirtieth day thereafter (Register 83, No. 31).

§ 897. Special Modified Point of Origin Boundary Movement Permit.

A permit may be issued to a producer of cattle for movement of cattle across a modified point—of—origin boundary without brand inspection provided the following circumstances exist: the distance between origin and destination is forty (40) miles or less, by existing roadway; the cattle return only to the point of origin; and there is no change in ownership and the cattle are moved for pasture or feeding purposes only.

All cattle shipped in accordance with the permit shall be accompanied by a Cattle Movement Record and are subject to brand inspection.

The permit, based upon application by the producer, shall contain the following: name and address of the permittee; location of ranches covered by the permit; dates of issuance and expiration; maximum number of cattle to be shipped by the permit; and amount of fee.

A Livestock Movement Record, in an approved form, shall be completed by the permittee before movement, for each shipment of cattle shipped pursuant to the permit. Notice and verification shall be provided to the Bureau as required in the permit.

NOTE: Authority cited: Sections 407–409 and 20171, Food and Agricultural Code. Reference: Section 21059(d), Food and Agricultural Code.

HISTORY

1. New section filed 4–9–81; effective thirtieth day thereafter (Register 81, No. 15). For prior history, see Register 73, No. 49.

§ 897.1. Slaughterhouse Operators May Request Additional Inspection.

Slaughterhouses, except those specified in Section 21055 of the Food and Agricultural Code, will receive a basic brand inspection service by the brand inspector for cattle on hand at that time. This basic service is that amount of service being normally provided at the time these regulations are adopted. Inspection requirements beyond this basic service will be considered additional services.

NOTE: Authority cited for Sections 897.1, 897.2, 897.3 and 897.4, Sections 407 and 21061, Food and Agricultural Code.

HISTORY

1. New Sections 897.1, 897.2, 897.3 and 897.4 filed 3–15–71 as an emergency; effective upon filing. Certificate of Compliance included. (Register 71, No. 12). For former Section 897.1 see Register 61, No. 5.

§ 897.2. Conditions for Providing Additional Inspection Service at Slaughterhouses.

Additional brand inspection services will be provided under the following conditions:

- (a) Upon request in advance by the slaughterhouse operator to the inspector. Such requests shall be given at least one day in advance of the inspection.
- (b) The slaughterhouse operator shall pay the Director an amount sufficient to reimburse the Department for the cost of the inspection service provided.

Fees for additional service are an expense of the slaughterer and shall not be an added charge to the consignor or seller of the livestock.

- (c) Reimbursement will be based upon a pre-determined hourly rate, established under the provisions of Section 897.4 of this Code. The rate is to be charged from the time the brand inspector arrives at the slaughterhouse. There will always be a minimum charge of one hour.
- (d) All moneys due for such additional service shall be collected at the same time that brand inspection fees are collected as provided in Division 10, Chapter 6, Article 9 (commencing with Section 21281) of the Food and Agricultural Code.

§ 897.3. Contract for Brand Inspection.

A slaughterer, or group of slaughterers, may contract with the Department for the purposes of acquiring the full-time services of a brand inspector at the plant, or plants, provided the Department is fully reimbursed by the slaughterer, or slaughterers, for the full cost of the inspector. Reimbursement will be on a monthly basis.

§ 897.4. Authority for Establishing Charges.

Slaughterhouses receiving brand inspection services pursuant to Section 21061 of the Food and Agricultural Code shall pay to the Department, the current rate for such services, established by the Director. Said rate shall be uniform for all such establishments requesting the service. The rate shall be such as to reimburse the Department for the actual costs of providing brand inspection service, including overhead costs.

Persons receiving such inspection will be notified by the Director of the current rate. The Director may adjust said rate from time to time as necessary to reimburse the Department for actual costs in providing current services.

§ 898. Inspection of Hides.

HISTORY

1. Repealer filed 12–4–73; effective thirtieth day thereafter (Register 73, No. 49).

§ 898.1. Inspection of Reduction Hides.

No inspection is required on hides removed from carcasses at rendering plants or of carcasses with hides on at rendering plants or reduction works.

HISTORY

- 1. New section filed 11–1–60 as an emergency; effective upon filing (Register 60, No. 22).
- Certificate of Compliance—Section 11422.1, Government Code, filed 2–28–61 (Register 61, No. 5).

§ 899. Inspection of Cattle—Saleyards.

In the enforcement of Division 10, Chapter 8, Article 2, of the Food and Agricultural Code relating to public saleyards, all saleyards and stockyards shall be equipped with handling chutes which shall be so constructed as to make all branding positions of the animal visible to the brand inspector and shall be provided with electric outlets for the use of electric clippers. All such yards shall provide a holding pen to be used by brand inspectors for cattle awaiting clearance.

Assignment of inspectors to licensed public auction saleyards and licensed private cattle sales markets shall be made only on sales days approved by the Bureau of Livestock Identification. All cattle owners holding a dispersal sale of cattle shall be responsible for notification to the bureau of such sale and request inspection at least one week prior to the date of the sale, whereupon an inspector shall be assigned to such sale. NOTE: Authority cited: Sections 407, 20171 and 21746, Food and Agricultural Code. Reference: Sections 21743 and 21747, Food and Agricultural Code.

HISTORY

Amendment filed 10–6–77; effective thirtieth day thereafter (Register 77, No. 41).

§ 899.1. Hours of Inspection at Salesyards.

In the enforcement of Division 10, Chapter 6, Article 1 of the Food and Agricultural Code, licensed and posted public auction salesyards shall only receive brand inspection until 1600 hours (4:00 p.m.) each sale day. Cattle arriving too late to receive brand inspection shall not be sold at auction on this sale day. However, if a salesyard requests an inspector to stay past 1600 hours (4:00 p.m.) to inspect cattle that are on their way to the salesyard, the inspector must stay for a maximum of one (1) hour. The salesyard will be responsible for the cost of the inspector's extra time at overtime rate, with a minimum of one (1) hour.

 $NOTE: Authority\ cited: Sections\ 407\ and\ 21746,\ Food\ and\ Agricultural\ Code.\ Reference:\ Sections\ 21051,\ 21172\ and\ 21746,\ Food\ and\ Agricultural\ Code.$

HISTORY

- 1. Amendment filed 6-24-71; effective thirtieth day thereafter (Register 71, No. 26).
- Amendment of section and Note filed 4–23–2002; operative 5–23–2002 (Register 2002, No. 17).

§ 899.2. Request for Change of Inspection Time.

A salesyard with established hours of sale time beginning after 1600 hours (4:00 p.m.) may request to have inspection between 1600 hours (4:00 p.m.) and 1800 hours (6:00 p.m.) and in no case will inspection be made after sunset. The request must be made to the Bureau of Livestock Identification at least sixty (60) days prior to the effective date of the change of inspection times.

NOTE: Authority cited: Sections 407 and 21746, Food and Agricultural Code. Reference: Sections 21051, 21172 and 21746, Food and Agricultural Code.

HISTORY

1. New section filed 4-23-2002; operative 5-23-2002 (Register 2002, No. 17).

Chapter 4. Meat Inspection

(Originally Printed 7-25-45)

Subchapter 1.

Article 1. Meat and Poultry Inspection

§ 900. Definitions.

- (a) As used in this subchapter, unless otherwise required by the context, the singular form shall also import the plural and the masculine form shall import the feminine, and vice versa.
- (b) Unless otherwise required by the context, the following terms shall be construed, respectively, to mean:
- (1) "Act" means the California Meat and Poultry Inspection Act, Chapter 4 (commencing with section 18650) and as supplemented by the California Meat and Poultry Supplemental Inspection Act, Chapter 4.1 (commencing with section 18940) of Part 3, Division 2 of the Food and Agricultural Code.
- (2) "Additive" means anything added to a meat or poultry product other than meat, poultry, or meat and poultry byproducts.
- (3) "Area" means a geographical region under the supervision of an Area Supervisor.
 - (4) "Area Supervisor" means the official in charge of an area.
- (5) "Biological residue" means any substance, including metabolites, remaining in livestock at time of slaughter or in any of its tissues after slaughter as the result of treatment or exposure of the livestock to a pesticide, organic or inorganic compound, hormone, hormone–like substance, growth promoter, antibiotic, anthelmintic, tranquilizer, or other therapeutic or prophylactic agent.
- (6) "California Condemned" means that the livestock so identified has been inspected by an inspector and found to be in a dying condition, or to be affected with any other condition or disease that would require condemnation of its carcass or its affected parts.
- (7) "California Inspected and Condemned" means that the carcass, viscera, other part of carcass, or other product so identified has been in-

spected by an inspector, found to be adulterated, and condemned under the regulations in this subchapter.

- (8) "California Inspected and Passed" means that the product so identified has been inspected by an inspector and passed under the regulations in this subchapter, and at the time it was inspected, passed, and identified, it was found to be not adulterated.
- (9) "California Rejected" means that the compartment, room, utensil, or piece of equipment so identified is unacceptable for use in the official establishment and cannot be used until the condition that renders it unacceptable is corrected and it has been reexamined and released by an inspector. This is accomplished by applying a red or green California Rejected tag to the compartment, room, utensil, or piece of equipment. The compartment, room, utensil, or piece of equipment is released by removal of the California Rejected tag.
- (10) "California Retained" means that the carcass, viscera, other part of carcass, or other product, or article so identified is held for further examination by a program employee to determine its disposal. This is accomplished by applying a red California Retained tag to the carcass, viscera, other part of carcass, or other product or article.
- (11) "California Suspect" means that the livestock so identified by an inspector is suspected of being affected with a disease or condition which may require its condemnation, in whole or in part, when slaughtered, and is subject to further examination by a program employee to determine its disposal.
- (12) "Capable of use as human food" applies to any carcass, or part or product of a carcass, of any livestock, unless it is denatured or otherwise identified as required by this subchapter to deter its use as a human food, or it is naturally inedible by humans such as hoofs or horns in their natural state.
- (13) "Carcass" means all parts, including viscera, of any slaughtered livestock or poultry.
- (14) "Chemical preservative" means any chemical that, when added to a meat, meat food product, poultry product, or poultry meat food product tends to prevent or retard deterioration thereof, but does not include common salt, sugars, vinegars, spices, or oils extracted from spices or substances added to meat, meat food products, poultry products, or poultry meat food products by exposure to wood smoke.
- (15) "Condemned" means the product or ingredient has been inspected and determined to be unfit for human food purposes.
- (16) "Consciousness" means the responsiveness of the brain to the impressions made by the senses.
- (17) "Dead livestock" means the body or cadaver of livestock that has died other than by slaughter.
- (18) "Denature" means to make an item visually, physically, and/or odoriferously unfit, through the use of an agent or process, for human consumption.
- (19) "Department" means the California Department of Food and Agriculture.
- (20) "Dying, diseased, or disabled livestock" is livestock that has or displays symptoms of having any of the following:
 - (A) Central nervous system disorder;
 - (B) Abnormal temperature (high or low);
 - (C) Difficult breathing;
 - (D) Abnormal swellings;
 - (E) Lack of muscular coordination;
 - (F) Inability to walk or stand;
- (G) Any of the conditions for which livestock is required to be condemned on ante-mortem inspection in accordance with the requirements under Article 4 of this subchapter.
 - (21) "Edible" means the product is intended for use as human food.
- (22) "Firm" means any partnership, association, or other unincorporated business organization.
- (23) "Immediate container" means the receptacle or other covering in which any product is directly contained or wholly or partially enclosed.
- (24) "Inedible" means adulterated, uninspected, or not intended for use as human food.

Page 74

- (25) The term "inhumane slaughter" or "inhumane handling in connection with slaughter" means the slaughter or handling in connection with slaughter not in accordance with the federal Humane Methods of Slaughter Act, 7 USC, section 1901 et seq.
- (26) "Inspector" means a Meat and Poultry Inspection Branchemployed Veterinary Medical Officer, Meat Food Inspector, Supervising Meat Inspector, or Branch Chief or an industry-employed and Department-licensed Livestock Meat Inspector or Processing Inspector.
- (27) "Label" means a display of written, printed, or graphic matter upon the immediate container (not including package liners) of any article.
- (28) "Labeling" means all labels and other written, printed, or graphic matter:
 - (A) Upon any article or any of its containers or wrappers; or
 - (B) Accompanying such article.
- (29) "Livestock" means cattle, sheep, swine, goats, and fallow deer or equine for pet food.
- (30) "Meat" means the part of the muscle of any cattle, sheep, swine, goats or fallow deer that is skeletal or that is found in the tongue, in the diaphragm, in the heart, or in the esophagus, with or without the accompanying and overlying fat, and the portions of bone, skin, sinew, nerve, and blood vessels that normally accompany the muscle tissue and that are not separated from it in the process of dressing. It does not include the muscle found in the lips, snout, or ears.
- (31) "Meat and Poultry Inspection Branch" or "MPI" means the Meat and Poultry Inspection Branch of the Department.
- (32) "Meat byproduct" means any part capable of use as human food, other than meat, that has been derived from one or more cattle, sheep, swine, goats, or fallow deer.
- (33) "Meat food product" means any article capable of use as human food that is made wholly or in part from any meat or other portion of the carcass of any cattle, sheep, swine, goats, or fallow deer. This does not include articles exempted from the definition of a meat food product by the Department in specific cases or by the requirements of this subchapter, upon a determination that they contain meat or other portions of such carcasses only in a relatively small proportion or historically have not been considered by consumers as products of the meat food industry. Such exempted articles shall comply with any requirements that are imposed in such cases or regulations to assure that the meat or other portions of such carcasses contained in such articles are not adulterated and that such articles are not represented as meat food products.
- (34) "Nonambulatory" means unable to stand or walk without assistance.
- (35) "Official device" means any device prescribed by section 903.17 of this subchapter for use in applying any official mark.
- (36) "Official establishment" means any slaughtering, curing, smoking, drying, rendering, or similar establishment at which inspection is maintained under the regulations in this subchapter.
- (37) "Official inspection legend" means any symbol prescribed by the regulations in this subchapter showing that an article was inspected and passed in accordance with the Act.
- (38) "Official mark" means the official inspection legend or any other symbol prescribed by the requirements of this subchapter to identify the status of any article or animal under the Act.
- (39) "Packaging material" means any cloth, paper, plastic, metal, or other material used to form a container, wrapper, label, or cover for meat and poultry products.
- (40) "Passed" means the product or ingredient has been inspected and determined to be fit for human food purposes.
 - (41) "Person" means any individual, firm, or corporation.
- (42) "Potentially Hazardous Product" means any meat and/or poultry product that is in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms that may cause food infections or food intoxications. "Potentially hazardous product" does not include meat and/or poultry products that have a pH level of 4.6 or below and/or a water activity (aw) value of 0.85 or less.

- (43) "Poultry" means domestic fowl and domesticated rabbit to be used for human food. "Fowl" includes chickens, turkeys, ducks, geese, squab, quail, pheasant, ratites, and other domesticated birds.
- (44) "Poultry Meat Food Product" means any article of food or any article intended or capable of being used as human food that is derived or prepared, in whole or in substantial and definite part, from any portion of poultry.
- (45) "Poultry Product" means dressed poultry, ready-to-cook poultry, edible poultry by-product, and poultry meat food product. However, the following items contain poultry ingredients only in a relatively small proportion or historically have not been considered by consumers as products of the poultry food industry. Therefore, the following items are exempt from the definition of "poultry product" and the requirements of the Act and the regulations applicable to poultry products, if they comply with the conditions specified in this subchapter:
- (A) Any human food product (in a consumer package) not provided for in subsection (B) of this section, if:
- 1. It contains less than 2 percent cooked poultry meat (deboned white or dark poultry meat, or both);
- 2. It contains less than 10 percent of cooked poultry skins, giblets, or fat, separately, and less than 10 percent of cooked poultry skins, giblets, fat, and meat (as meat is limited in this section) in any combination;
- 3. The poultry ingredients used in the product were prepared under federal inspection or were inspected under a foreign or state inspection system approved by the USDA or Department and imported in compliance with the Act and the requirements of this subchapter;
- 4. The immediate container of the product bears a label that shows the name of the product in accordance with this subchapter; and
- 5. The product is not represented as a poultry product. The aforementioned percentages of ingredients shall be computed on the basis of the moist, deboned, cooked poultry in the ready—to—serve product when prepared according to the serving directions on the consumer package.
- (B) Bouillon cubes, poultry broths, gravies, sauces, seasonings, and flavorings if:
- 1. They contain poultry meat or poultry fat only in condimental quantities:
- 2. They comply with the provisions of subsections (b)(45)(A) 3., 4., and 5. of this section in all respects; and
- 3. In the case of poultry broth, it will not be used in the processing of any poultry product in any official establishment.
- (C) Fat capsules and sandwiches containing poultry products if they comply with the provisions of subsections (b)(45)(A) 3., 4., and 5. of this section in all respects.
- (D) Products of the types specified in this section except those specified in subsections (b)(45)(A) and (C) of this section will be deemed to be represented as poultry products if the kind name of the poultry (chicken, turkey, etc.) is used in the product name of the product without appropriate qualification. For example, a consumer–packaged noodle soup product containing less than 2 percent chicken meat on a ready–to–serve basis may not be labeled "Chicken Noodle Soup" but, when appropriate, could be labeled as "Chicken Flavored Noodle Soup."
- (46) "Prepared" means slaughtered, cured, smoked, dried, rendered, or otherwise manufactured or processed.
- (47) "Process schedule" means a written description of processing procedures, consisting of any number of specific, sequential operations directly under the control of the establishment employed in the manufacture of a specific product, including the control, monitoring, verification, validation, and corrective action activities associated with production.
- (48) "Product" means any carcass, meat, meat byproduct, meat food product, poultry product, or poultry meat food product capable of use as human food.
 - (49) "Program" means the Meat and Poultry Inspection Branch.
- (50) "Renderer" means any person engaged in the business of rendering carcasses or parts or products of the carcasses of any livestock or poultry except rendering of products intended for human consumption and conducted under inspection.

- (51) "Restricted ingredient" means an additive for which the amount that can be used in a meat or poultry product is limited by this subchapter.
 - (52) "State" means the State of California.
- (53) "State Veterinarian" means an officially designated employee of the California Department of Food and Agriculture who has jurisdiction over livestock and poultry disease control, meat inspection, and dairy inspection.
- (54) "Subchapter" references mean the regulations contained in Subchapter 1 of Chapter 4, Division 2, of Title 3 of the California Code of Regulations.
- (55) "Supervision" means the controls, as prescribed in instructions to program employees, to be exercised by them over particular operations to insure that such operations are conducted in compliance with the Act and the requirements of this subchapter.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960 and 18961, Food and Agricultural Code. Reference: Chapter 4 (commencing with section 18650), Chapter 4.1 (commencing with section 18940); and Chapter 6 (commencing with section 19501), of Part 3, Division 9, and Chapter 3 (commencing with section 24951) of Part 1, Division 12, Food and Agricultural Code.

HISTORY

- 1. Repealer of Groups 1 and 2 (§§ 900 through 1175.2) and new Group 1 (§§ 900 through 904 and 920) filed 10–8–70 as an emergency; effective upon filing (Register 70, No. 41). For prior history, see Registers 58–23, 59–20, 61–10, 62–24, 65–1, 65–23, 65–24, 66–6, 66–23, 67–51, 68–26, 68–29, 68–31 and 70–20
- Certificate of Compliance—Section 11422.1, Gov. Code, filed 12–15–70 (Register 70, No. 51).
- Amendment filed 8–4–72; effective thirtieth day thereafter (Register 72, No. 32).
- 4. Repealer of former article 1 (sections 900–921) and section and new article 1 (sections 900–900.3) and section filed 5–31–2007; operative 6–30–2007 (Register 2007, No. 22).

§ 900.1. Incorporation by Reference.

- (a) The following Code of Federal Regulations (CFR), United States Code (USC), and the federal directives and policies, as specified in these regulations (Subchapter 1 of Chapter 4, Division 2, of Title 3 of the California Code of Regulations), are incorporated by reference:
- (1) 9 CFR Parts 301, 307, 309, 310, 311, 312, 313, 314, 316, 317, 318, 319, 320, 381, 416 and 424 (2006).
 - (2) 21 CFR Part 170 (2006).
 - (3) Humane Methods of Slaughter Act, 7 USC section 1901 et seq.
 - (4) Federal Food, Drug, and Cosmetic Act, 21 USC section 301.
 - (5) Wholesome Meat Act, 21 USC section 601(m)(8) and (n).
 - (6) Federal Meat Inspection Act, 21 USC section 71 et seq.
- (7) Directive 7220.1, Food Labeling Division Policy Memoranda (August 2, 2005), published by the United States Department of Agriculture, Food Safety and Inspection Service.
- (8) Directive 7120.1, Safe and Suitable Ingredients Used in the Production of Meat and Poultry Products, Amendment 10 (January 18, 2007), published by the United States Department of Agriculture, Food Safety and Inspection Service.
- (9) Food Standards and Labeling Policy Book (August 2005) published by the United States Department of Agriculture, Food Safety and Inspection Service.
- (b) The following Departmental forms, guidelines, and handbooks, as specified in these regulations (Subchapter 1 of Chapter 4, Division 2, of Title 3 of the California Code of Regulations), are incorporated by reference:
- (1) Meat and Poultry Inspection Form 79–001 (Rev. 12/04) Custom Exempt Registration.
- (2) Meat and Poultry Inspection Branch Form 79–010A (Rev. 12/04) Processing Inspector License Application.
- (3) Meat and Poultry Inspection Branch Form 79–008A (Rev. 12/04) Livestock Meat Inspector License Application.

- (4) Meat and Poultry Inspection Branch Form 79–002A (Rev. 12/04) Custom Livestock Slaughter or Meat Processing Plant License Application
- (5) Meat and Poultry Inspection Branch Form 79–014 (Rev. 12/04) Application and Permit to Obtain Specimens from Official Meat Inspection Establishment.
- (6) Meat and Poultry Inspection Branch Form 79–030 (Rev. 12/04) Plant Inspection Report.
- (7) Meat and Poultry Inspection Branch Form 79–038 (Rev. 12/04) Schedule of Operations.
- (8) Meat and Poultry Inspection Branch Form 79–039 (Est. 4/05) General Facility Notes.
- (9) Meat and Poultry Inspection Branch Form 79–070 (Rev. 12/04) Daily and Monthly Processing Report.
- (10) Meat and Poultry Inspection Branch Form 79–071 (Rev. 12/04) Monthly Report Processing Operations at State Inspected Meat and Poultry Official Establishments.
- (11) Meat and Poultry Inspection Branch Form 79–072 (Rev. 12/04) Daily Livestock Slaughter Report.
- (12) Meat and Poultry Inspection Branch Form 79–073 (Rev. 12/04) Monthly Summary Livestock Slaughtered and Inspected.
- (13) Meat and Poultry Inspection Branch Form 79–080 (Rev. 12/04) Label Formulation and Approval.
- (14) Meat and Poultry Inspection Branch Form 79–082 (Rev. 12/04) In–Depth Review of Cooked Sausage.
- (15) Meat and Poultry Inspection Branch Form 79–085 (Rev. 12/04) In–Depth Review of Cured/Cooked and Smoked Meats.
- (16) Meat and Poultry Inspection Branch Form 79–086 (Rev. 12/04) Smokehouse Chart.
- (17) Meat and Poultry Inspection Branch Form 79–087 (Rev. 12/04) Plants Freezing Pork to Destroy Trichina.
- (18) Meat and Poultry Inspection Branch Form 79–088 (Rev. 12/04) Plant Certified Pork Use Record.
- (19) Meat and Poultry Inspection Branch Rev. 9/04 Custom Livestock Slaughterhouse Plan Guidelines.
- (20) Meat and Poultry Inspection Branch Rev. 9/04 Custom Livestock Slaughterhouse Construction and Equipment Guidelines.
- (21) Meat and Poultry Inspection Branch Rev. 9/04 Meat Processing Establishment Plan Guidelines.
- (22) Meat and Poultry Inspection Branch Rev. 9/04 Meat Processing Establishment Construction and Equipment Guidelines.
- (23) Meat and Poultry Inspection Branch Rev. 6/05 California Department of Food and Agriculture, Livestock Slaughter Inspection Handbook
- (24) Meat and Poultry Inspection Branch Rev. 5/03 California Department of Food and Agriculture, Processing Inspector Handbook.
- NOTE: Authority cited: Sections 407, 18693, 18735, 18960 and 18961, Food and Agricultural Code. Reference: Chapter 4 (commencing with section 18650), Chapter 4.1 (commencing with section 18940), and Chapter 6 (commencing with section 19501), of Part 3, Division 9, and Chapter 3 (commencing with section 24951) of Part 1, Division 12, Food and Agricultural Code; 9 CFR Parts 301, 307, 309, 310, 311, 312, 313, 314, 316, 317, 318, 319, 320, 381, 416 and 424 (2006), 21 CFR Part 170 (2006), Humane Methods of Slaughter Act, 7 USC section 1901 et seq., Federal Food, Drug, and Cosmetic Act, 21 USC section 301 et seq., Wholesome Meat Act, 21 USC section 601 et seq.; and the Federal Meat Inspection Act, 21 USC section 71 et seq.

HISTORY

- 1. New section filed 4–14–76 as an emergency; effective upon filing (Register 76, No. 16).
- 2. Certificate of Compliance filed 5-19-76 (Register 76, No. 21).
- 3. Amendment of subsection (b)(7) filed 6–3–85; effective thirtieth day thereafter (Register 85, No. 23).
- New subsection (e) and amendment of Note filed 12–26–2001; operative 1–25–2002 (Register 2001, No. 52).
- 5. Repealer and new section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 900.2. Code of Federal Regulations (CFR) Terminology.

(a) The terminology used in 9 CFR (2006) shall mean the following corresponding terminology as used or referenced in this subchapter:

9 CFR (2006)	Subchapter 1 of Chapter 4, Division 2 of Title 3 of the California Code of Regulations
Secretary of Agriculture, United States Department of Agriculture, Food Safety and Inspection Service (FSIS)	Secretary of the California Department of Food and Agriculture or the Director of the California Department of Food and Agriculture, Division of Animal Health and Food Safety Services
Administrator	Director of the California Department of Food and Agriculture, Division of Animal Health and Food Safety Services, or the Chief of the Meat and Poultry Inspection Branch
Deputy Administrator, Meat and Poultry Inspection	Chief of the Meat and Poultry Inspection Branch
Circuit Supervisor	Area Supervisor of the Meat and Poultry Inspection Branch
Interstate Commerce	Intrastate Commerce within California
FSIS Inspection	California Inspection
Inspector in Charge or Veterinary Medical Officer	Meat Food Inspector or Supervising Meat Inspector or Veterinary Medical Officer of the Meat and Poultry Inspection Branch
US Condemned	California Condemned
US Suspect	California Suspect
US Retained	California Retained
US Rejected	California Rejected
US Inspected and Condemned	California Inspected and Condemned
US Inspected and Passed	California Inspected and Passed
Food Labeling Division or Regulatory Programs	Meat and Poultry Inspection Branch

(b) Any references to the Federal Food, Drug, and Cosmetic Act, 21 USC section 301 et seq., and the Federal Meat Inspection Act, 21 USC section 71 et seq., as amended by the Wholesome Meat Act 21 USC section 601 et seq., shall refer to the corresponding California Meat and Poultry Inspection Act, Chapter 4 (commencing with section 18650) of Part 3, Division 9, of the Food and Agricultural Code. However, any federal references to foreign commerce shall not be applicable to this subchapter.

(c) References to specific parts of 9 CFR (2006) shall refer to the articles or sections of this subchapter according to the following table:

0 CED (2000)

Section 900. Definitions
Article 3. Facilities for Inspection and Sanitation
Article 4. Ante-mortem Inspection
Article 5. Post–Mortem Inspection
Article 6. Disposal of Diseased or Otherwise Adulterated Carcasses and Parts; General
Article 9. Marking Products and Containers
Article 7. Humane Slaughter of Livestock

9 CFR (2006)	Subchapter 1 of Chapter 4, Division 2 of Title 3 of the California Code of Regulations
Part 314. Handling and Disposal of Condemned or Other Inedible Products at Official Establishments	Article 8. Handling and Disposal of Condemned or Other Inedible Products at Official Establishments
Part 316. Marking Products and Their Containers	Article 9. Marking Products and Containers
Part 317. Labeling, Marking Devices, and Containers	Article 10. Labeling, Marking Devices, and Containers
Part 318. Entry Into Official Establishments; Reinspection and Preparation of Products	Article 11. Entry Into Official Establishments; Reinspection and Preparation of Products
Part 319. Definitions and Standards of Identity or Composition	Article 12. Definitions and Standards of Identity or Composition
Part 320. Records, Registration, and Reports	Article 14. Records and Reports
Part 416. Sanitation	Article 3. Facilities for Inspection and Sanitation Requirements
Part 424. Preparation and Processing Operations	Article 13. Preparation and Processing Operations

NOTE: Authority cited: Sections 407 and 18735, Food and Agricultural Code. Reference: Section 18735, Food and Agricultural Code; and 9 CFR Parts 301, 307, 309, 310, 311, 312, 313, 314, 316, 317, 318, 319, 320, 416 and 424 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 900.3. Scope of Inspection.

(a) State inspection is required for those establishments and products subject to inspection pursuant to Chapter 4 (commencing with section 18650), Chapter 4.1 (commencing with section 18940), Chapter 4.5 (commencing with section 19051), Chapter 5 (commencing with section 19200), and Chapter 6 (commencing with section 19501), of Part 3, Division 9, Food and Agricultural Code, and Chapter 2 (commencing with section 24651), and Chapter 3 (commencing with section 24951), of Part 1, Division 12, Food and Agricultural Code, and that are not under inspection by the United States Department of Agriculture, or apply to the Department for an exemption pursuant to section 19020 of the Food and Agricultural Code. Applicants for exemption shall complete the Meat and Poultry Inspection Form 79–001(Rev. 12/04), Custom Exempt Registration Form, which shall be provided by the Department upon request.

(b) The following establishments and products therefrom, while operating and distributing products solely within California and while under exemption from federal inspection pursuant to 9 CFR sections 303.1 and 381.10 (2006), require state inspection:

- (1) The custom slaughter by any person of cattle, sheep, swine, or goats delivered by the owner thereof for such slaughter, and the preparation by such slaughterer and transportation in intrastate commerce of the carcasses, parts thereof, and meat and meat food products of such livestock, exclusively for use, in the household of such owner, by him, members of his household, and his nonpaying guests and employees.
- (2) The custom slaughter by any person of poultry delivered by the owner for such slaughter, and the processing by such slaughterer and transportation in intrastate commerce of the poultry products exclusively for use, in the household of such owner, by him, members of his household, and his nonpaying guests and employees.
- (3) Operations involving the preparation of products of cattle, sheep, swine, goats, or poultry traditionally and usually conducted at retail stores and restaurants, when conducted at any retail store, restaurant, or similar retail-type establishment, for sale in normal retail quantities or service of such articles to consumers at such establishments when involving curing, drying, smoking, or rendering. A normal retail quantity is an amount in accordance with 9 CFR section 303.1(d)(2)(ii) (2006).

- (c) State inspection is required, except where exempted by sections 24713, 24714, 25022, 25023, 25702, and 25704 of the Food and Agricultural Code, at every establishment that slaughters poultry and is not under inspection by the United States Department of Agriculture.
- (d) This section does not affect activities involving horsemeat and pet food pursuant to Chapter 5 (commencing with section 19200) of Part 3, Division 9, of the Food and Agricultural Code.
- (e) The following establishments that are not under inspection under the Federal Wholesome Meat Act are required to have state inspection pursuant to Chapter 4.1 (commencing with section 18940) of Part 3, Division 9 of the Food and Agricultural Code: establishments slaughtering fallow deer and/or preparing fallow deer products for transportation and/or sale.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960 and 18961, Food and Agricultural Code. Reference: Chapter 4 (commencing with section 18650), Chapter 4.1 (commencing with section 18940), Chapter 4.5 (commencing with section 19051), Chapter 5 (commencing with section 19200), and Chapter 6 (commencing with section 19501), of Part 3, Division 9, Food and Agricultural Code, and Chapter 2 (commencing with section 24651), and Chapter 3 (commencing with section 24951), of Part 1, Division 12, Food and Agricultural Code; and 9 CFR sections 303.1 and 381.10 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

Article 2. Supplemental Requirements, Licensing and Inspection

§ 901. Authority of Livestock Meat Inspectors, Processing Inspectors, and Persons Responsible for Operation of Custom Livestock Slaughterhouses and Meat Processing Establishments.

- (a) No person licensed as a livestock meat inspector or processing inspector and no person responsible for the operation of a custom livestock slaughterhouse or meat processing establishment shall exercise the authority of the license:
- (1) To perform or allow the performance of any operation not in accordance with the requirements in this subchapter: or
- (2) Contrary to instructions of a Department inspector, including instructions relating to proper procedures, wholesomeness inspection, condemnation, or other disposition of diseased animals, carcasses, parts and adulterated or mislabeled meat and poultry products; sanitation inspection; and the maintenance of accurate records.
- (b) No person licensed as a livestock meat inspector or processing inspector and no person responsible for the operation of a custom livestock slaughterhouse or meat processing establishment shall allow establishment duties to interfere with livestock meat inspector and processing inspector official inspection duties.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18971, 18972, 18973 and 18974, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 6–3–85; effective thirtieth day thereafter (Register 85, No. 23).
- 2. Amendment filed 12-26-2001; operative 1-25-2002 (Register 2001, No. 52).
- 3. Amendment relocating article 2 heading from section 927 to section 901 (thereby establishing article 2 as comprising sections 901–901.11), repealer of former section 901 and renumbering former section 927 to new section 901, including amendment of section heading, section and NOTE, filed 5–31–2007; operative 6–30–2007 (Register 2007, No. 22).

§ 901.1. Condemnation and Retention of Product.

Violation of any provisions of Chapter 4 (commencing with section 18650) or of Chapter 4.1 (commencing with section 18940) of Part 3, Division 9 of the Food and Agricultural Code or this subchapter, shall be grounds for condemnation of affected product when in the judgment of a Department inspector such violation could affect the wholesomeness of such product. Other violations affecting the product or its packaging

shall be grounds for retention of the product until the violation is corrected.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18991, 19001, 19012 and 19017, Food and Agricultural Code.

HISTORY

1. Renumbering of former section 928 to new section 901.1, including amendment of section and NOTE, filed 5–31–2007; operative 6–30–2007 (Register 2007, No. 22).

§ 901.2. Grounds for Disciplinary Action.

Violation of any provisions of Chapter 4 (commencing with section 18650) or of Chapter 4.1 (commencing with section 18940) of Part 3, Division 9 of the Food and Agricultural Code, or the requirements of this subchapter, shall be grounds for disciplinary action against the license or firm involved. Continued violation shall be grounds for permanent withdrawal of plant inspection.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 19017, 19030, 19035 and 19036, Food and Agricultural Code.

HISTORY

1. Renumbering of former section 929 to new section 901.2, including amendment of section and Note, filed 5–31–2007; operative 6–30–2007 (Register 2007, No. 22).

§ 901.3. Licenses.

- (a) Applicants for a Processing Inspector license shall complete the Meat and Poultry Inspection Branch Form 79–010A (Rev. 12/04), Processing Inspector License Application. Applicants for a Livestock Meat Inspector license shall complete the Meat and Poultry Inspection Branch Form 79–008A (Rev. 12/04), Livestock Meat Inspector License Application. The forms may be obtained by contacting the Department. Applicants for licensure or renewal shall submit the fees required by section 18980 of the Food and Agricultural Code.
- (b) License applicants, upon payment of the application fee, shall be furnished by the Department with a copy of extracts from the Food and Agricultural Code and the California Code of Regulations pertaining to meat and poultry inspection, the Department's Processing Inspector Handbook (5/03 Edition) or Livestock Slaughter Inspection Handbook (6/05 Edition), and other information that the applicant should know to pass the examination and properly conduct inspection activities. Duplicate materials shall be furnished at cost.
- (c) Each licensee shall maintain a current copy of the applicable state and federal statutes and regulations and Department handbook at each establishment where the inspector is performing inspection services.
- (d) Identification of livestock meat inspectors and processing inspectors. The current license renewal certificate or a copy thereof for each licensed livestock meat inspector or processing inspector shall be posted in a readily visible location at each official establishment where they are employed.
- (e) No person licensed as a livestock meat inspector or processing inspector shall purport to exercise license authority while not on official duty at an establishment subject to inspection.
- (f) Applicants for a license to operate a custom livestock slaughter establishment or a meat processing plant must complete MPI Form 79–002A (Rev. 12/04), Custom Livestock Slaughter or Meat Processing Plant License Application, provided by the Department. Applicants for license issuance or renewal shall submit the fees required by sections 19010 and 19011 of the Food and Agricultural Code.
- (g) If the license for a livestock slaughter establishment or meat processing establishment is issued to other than a natural person, the license shall also state the name of a natural person or persons responsible for operations under the license. Any change in ownership, authorized agent or location of a livestock slaughter establishment or meat processing establishment requires a new application fee and license. Any such change in ownership, authorized agent or location of a custom livestock slaughterhouse or meat processing establishment shall subject the establishment's facilities, equipment, and procedures to reassessment by the Department to determine the establishment's adequacy to produce wholesome product before issuance of a new license. Such reassessment

Page 76.2

shall be equivalent to that required by the Department for a newly proposed establishment.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961, 18962, 19010, 19011 and 19014, Food and Agricultural Code. Reference: Sections 18980, 18981, 18990 and 19000, Food and Agricultural Code.

HISTORY

 Renumbering of former section 931 to new section 901.3, including amendment of section and NOTE, filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 901.4. Examinations.

- (a) The Department shall conduct mandatory inductive training for persons desiring to become licensed pursuant to Chapter 4.1 (commencing with section 18940) of Part 3, Division 9, of the Food and Agricultural Code. The inductive training shall relate to subjects covered in license examinations and job requirements and shall include the following areas:
- (1) Livestock Slaughter Training for applicants to become livestock meat inspectors.
 - (A) Basic sanitation of equipment and facilities;
 - (B) Rodent and pest control;
 - (C) Sanitary dressing procedures and product handling;
 - (D) Records and record keeping;
 - (E) Ante-mortem and post-mortem inspection techniques;
- (F) Common generalized and localized conditions seen on ante-mortem and post-mortem inspection as outlined in the regulations; and
 - (G) Disposition of diseased carcasses and parts.
- (2) Meat Processing Inspection Training for applicants to become processing inspectors.
 - (A) Basic sanitation of equipment and facilities;
 - (B) Sanitary product handling;
 - (C) Records and record keeping;
 - (D) Recognizing localized disease conditions;
 - (E) Rodent and pest control;
 - (F) Proper formulation of meat food products;
 - (G) Fat and moisture control;
 - (H) Control of restricted ingredients;
 - (I) Trichina control; and
 - (J) Adulteration and mislabeling.
- (b) Plant management shall provide time and resources for the training of employees who apply to become livestock meat inspectors or processing inspectors. The time and resources provided shall be what are required to enable the applicant to acquire the knowledge and skills necessary to pass the written and oral/practical examinations required to become a livestock meat inspector or a processing inspector.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961, 18962 and 19014, Food and Agricultural Code. Reference: Sections 18982, 18983, 18990 and 19000, Food and Agricultural Code.

HISTORY

 Renumbering of former section 932 to new section 901.4, including amendment of section and Note, filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 901.5. Mandatory Maintenance Training.

- (a) The Department shall conduct mandatory annual maintenance training for licensed livestock meat inspectors and processing inspectors. The Department shall provide licensees with training information at least one month before scheduled training, including the location and dates of training classes throughout California.
- (b) Each licensed livestock meat inspector and processing inspector shall be responsible for attending formal annual maintenance training provided by the Department. The training shall cover topics such as sanitation, ante— and post—mortem inspections and dispositions, humane handling and slaughter of livestock, product formulation and restricted ingredient control, pathogen reduction, microbiology, and current topics in meat and poultry processing and inspection.
- (c) Failure of a livestock meat inspector or processing inspector to attend annual maintenance training, as specified in subsection (a) of this section shall be grounds for non-renewal, suspension, or revocation of the livestock meat inspector or processing inspector license.

(d) It is the responsibility of official establishment management and of licensed livestock meat inspectors and processing inspectors to make arrangements in the work schedule to attend annual maintenance training.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961, 18962 and 19014, Food and Agricultural Code. Reference: Sections 18982, 18983, 18990 and 19000, Food and Agricultural Code.

HISTORY

1. New section filed 5–31–2007; operative 6–30–2007 (Register 2007, No. 22).

§ 901.6. Animals Killed off Premises.

Livestock that have been killed or bled off the premises of a custom livestock slaughter establishment, or animals that have died other than by slaughter, with the exception of livestock that have died en route and are received with livestock for slaughter, shall not be brought on the premises of a custom slaughter establishment. Livestock that have died en route shall be immediately disposed of in accordance with section 907 of this subchapter and shall not enter edible product areas of the official establishment.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Section 18991, Food and Agricultural Code.

HISTORY

1. Renumbering of former section 933 to new section 901.6, including amendment of section and Note, filed 5–31–2007; operative 6–30–2007 (Register 2007, No. 22)

§ 901.7. Presence of Inspector on Premises.

- (a) A livestock meat inspector shall be present on the premises of the livestock slaughter establishment during slaughter and shall supervise sanitary dressing procedures and perform post-mortem inspection of each carcass and part while the viscera is identified with the respective carcasses.
- (b) A processing inspector shall be present on the premises of a meat processing establishment when product is being formulated and when monitoring of weights or temperatures is required.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18991, 19000, 19001 and 19012, Food and Agricultural Code.

.. History

 Renumbering of former section 934 to new section 901.7, including amendment of section and Note, filed 5–31–2007; operative 6–30–2007 (Register 2007, No. 22).

§ 901.8. Inspector Responsibilities.

- (a) Livestock meat inspectors and processing inspectors shall inspect slaughter and processing operations in official establishments to ensure that meat and poultry products are produced in compliance with applicable requirements of Chapter 4 (commencing with section 18650) or Chapter 4.1 (commencing with section 18940) of Part 3, Division 9, of the Food and Agricultural Code, and this subchapter.
- (b) Livestock meat inspectors and processing inspectors shall inspect official establishments to ensure they conduct operations that require state inspection on days and during hours specified on each establishment's current MPI Form 79–038 (Rev. 12/04), Schedule of Operations, unless different days or hours are approved in advance by the Department.
- (c) A processing inspector shall complete, at least once a year, an indepth review, on MPI Form 79–082 (Rev.12/04), In–Depth Review of Cooked Sausage, for each cooked sausage product and an in–depth review, on MPI Form 79–085 (Rev. 12/04), In–Depth Review of Cured, Cooked and Smoked Meats, for each cured, cooked, and smoked meat product produced in the meat processing establishment where the inspector is employed. The in–depth review forms shall be presented, upon completion, to a Department inspector for approval and signature.
- (d) When, during an in–depth review for a product, the processing inspector finds any deviation(s) from the requirements of Chapter 4 (commencing with section 18650) or Chapter 4.1 (commencing with section 18940) of Part 3, Division 9, of the Food and Agricultural Code, this subchapter, and the approved MPI Form 79–080 (Rev. 12/04), Label and Formulation Approval, for the product, the inspector shall place a

California Retained tag on the involved lot of product and immediately contact the Department. A program employee shall determine the disposition of the product and shall require the official establishment to take corrective measures, if necessary, to assure that the product conforms to its standard of identity and is wholesome and unadulterated before it is presented for sale. If the official establishment does not or cannot correct the deviation(s), the product shall be condemned and disposed of in accordance with section 907 of this subchapter.

- (e) The processing inspector shall review all labels and product formulations with the Department inspector before sending them, with a completed MPI Form 79–080 (Rev. 12/04), Label and Formulation Approval, to the Department for approval.
- (f) A processing inspector shall record the temperature of each lot of smoked product on MPI Form 79–086 (Rev. 12/04), Smokehouse Chart, and shall complete all items on a line on the smokehouse chart at least once a month.
- (g) A processing inspector shall notify the Department when the official establishment makes a change in product formulation or in product manufacturing procedures.
- (h) A processing inspector shall inspect the processing of each cured pork or cured beef product produced by the establishment at least once a month, using the following procedure:
- (1) Mark one or more pieces of uncured meat with its weight. This is called the green weight of the product.
- (2) Determine the weight of the cured product before it is cooked/smoked. This is called the pumped weight of the product. Check the pumped weight against the green weight to determine compliance with procedures in the approved MPI Form 79–080 (Rev. 12/04), Label and Formulation Approval, for the product.
- (3) Plant management shall notify the processing inspector of the time the establishment plans to cure or pump product. This is to provide opportunity for the inspector to record the green weight of the meat and the amount of curing solution uptake during processing.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18991, 19000, 19001 and 19012, Food and Agricultural Code.

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 901.9. Custom Livestock Slaughterhouse or Meat Processing Establishment: Approval of Plans, Notice of Approval, and Granting of a License.

- (a) Each applicant for a license to operate a custom livestock slaughterhouse or a meat processing establishment shall submit copies of plans, in triplicate, drawn to scale, not necessarily blueprints, and with specifications detailing the finish of all walls, floors, ceilings, doors, and door casings; ceiling heights; dimensions of doorways; diameter of floor drains and principal drainage lines; and slope of window sills. The plans shall show the locations of features such as walls, windows, doorways, principal pieces of equipment, floor drains, principal drainage lines, lavatories, hand washing basins, hose connections for cleanup purposes, and conveyor rails. The plans shall indicate the use of each room of the establishment. There shall also be a plot plan, drawn to scale, showing features such as the limits of the establishment's premises, locations in outline of buildings on the premises, cardinal points of the compass, locations of wells, locations of septic tanks and lagoons, and roadways and railroads serving the establishment.
- (b) Each applicant for a license to operate a custom livestock slaughterhouse or a meat processing establishment shall submit, along with the plans described in subsection (a) of this section, a completed MPI Form 79–039 (Est. 4/05), General Facility Notes. The applicant shall also submit a completed MPI Form 79–002A (Rev. 12/04), Custom Livestock Slaughter or Meat Processing Plant License Application. Ap-

plicants for licensure and renewal shall submit the fees required by sections 19010 and 19011 of the Food and Agricultural Code.

- (c) Each applicant for a license to operate a custom livestock slaughterhouse or a meat processing establishment shall submit official results of tests for potability of the establishment's water supply provided by the California Department of Health Services, from an agency or laboratory approved by the California Department of Health Services, or laboratory of the Department.
- (d) Persons intending new construction or major reconstruction may request information about plans, construction, and equipment from the Branch before submitting plans. Upon request, the Branch will provide the Meat Processing Establishment Plan Guidelines (Rev. 9/04), the Custom Livestock Slaughterhouse Plan Guidelines (Rev. 9/04), the Meat Processing Establishment Construction and Equipment Guidelines (Rev. 9/04), or the Custom Livestock Slaughterhouse Construction Guidelines (Rev. 9/04).
- (e) The Department shall provide a written notice to each applicant granted approval and licensure, specifying the establishment to which the same applies.
- (f) Each applicant shall provide written acknowledgement, such as a use permit, from the local zoning authority, that shows the zoning authority is aware of and approves the operation of a custom livestock slaughterhouse or a meat processing establishment at the proposed location

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961, 19014, 19010 and 19011, Food and Agricultural Code. Reference: Sections 18991, 19000, 19001 and 19012, Food and Agricultural Code.

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 901.10. Official Numbers; Separation from Non–licensed Plants.

- (a) An official number shall be assigned to each establishment granted a license by the Department. Such number shall be used to identify all products prepared in the establishment. More than one number shall not be assigned to an official establishment.
- (b) Each official establishment shall be physically separate and distinct from any non-licensed establishment in which any product is handled, and from any other non-licensed establishment at the direction of the Department.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18725, 18970, 18971, 19010, 19014 and 19017, Food and Agricultural Code.

HISTORY

1. New section filed 5–31–2007; operative 6–30–2007 (Register 2007, No. 22).

§ 901.11. Schedule of Operations

- (a) Each licensed custom livestock slaughterhouse and each licensed meat processing establishment shall complete and submit to the Department an MPI Form 79–038 (Rev. 12/04), Schedule of Operations, specifying the days and weeks of the month and the hours of the day that the plant operates.
- (b) Each licensed custom livestock slaughterhouse and each licensed meat processing establishment shall complete and submit to the Department a new MPI Form 79–038 (Rev. 12/04), Schedule of Operations, whenever the establishment makes a permanent change in the frequency or times of its operations.
- (c) If a licensed custom livestock slaughterhouse or a licensed meat processing establishment plans to temporarily operate on days and/or at times other than those listed on its current MPI Form 79–038, the establishment management shall contact the area supervisor by telephone at least 24 hours in advance of such unscheduled operations to inform him of its intent.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18738, 18971, 18973, 18976, 19012, 19014 and 19017, Food and Agricultural Code.

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

Article 3. Facilities for Inspection and Sanitation

§ 902. General Requirements.

Each official establishment must be operated and maintained in a manner to prevent the creation of insanitary conditions and to ensure that product is not adulterated. When the establishment is not operating during scheduled hours of operation, as indicated on MPI Form 79–038 (Rev. 12/04), Schedule of Operations, all plant equipment and facilities shall be clean and sanitary.

NOTE: Authority cited: Sections 407, 18693, 18726, 18735, 18960, 18961 and 19014. Food and Agricultural Code. Reference: Sections 18725, 18732, 18754, 18948, 18951, 18952, 18971, 18973, 19011 and 19017, Food and Agricultural Code.

HISTORY

1. New article 3 (sections 902–902.14) and repealer and new section filed 5–31–2007; operative 6–30–2007 (Register 2007, No. 22).

§ 902.1. Facilities for Inspection — Program Employees.

Office space, including desk space, a chair, file space, light, and heat shall be provided by official establishments, rent free, for the use of the inspector and other program employees while conducting official business.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960 18961 and 19014, Food and Agricultural Code. Reference: Sections 18728 and 18732, Food and Agricultural Code.

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 902.2. Other Facilities and Conditions Provided by Official Establishments.

- (a) When required by the area supervisor, the following facilities and conditions, and such others as may be found to be essential to the conduct of inspection and maintenance of sanitary conditions, shall be provided by each official establishment.
- (1) Pens, equipment, and assistants for conducting ante-mortem inspection and for separating, marking, and holding livestock marked "California Suspect" or "California Condemned" apart from passed livestock. Pens, alleys, and runways shall be paved, drained, and supplied with hose connections for cleanup purposes.
- (2) Natural or artificial lighting or a combination of natural and artificial lighting in order to conduct inspections. The following measurements shall be taken at a height of 30 inches off the floor:
 - (A) At least 50 foot candles at post-mortem inspection stations.
- (B) At least 30 foot candles at ante-mortem inspection stations and in processing areas.
 - (C) At least 10 foot candles in all other areas of the establishment.
- (3) Racks, receptacles, or other suitable devices for retaining parts such as the head, tongue, tail, thymus gland, and viscera, and all parts and blood to be used in the preparation of meat food products or medical products, until after the post–mortem examination is completed, in order that they may be identified in case of condemnation of the carcass.
- (4) Equipment, trucks, and receptacles for the handling of viscera of slaughtered animals to prevent contact with the floor.
- (5) Tables, benches, and other equipment on which inspection is to be performed, of such design, material, and construction as to enable inspectors to conduct their inspections in an efficient and sanitary manner.
- (6) Watertight trucks or receptacles for holding and handling diseased carcasses and parts, so constructed as to be readily cleaned; such trucks or receptacles shall have the phrase "CONDEMNED" in letters not less than 2 inches high, and, when required by the area supervisor, shall be equipped with facilities for locking or sealing.
- (7) Liquid soap, cleansers, sanitizers, and hot water for cleansing and disinfecting hands and for sterilizing all implements used in dressing diseased carcasses, floors, and such other articles and places as may be con-

taminated by diseased carcasses or otherwise. Custom livestock slaughterhouses shall have a container of hot water near the eviscerating area that is maintained during all scheduled hours of operation at a temperature of 180°F or greater. This container of hot water shall be large enough to enable immersion of the blade of each knife, saw, or other similar implement used in skinning, evisceration, and splitting of livestock carcasses

- (8) Retention rooms, cages, or other compartments, and receptacles in which carcasses and product may be held for further inspection, shall be in such number and in such locations as the needs of inspection in the establishment require; shall be equipped for secure locking or sealing and shall be held under locks or official seals furnished by the Department; the keys of such locks shall not leave the custody of program employees. Every such room, compartment, or receptacle shall be marked with the phrase "RETAINED" in letters not less than 2 inches high; rooms or compartments for these purposes shall be locked or sealed and kept clean, including sanitary disposal of floor liquids; establishment employees shall not enter any retention rooms or compartments or open any retention receptacles unless authorized by program employees.
- (9) Facilities, equipment, and denaturing materials for the disposal of condemned articles in accordance with the regulations in this subchapter.
- (10) Docks and receiving rooms shall be designated by the operator of the official establishment and approved by the area supervisor for the receipt and inspection of all products.
- (b) In addition to any facilities required to accomplish sanitary dressing procedures, the following are required:
- (1) A minimum of 50 foot candles of shadow–free lighting at the inspection surfaces of the head, viscera, and carcass.
- (2) A hand wash lavatory (other than one which is hand operated) located adjacent to the inspector's work area and furnished with liquid soap, disposable single—use towels, a waste receptacle, and hot and cold-running water.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18728 and 18732, Food and Agricultural Code.

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 902.3. Inspectors.

Inspectors shall furnish their own work clothing and implements for conducting inspection and shall maintain their implements in sanitary condition as prescribed by section 902.5 of this article.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960 and 18961, Food and Agricultural Code. Reference: 18661, 18726, 18736, 18941, 18942, 18943, 18952, 18973, 18991 and 19000, Food and Agricultural Code.

HISTORY

1. New section filed 5–31–2007; operative 6–30–2007 (Register 2007, No. 22).

§ 902.4. Official Establishment Grounds and Facilities.

Official establishment grounds and facilities shall be constructed and maintained in accordance with 9 CFR section 416.2 (2006).

Note: Authority cited: Sections 407, 18693, 18726, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18725, 18732, 18754, 18948, 18951, 18952, 18971, 18973, 19011 and 19017, Food and Agricultural Code; and 9 CFR section 416.2 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 902.5. Equipment and Utensils.

Equipment and utensils in official establishments shall be constructed and maintained in accordance with 9 CFR section 416.3 (2006).

NOTE: Authority cited: Sections 407, 18693, 18726, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18725, 18732, 18754, 18948, 18951, 18952, 18971, 18973, 19011 and 19017, Food and Agricultural Code; and 9 CFR section 416.3 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 902.6. Sanitary Operations.

Operations in official establishments shall be conducted in a sanitary manner in accordance with 9 CFR section 416.4 (2006).

NOTE: Authority cited: Sections 407, 18693, 18726, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18725, 18732, 18754,

18948, 18951, 18952, 18971, 18973, 19011 and 19017, Food and Agricultural Code; and 9 CFR section 416.4 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 902.7. Employee Hygiene.

Employee hygiene in official establishments shall be maintained in accordance with 9 CFR section 416.5 (2006).

NOTE: Authority cited: Sections 407, 18693, 18726, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18725, 18732, 18754, 18948, 18951, 18952, 18971, 18973, 19011 and 19017, Food and Agricultural Code; and 9 CFR section 416.5 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 902.8. Tagging Insanitary Equipment, Utensils, Rooms, or Compartments.

- (a) Red and green "California Rejected" tags are utilized by inspectors and program employees for rejecting equipment, utensils, rooms, or compartments or for retaining a product.
- (b) When an inspector finds that any equipment, utensil, room, or compartment at an official establishment is insanitary, or that its use could cause adulteration of product, the inspector will attach a red or green "California Rejected" tag as appropriate.
- (c) Equipment, utensils, rooms, or compartments so tagged shall not be used until made acceptable and released for use upon reinspection by an inspector.
- (d) Only a program employee may remove a red "California Rejected" tag. Livestock meat inspectors, processing inspectors, and program employees may remove a green "California Rejected" tag.

NOTE: Authority cited: Sections 407, 18693, 18726, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18725, 18732, 18754, 18948, 18951, 18952, 18971, 18973, 18975, 19011 and 19017, Food and Agricultural Code.

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 902.9. Development of Sanitation Standard Operating Procedures.

- (a) On or before January 1, 2010, each official establishment shall develop, implement, and thereafter maintain written sanitation standard operating procedures (Sanitation SOP's) in accordance with the requirements of this article.
- (b) Sanitation SOP's shall be developed in accordance with 9 CFR section 416.12 (2006).

NOTE: Authority cited: Sections 407, 18693, 18726, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18725, 18754, 18948, 18951, 18952, 18971 and 19017, Food and Agricultural Code; and 9 CFR section 416.12 (2006).

HISTORY

- 1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).
- 2. Amendment of subsection (a) filed 7–25–2008; operative 8–24–2008 (Register 2008, No. 30).

§ 902.10. Implementation of Sanitation SOP's.

Each official establishment shall implement Sanitation SOP's in accordance with 9 CFR section 416.13 (2006).

Note: Authority cited: Sections 407, 18693, 18726, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18725, 18754, 18948, 18951, 18952, 18971 and 19017, Food and Agricultural Code; and 9 CFR section 416.13 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 902.11. Maintenance of Sanitation SOP's.

Each official establishment shall maintain its Sanitation SOP's in accordance with 9 CFR section 416.14 (2006).

NOTE: Authority cited: Sections 407, 18693, 18726, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18725, 18754, 18948, 18951, 18952, 18971 and 19017, Food and Agricultural Code; and 9 CFR section 416.14 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 902.12. Corrective Actions.

Each official establishment shall take corrective actions in accordance with 9 CFR section 416.15 (2006).

NOTE: Authority cited: Sections 407, 18693, 18726, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18725, 18754, 18948, 18951, 18952, 18971 and 19017, Food and Agricultural Code; and 9 CFR section 416.15 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 902.13. Records Retention.

Each official establishment shall keep and retain records in accordance with 9 CFR section 416.16 (2006).

NOTE: Authority cited: Sections 407, 18693, 18726, 18727, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18725, 18754, 18948, 18951, 18952, 18971 and 19017, Food and Agricultural Code; and 9 CFR section 416.16 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 902.14. Department Verification.

The Department shall verify the adequacy and effectiveness of each official establishment's Sanitation SOP's in accordance with 9 CFR section 416.17 (2006).

NOTE: Authority cited: Sections 407, 18693, 18726, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18725, 18754, 18948, 18951, 18952, 18971 and 19017, Food and Agricultural Code; and 9 CFR section 416.17 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

Article 4. Ante-Mortem Inspection

§ 903. Ante-Mortem Inspection in Pens of Official Establishments.

- (a) All livestock offered for slaughter in an official establishment shall be inspected on the day of and before slaughter unless prior arrangements acceptable to the Department have been made in specific cases for such inspection to be made on a different day before slaughter.
- (b) Ante-mortem inspection shall be made in pens on the premises of the establishment where the livestock are offered for slaughter before the livestock shall be allowed to enter into any section of the establishment where they are to be slaughtered or dressed or in which edible products are handled.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960 and 18961, Food and Agricultural Code. Reference: Sections 18721, 18943, 18945, 18949, 18972 and 18991, Food and Agricultural Code.

c. History

1. New article 4 (sections 903–903.17) and repealer and new section filed 5–31–2007; operative 6–30–2007 (Register 2007, No. 22).

§ 903.1. Livestock Suspected of Being Diseased or Affected with Certain Conditions; Identifying Suspects; Disposition on Post–Mortem Inspection or Otherwise.

(a) Livestock suspected of being diseased or affected with certain conditions shall be handled in accordance with 9 CFR section 309.2 (2006). References in 9 CFR section 309.2 (2006) shall refer to the corresponding sections of this subchapter as follows:

9 CFR section 309.2 (2006)	Subchapter 1 of Chapter 4, Division 2 of Title 3 of the California Code of Regulations
Section 309.18	Section 903.17
Section 311.1	Section 905
Section 311.2	Section 905.1
Section 311.5	Section 905.3
Section 311.32	Section 905.29

(b) Nonambulatory livestock shall be identified and tagged by the inspector as California Suspect, immediately stunned and bled, and disposed of as provided in section 907 of this subchapter, unless they are required to be classed as condemned in accordance with 9 CFR section 309.3 (2006).

Page 76.6 Register 2008, No. 30; 7-25-2008

(c) No Custom Livestock Slaughterhouse shall receive nonambulatory livestock.

Note: Authority cited: Sections 407, 18693, 18735, 18960 and 18961, Food and Agricultural Code. Reference: Sections 18721, 18722, 18943, 18945, 18949, 18972 and 18991, Food and Agricultural Code; and 9 CFR sections 309.2, 309.3, 309.18, 311.1, 311.2, 311.5 and 311.32.

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 903.2. Dead, Dying, Disabled, or Diseased Livestock.

Dead, dying, disabled, or diseased livestock shall be handled in accordance with 9 CFR section 309.3 (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960 and 18961, Food and Agricultural Code. Reference: Sections 18721, 18722, 18943, 18945, 18949, 18972 and 18991, Food and Agricultural Code; and 9 CFR section 309.3 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 903.3. Livestock Showing Symptoms of Certain Metabolic, Toxic, Nervous, or Circulatory Disturbances, Nutritional Imbalances, or Infectious or Parasitic Diseases.

Livestock showing symptoms of certain metabolic, toxic, nervous, or circulatory disturbances, nutritional imbalances, or infectious or parasitic diseases shall be handled in accordance with 9 CFR section 309.4 (2006).

NOTE: Authority cited: Sections 407, 18693, 18735, 18960 and 18961, Food and Agricultural Code. Reference: Sections 18721, 18722, 18943, 18945, 18949, 18972 and 18991, Food and Agricultural Code; and 9 CFR section 309.4 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 903.4. Swine; Disposal Due to Hog Cholera.

Swine infected with or exposed to hog cholera shall be handled in accordance with 9 CFR section 309.5 (2006).

NOTE: Authority cited: Sections 407, 18693, 18735, 18960 and 18961, Food and Agricultural Code. Reference: Sections 18721, 18722, 18943, 18945, 18949, 18972 and 18991, Food and Agricultural Code; and 9 CFR section 309.5 (2006).

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 903.5. Epithelioma of the Eye.

Any animal found on ante-mortem inspection to be affected with epithelioma of the eye shall be handled in accordance with 9 CFR section 309.6 (2006).

NOTE: Authority cited: Sections 407, 18693, 18735, 18960 and 18961, Food and Agricultural Code. Reference: Sections 18721, 18722, 18943, 18945, 18949, 18972 and 18991, Food and Agricultural Code; and 9 CFR section 309.6 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 903.6. Livestock Affected with Anthrax; Cleaning and Disinfection of Infected Livestock Pens and Driveways.

Livestock found on ante-mortem inspection to be affected with anthrax shall be handled in accordance with 9 CFR section 309.7 (2006). Infected livestock pens and driveways shall be cleaned and disinfected in accordance with 9 CFR section 309.7 (2006).

NOTE: Authority cited: Sections 407, 18693, 18735, 18960 and 18961, Food and Agricultural Code. Reference: Sections 18721, 18722, 18943, 18945, 18949, 18972 and 18991, Food and Agricultural Code; and 9 CFR section 309.7 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 903.7. Cattle Affected with Anasarca and Generalized Edema.

Cattle found on ante-mortem inspection to be affected with anasarca shall be handled in accordance with 9 CFR section 309.8 (2006).

NOTE: Authority cited: Sections 407, 18693, 18735, 18960 and 18961, Food and Agricultural Code. Reference: Sections 18721, 18722, 18943, 18945, 18949, 18972 and 18991, Food and Agricultural Code; and 9 CFR section 309.8 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 903.8. Swine Ervsipelas.

Swine found on ante-mortem inspection to be affected with acute swine erysipelas shall be handled in accordance with 9 CFR section 309.9 (2006).

NOTE: Authority cited: Sections 407, 18693, 18735, 18960 and 18961, Food and Agricultural Code. Reference: Sections 18721, 18722, 18943, 18945, 18949, 18972 and 18991, Food and Agricultural Code; and 9 CFR section 309.9 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 903.9. Onset of Parturition.

Livestock showing signs of the onset of parturition on ante-mortem inspection shall be handled in accordance with 9 CFR section 309.10 (2006)

NOTE: Authority cited: Sections 407, 18693, 18735, 18960 and 18961, Food and Agricultural Code. Reference: Sections 18721, 18722, 18943, 18945, 18949, 18972 and 18991, Food and Agricultural Code; and 9 CFR section 309.10 (2006). HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 903.10. Vaccine Livestock.

Vaccine livestock shall be handled in accordance with 9 CFR section 309.11 (2006).

NOTE: Authority cited: Sections 407, 18693, 18735, 18960 and 18961, Food and Agricultural Code. Reference: Sections 18721, 18722, 18943, 18945, 18949, 18972 and 18991, Food and Agricultural Code; and 9 CFR section 309.11 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 903.11. Emergency Slaughter.

Emergency slaughter shall be conducted in accordance with 9 CFR section 309.12 (2006).

NOTE: Authority cited: Sections 407, 18693, 18735, 18960 and 18961, Food and Agricultural Code. Reference: Sections 18721, 18722, 18943, 18945, 18949, 18972 and 18991, Food and Agricultural Code; and 9 CFR section 309.12 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 903.12. Disposition of Condemned Livestock.

Condemned livestock shall be disposed of in accordance with 9 CFR section 309.13 (2006).

NOTE: Authority cited: Sections 407, 18693, 18735, 18960 and 18961, Food and Agricultural Code. Reference: Sections 18721, 18722, 18943, 18945, 18949, 18972 and 18991, Food and Agricultural Code; and 9 CFR section 309.13 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 903.13. Brucellosis-Reactor Goats.

Brucellosis—reactor goats shall be handled in accordance with 9 CFR section 309.14 (2006).

NOTE: Authority cited: Sections 407, 18693, 18735, 18960 and 18961, Food and Agricultural Code. Reference: Sections 18721, 18722, 18943, 18945, 18949, 18972 and 18991, Food and Agricultural Code; and 9 CFR section 309.14 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 903.14. Vesicular Diseases.

Livestock found on ante-mortem inspection to be affected with a vesicular disease shall be handled in accordance with 9 CFR section 309.15 (2006)

NOTE: Authority cited: Sections 407, 18693, 18735, 18960 and 18961, Food and Agricultural Code. Reference: Sections 18721, 18722, 18943, 18945, 18949, 18972 and 18991, Food and Agricultural Code; and 9 CFR section 309.15 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 903.15. Livestock Suspected of Biological Residues.

(a) Except as provided by subsection (b) of this section, livestock suspected of having been treated with or exposed to any substance that may impart a biological residue that would make the edible tissues unfit for human food or otherwise adulterated shall be handled in compliance with the provisions of this paragraph. They shall be identified at official establishments as California Condemned by an inspector. These livestock may be held under the custody of a program employee or other official

designated by the Department until metabolic processes have reduced the residue sufficiently to make the tissues fit for human food and otherwise not adulterated. When the required time has elapsed, the livestock, if returned for slaughter, must be re–examined on ante–mortem inspection. To aid in determining the amount of residue present in the tissues, officials of the program may permit the slaughter of any such livestock for collecting tissues for analysis for the residue. Such analysis may include the use of in–plant screening procedures designed to detect the presence of antimicrobial residues in any species of livestock.

- (b) All carcasses and edible organs and other parts thereof, in which are found any biological residues that render such articles adulterated, shall be marked and tagged by an inspector as California Condemned and disposed of in accordance with Article 8 of this subchapter.
- (c) The names of all persons who sold or consigned each swine to the establishment shall be made available by the establishment to any program employee or other authorized employee of the Department upon that employee's request and presentation of his official credentials. Swine identification, by means approved by the Animal and Plant Health Inspection Service, USDA, shall be maintained throughout post–mortem inspection, in accordance with 9 CFR section 310.23 (2006).

NOTE: Authority cited: Sections 407, 18693, 18735, 18960 and 18961, Food and Agricultural Code. Reference: Sections 18721, 18722, 18943, 18945, 18949, 18972 and 18991, Food and Agricultural Code; and 9 CFR section 310.23 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 903.16. Livestock Used For Research.

No livestock used in any research investigation involving an experimental biological product, drug, or chemical shall be eligible for slaughter at an official establishment.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960 and 18961, Food and Agricultural Code. Reference: Sections 18721, 18722, 18943, 18945, 18949, 18972 and 18991, Food and Agricultural Code.

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 903.17. Official Marks and Devices for Purposes of Ante-Mortem Inspection.

- (a) The devices described as follows shall be the official devices for identification of livestock required to be identified as California Suspect or California Condemned as provided in this article:
- (1) All livestock required by this article to be identified as California Suspect shall be tagged by the inspector with a serially numbered metal ear tag bearing the term California Suspect, except that cattle affected with epithelioma of the eye, actinomycosis, or actinobacillosis to such an extent that the lesions would be readily detected on post–mortem inspection, need not be individually tagged on ante–mortem inspection with the California Suspect tag, provided that such cattle are segregated and otherwise handled as California Suspect.
- (2) California Suspect swine must include the use of tattoos specified by the inspector to maintain the identity of the animals through dehairing equipment when such equipment is used.
- (3) All livestock required by this Article to be identified as California Condemned shall be tagged by the inspector with a serially numbered metal ear tag bearing the term California Condemned.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960 and 18961, Food and Agricultural Code. Reference: Sections 18721, 18722, 18943, 18945, 18949, 18972 and 18991, Food and Agricultural Code.

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

Article 5. Post-Mortem Inspection

§ 904. Extent and Time of Post-Mortem Inspection.

Post–mortem inspection of livestock shall be handled in accordance with 9 CFR section 310.1(a) (2006).

NOTE: Authority cited: Sections 407, 18693, 18735, 18960 and 18961, Food and Agricultural Code. Reference: Sections 18661, 18669, 18721, 18736, 18941,

18942, 18943, 18945, 18949, 18972, 18991 and 19012, Food and Agricultural Code; and 9 CFR section 310.1(2006).

HISTORY

- 1. Amendment filed 8-4-72; effective thirtieth day thereafter (Register 72, No. 32).
- 2. Amendment of subsections (a) and (c) filed 6-3-85; effective thirtieth day thereafter (Register 85, No. 23).
- 3. New article 5 (sections 904–904.20) and repealer and new section filed 5–31–2007; operative 6–30–2007 (Register 2007, No. 22).

§ 904.1. Identification of Carcass with Certain Severed Parts Thereof and with Animal From Which Derived

Identification of livestock carcasses and parts shall be in accordance with 9 CFR section 310.2 (2006).

NOTE: Authority cited: Sections 407, 18693, 18735, 18960 and 18961, Food and Agricultural Code. Reference: Sections 18661, 18669, 18721, 18722, 18736, 18941, 18942, 18943, 18945, 18949, 18972, 18991 and 19012, Food and Agricultural Code; and 9 CFR section 310.2.

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 904.2. Carcasses and Parts in Certain Instances to be Retained.

Carcasses and parts shall be retained in accordance with 9 CFR section 310.3 (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960 and 18961, Food and Agricultural Code. Reference: Sections 18661, 18669, 18721, 18722, 18736, 18941, 18942, 18943, 18945, 18949, 18972, 18991 and 19012, Food and Agricultural Code; and 9 CFR section 310.3 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 904.3. Retained Carcasses and Parts; Identification and Tagging.

Retained carcasses and parts shall be identified and tagged in accordance with 9 CFR section 310.4 (2006).

NOTE: Authority cited: Sections 407, 18693, 18735, 18960 and 18961, Food and Agricultural Code. Reference: Sections 18671, 18721, 18722, 18736, 18941 and 18972, Food and Agricultural Code; and 9 CFR section 310.4 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 904.4. Condemned Carcasses and Parts to be Marked; Tanking; Separation.

Condemned carcasses and parts shall be handled in accordance with 9 CFR section 310.5 (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960 and 18961, Food and Agricultural Code. Reference: Sections 18661, 18669, 18721, 18722, 18728, 18736, 18941, 18942, 18943, 18972, 18991 and 19012, Food and Agricultural Code; and 9 CFR section 310.5 (2006).

HISTORY

1. New section filed 5–31–2007; operative 6–30–2007 (Register 2007, No. 22).

§ 904.5. Removal of Spermatic Cords, Pizzles, and Preputial Diverticuli.

Spermatic cords, pizzles, and preputial diverticuli shall be handled in accordance with 9 CFR section 310.7 (2006).

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18726 and 18972, Food and Agricultural Code; and 9 CFR section 310.7 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 904.6. Passing and Marking of Carcasses and Parts.

Carcasses and parts found to be sound, healthful, wholesome, and otherwise not adulterated shall be passed and marked as provided in Article 9 of this subchapter. In all cases where carcasses showing localized lesions are passed for food and California Retained tags are attached to the carcasses, the affected tissues shall be removed and condemned before the tags are removed. Red California Retained tags may be removed only by program employees.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960 and 18961, Food and Agricultural Code. Reference: Sections 18652, 18655, 18661, 18721, 18722,

18724, 18736, 18847, 18941, 18972, 18973, 18991 and 19012, Food and Agricultural Code.

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 904.7. Anthrax; Carcasses Not to be Eviscerated; Disposition of Affected Carcasses; Hides, Hoofs, Horns, Hair, Viscera and Contents, and Fat; Handling of Blood and Scalding Vat Water; General Cleanup and Disinfection.

Livestock carcasses found to be affected with anthrax shall be handled in accordance with 9 CFR section 310.9 (2006).

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18722, 18726, 18753, 18754, 18971, 18972, 18973, 19011, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 310.9 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 904.8. Carcasses with Skin or Hide On; Cleaning Before Evisceration; Removal of Larvae of Hypodermae, External Parasites and Other Pathological Skin Conditions.

Carcasses with skin or hide on shall be handled in accordance with 9 CFR section 310.10 (2006).

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18725, 18726, 18753, 18971, 18972, 18973, 19011 and 19017, Food and Agricultural Code; and 9 CFR section 310.10 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 904.9. Cleaning of Hog Carcasses Before Incising.

The cleaning of hog carcasses before incising shall be handled in accordance with 9 CFR section 310.11 (2006).

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18725, 18726, 18753, 18971, 18972, 18973, 19011 and 19017, Food and Agricultural Code; and 9 CFR section 310.11 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 904.10. Abdominal and Thoracic Viscera to be Removed; Sternum to be Split.

The abdominal and thoracic viscera shall be removed at the time of slaughter in order to allow proper inspection. The sternum shall be split to permit visual inspection of the thoracic cavity if such inspection is determined necessary by an inspector.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18725, 18726, 18753, 18971, 18972, 18973, 19011 and 19017, Food and Agricultural Code.

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 904.11. Inflating Carcasses or Parts.

Establishments shall not inflate carcasses or parts of carcasses with air, except in accordance with 9 CFR section 310.13(a)(2) (2006).

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18725, 18726, 18752, 18753, 18754, 18971, 18972, 18973, 19011 and 19017, Food and Agricultural Code; and 9 CFR section 310.13 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 904.12. Handling of Bruised Parts.

When only a portion of a carcass is to be condemned on account of slight bruises, either the bruised portion shall be removed immediately and disposed of in accordance with Article 8 of this subchapter, or the carcass shall be promptly placed in a retaining room and kept until chilled and the bruised portion shall then be removed and disposed of in accordance with Article 8 of this subchapter.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18753, 18950, 18972 and 19012, Food and Agricultural Code.

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 904.13. Disposition of Lungs.

Lungs found to be affected with disease or pathology and lungs found to be adulterated with scald tank water or chemical or biological residue shall be condemned and identified as California Inspected and Condemned. Condemned lungs may not be saved for pet food or other nonhuman food purposes. Condemned lungs shall be maintained under inspectional control and disposed of in accordance with Article 8 of this subchapter.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18728, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code.

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 904.14. Inspection of Mammary Glands.

Mammary glands shall be handled in accordance with 9 CFR section 310.17 (2006).

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18728, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 310.17 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 904.15. Contamination of Carcasses, Organs, or Other Parts.

- (a) Carcasses, organs, and other parts shall be handled in a sanitary manner to prevent contamination with fecal material, urine, bile, hair, dirt, or foreign matter; however, if contamination occurs, it shall be promptly removed in a manner satisfactory to the inspector.
- (b) Brains, cheek meat, and head trimmings from animals stunned by lead, sponge iron, or frangible bullets shall not be saved for use as human food but shall be disposed of in accordance with Article 8 of this subchapter.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code.

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 904.16. Inspection of Kidneys.

An employee of the establishment shall open the kidney capsule and expose the kidneys of all livestock at the time of slaughter for the purpose of examination by an inspector.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code.

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 904.17. Saving of Blood from Livestock as an Edible Product.

Official establishments that save blood from livestock as an edible product shall do so in accordance with 9 CFR section 310.20 (2006). NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18751, 18753, 18974, 18756, 18971–18973, 18991, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 310.20 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 904.18. Identification of Carcasses and Parts of Swine.

Identification of carcasses and parts of swine shall be in accordance with 9 CFR section 310.23 (2006).

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18751, 18752, 18753, 18754, 18872, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 310.23 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 904.19. Specified Risk Materials from Cattle; Handling and Disposition.

Specified risk materials shall be handled in accordance with 9 CFR section 310.22 (2006). Reference to sections 314.1 and 314.3 in section 310.22 shall refer to Article 8 of this subchapter.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18751, 18752, 18753, 18754, 18872, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 310.22 (2006).

HISTORY

1. New section filed 5–31–2007; operative 6–30–2007 (Register 2007, No. 22).

§ 904.20. Transferring Caul or Other Fat.

Transferring the caul or other fat from a fat to a lean carcass is prohibited.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Section 18758, Food and Agricultural Code.

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

Article 6. Disposal of Diseased or Otherwise Adulterated Carcasses and Parts

§ 905. Disposal of Diseased or Otherwise Adulterated Carcasses and Parts; General.

(a) Carcasses or parts of carcasses of all animals slaughtered at official establishments and found at the time of slaughter to be affected with any of the diseases or conditions named in this article shall be disposed of according to the section pertaining to the disease or condition: Provided that no product shall be passed for human food under any such section unless it is found to be otherwise not adulterated.

(b) In cases of doubt as to a condition, a disease, or the cause of a condition, or to confirm a diagnosis, representative specimens of the affected tissues, properly prepared and packaged, shall, upon approval by a program employee, be sent for examination to the California Animal Health and Food Safety System Laboratory or to a laboratory approved by the Department.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18652, 18669, 18721, 18722, 18724, 18728, 18751, 18752, 18753, 18754, 18945, 18949, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code.

HISTORY

1. New article 6 (sections 905–905.36) and new section filed 5–31–2007; operative 6–30–2007 (Register 2007, No. 22).

§ 905.1. Tuberculosis.

- (a) Carcasses of cattle may be passed for human food only when the carcass of an animal not identified as a reactor to a tuberculin test administered by a USDA Animal and Plant Health Inspection Service veterinarian, a State of California veterinarian, or a veterinarian accredited by the USDA or State of California:
- (1) Is found free of tuberculosis lesions during post-mortem inspection and:
- (2) Such testing is conducted in the tuberculosis eradication program of the Animal and Plant Health Inspection Service, USDA.
- (b) Swine carcasses found free of tuberculosis lesions during post—mortem inspection may be passed for human food. When tuberculosis lesions in any swine carcass are localized and confined to one primary seat of infection, such as the cervical lymph nodes, the mesenteric lymph nodes, or the mediastinal lymph nodes, the unaffected portion of the car-

cass may be passed for human food after the affected organ or other part is condemned.

(c) Carcasses of sheep, goats, and fallow deer found to be affected with tuberculosis lesions during post–mortem inspection shall be condemned and disposed of in accordance with Article 8 of this subchapter.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code.

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 905.2. Hog Cholera.

Swine suspected or found to be affected with hog cholera shall be handled according to 9 CFR section 311.3 (2006).

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 311.3 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 905.3. Swine Erysipelas.

Carcasses affected with swine erysipelas shall be handled in accordance with 9 CFR section 311.5 (2006).

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 311.5 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 905.4. Diamond-Skin Disease.

Carcasses of hogs affected with diamond–skin disease shall be handled in accordance with 9 CFR section 311.6 (2006).

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 311.6 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 905.5. Arthritis.

Carcasses affected with arthritis shall be handled in accordance with 9 CFR section 311.7 (2006).

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 311.7 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 905.6. Cattle Carcasses Affected with Anasarca or Generalized Edema.

Cattle carcasses affected with anasarca or generalized edema shall be handled in accordance with 9 CFR section 311.8 (2006).

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 311 8 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 905.7. Actinomycosis and Actinobacillosis.

Livestock affected with actinomycosis and actinobacillosis shall be handled in accordance with 9 CFR section 311.9 (2006).

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 311.9 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 905.8. Anaplasmosis, Anthrax, Babesiosis, Bacillary Hemoglobinuria in Cattle, Blackleg, Bluetongue, Hemorrhagic Septicemia, Icterohematuria in Sheep, Infectious Bovine Rhinotracheitis, Leptospirosis, Malignant Epizootic Catarrh, Strangles, Purpura Hemorrhagica, Azoturia, Infectious Equine Encephalomyelitis, Toxic Encephalomyelitis (Forage Poisoning), Infectious Anemia (Swamp Fever), Dourine, Acute Influenza, Generalized Osteoporosis, Glanders (Farcy), Acute Inflammatory Lameness, Extensive Fistula, and Unhealed Vaccine Lesions.

Carcasses of livestock affected with or showing lesions of anaplasmosis, anthrax, babesiosis, bacillary hemoglobinuria in cattle, blackleg, bluetongue, hemorrhagic septicemia, icterohematuria in sheep, infectious bovine rhinotracheitis, leptospirosis, malignant epizootic catarrh, strangles, purpura hemorrhagica, azoturia, infectious equine encephalomyelitis, toxic encephalomyelitis (forage poisoning), infectious anemia (swamp fever), dourine, acute influenza, generalized osteoporosis, glanders (farcy), acute inflammatory lameness, extensive fistula, and unhealed vaccine lesions shall be handled in accordance with 9 CFR section 311.10 (2006).

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 311.10 (2006).

History

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 905.9. Neoplasms.

Carcasses, individual organs, or other parts of a carcass affected with a neoplasm shall be handled in accordance with 9 CFR section 311.11 (2006).

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 311.11 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 905.10. Epithelioma of the Eye.

Carcasses of animals affected with epithelioma of the eye shall be handled in accordance with 9 CFR section 311.12 (2006).

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 311.12 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 905.11. Pigmentary Conditions; Melanosis, Xanthosis, Ochronosis, (etc.).

- (a) Except as provided in section 905.17, carcasses of livestock showing generalized pigmentary deposits shall be condemned.
- (b) The affected parts of carcasses showing localized pigmentary deposits of such character as to be unwholesome or otherwise adulterated shall be removed and condemned.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code.

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 905.12. Abrasions, Bruises, Abscesses, Pus (etc.).

Abrasions, bruises, abscesses, pus, etc., on any organ or other part of a carcass shall be handled in accordance with 9 CFR section 311.14 (2006)

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972,

18973, 18991, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 311.14 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 905.13. Brucellosis.

Carcasses affected with brucellosis shall be handled in accordance with 9 CFR section 311.15 (2006).

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 311.15 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 905.14. Carcasses So Infected That Consumption of the Meat May Cause Food Poisoning.

Carcasses of livestock so infected that consumption of the meat may cause food poisoning and equipment contaminated by contact with them shall be handled in accordance with 9 CFR section 311.16 (2006).

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 311.16 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 905.15. Necrobacillosis, Pyemia, and Septicemia.

Carcasses of livestock affected with necrobacillosis, pyemia, or septicemia shall be handled in accordance with 9 CFR section 311.17 (2006). NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 311.17 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 905.16. Caseous Lymphadenitis.

- (a) As used in this section, the term "thin" does not apply to a carcass that is anemic or emaciated; and the term "lesions" refers to lesions of caseous lymphadenitis.
- (b) Any carcass showing well-marked lesions in the viscera and the skeletal lymph nodes, or a thin carcass showing extensive lesions in any part shall be condemned.
- (c) A thin carcass showing only slight lesions in the skeletal lymph nodes and in the viscera may be passed for human food.
- (d) A well-nourished carcass showing well-marked lesions in the viscera and with only slight lesions elsewhere or showing well-marked lesions confined to the skeletal lymph nodes with only slight lesions elsewhere may be passed for human food.
- (e) All affected organs and nodes of carcasses passed for human food shall be removed and condemned.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code.

HISTORY

 $1. \ New \ section \ filed \ 5-31-2007; \ operative \ 6-30-2007 \ (Register \ 2007, \ No. \ 22).$

§ 905.17. Icterus.

Carcasses showing any degree of icterus shall be handled in accordance with 9 CFR section 311.19 (2006).

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 311.19 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 905.18. Sexual Odor of Swine.

Carcasses of swine that emit a pronounced sexual odor shall be con-

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code.

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 905.19. Mange or Scab.

Carcasses of livestock affected with mange or scab shall be handled in accordance with 9 CFR section 311.21 (2006).

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 311.21 (2006)

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 905.20. Hogs Affected with Urticaria, Tinea Tonsurans, Demodex Folliculorum, or Erythema.

Carcasses of hogs affected with urticaria (nettle rash), tinea tonsurans, demodex folliculorum, or erythema shall be handled in accordance with 9 CFR section 311.22 (2006).

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 311.22 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 905.21. Tapeworm Cysts (Cysticercus Bovis) in Cattle.

Carcasses of cattle displaying lesions of Cysticercus bovis shall be condemned.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code.

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 905.22. Hogs Affected with Tapeworm Cysts.

Carcasses of hogs affected with tapeworm cysts (Cysticercus cellulosae) shall be condemned.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code.

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 905.23. Parasites Not Transmissible to Man; Tapeworm Cysts in Sheep; Hydatid Cysts; Flukes; Gid Bladder–Worms.

- (a) In the disposal of carcasses, edible organs, and other parts of carcasses showing evidence of infestation with parasites not transmissible to man, the following shall apply except as otherwise provided in this section:
- (1) If the lesions are localized in such manner and are of such character that the parasites and the lesions caused by them can be completely removed, the nonaffected portion of the carcass, organ, or other part of the carcass may be passed for human food after the removal and condemnation of the affected portions. If an organ or other part of a carcass shows numerous lesions caused by parasites, or if the character of the infestation is such that complete extirpation of the parasitic infestation or invasion renders the part in any way unfit for human food, the affected part shall be condemned.
- (2) If parasites are found to be distributed in a carcass in such a manner or to be of such character that their removal and the removal of the lesions caused by them is impracticable, no part of the carcass shall be passed for human food.
- (b) In the case of sheep carcasses affected with tapeworm cysts (Cysticercus ovis, so-called sheep measles, not transmissible to man), such carcasses may be passed for human food after the removal and condemnation of the affected portions. If, upon the final inspection of sheep carcasses retained on account of measles, the total number of cysts found embedded in muscular tissue, or in immediate relation with muscular tissue, excluding the heart, exceeds five, the entire carcass shall be condemned.

- (c) Carcasses found infested with gid bladder-worms (Coenurus cerebralis, Multiceps multiceps) may be passed for human food after condemnation of the affected organ (brain or spinal cord).
- (d) Organs or other parts of carcasses infested with hydatid cysts (echinococus) shall be condemned.
- (e) Livers infested with flukes or fringed tapeworms shall be condemned.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code.

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 905.24. Emaciation.

Carcasses of livestock too emaciated to produce wholesome meat shall be handled in accordance with 9 CFR section 311.26 (2006).

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 311.26 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 905.25. Carcasses of Young Calves, Pigs, Kids, Lambs, and Foals.

Carcasses of young calves, pigs, kids, lambs, and foals shall be handled in accordance with 9 CFR section 311.28 (2006).

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 311.28 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 905.26. Unborn and Stillborn Animals.

All unborn and stillborn animals shall be handled in accordance with 9 CFR section 311.29 (2006).

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 311.29 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 905.27. Livestock Suffocated and Hogs Scalded Alive.

Livestock suffocated and hogs scalded alive shall be handled in accordance with 9 CFR section 311.30 (2006).

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012, 19017 and 19501, Food and Agricultural Code; and 9 CFR section 311.30 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 905.28. Livers Affected with Carotenosis; Livers Designated as "Telangiectatic," "Sawdust," or "Spotted."

Livestock livers affected with carotenosis and livestock livers designated as "telangiectatic," "sawdust," or "spotted" shall be handled in accordance with 9 CFR section 311.31(a) and (b) (2006).

NoTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 311.31 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 905.29. Vesicular Diseases.

- (a) Any carcass affected with vesicular disease shall be condemned if the condition is acute and if the extent of the condition is such that it affects the entire carcass or there is evidence of absorption or secondary change.
- (b) Any carcass affected with vesicular disease to a lesser extent than as described in subsection (a) of this section may be passed for human

food after removal and condemnation of the affected parts, if the carcass is otherwise healthy.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code.

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 905.30. Listeriosis.

Carcasses of livestock identified as California Suspects because of a history of listeriosis shall be passed for human food after condemnation of the head if the carcass is otherwise normal.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code.

HISTORY

 $1. \ New \ section \ filed \ 5-31-2007; \ operative \ 6-30-2007 \ (Register \ 2007, \ No. \ 22).$

§ 905.31. Anemia.

Carcasses of livestock affected with anemia shall be handled in accordance with 9 CFR section 311.34 (2006).

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 311.34. (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 905.32. Muscular Inflammation, Degeneration, or Infiltration.

Livestock carcasses affected with muscular inflammation, degeneration, or infiltration shall be handled in accordance with 9 CFR section 311.35(a) and (b) (2006).

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 311.35 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 905.33. Coccidioidal Granuloma.

Carcasses which are affected with coccidioidal granuloma shall be handled in accordance with 9 CFR section 311.36 (2006).

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 311.36 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 905.34. Odors; Foreign and Urine.

Livestock carcasses that have a medicinal, chemical, or other foreign substance or urine odor shall be handled in accordance with 9 CFR section 311.37 (2006).

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 311.37 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 905.35. Meat and Meat Byproducts from Livestock That Have Been Exposed to Radiation.

Meat and meat byproducts from livestock that have been exposed to radiation shall be handled in accordance with 9 CFR section 311.38 (2006.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 19757, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 311.38 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 905.36. Biological Residues.

The presence of biological residues in carcasses shall be handled in accordance with 9 CFR section 311.39 (2006).

NoTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18751, 18752, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 311.39 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

Article 7. Humane Slaughter of Livestock

§ 906. Humane Handling and Slaughter of Livestock.

Livestock shall be humanely handled and slaughtered in accordance with 9 CFR Part 313 section 313.1 et seq., (2006).

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18970, 18973, 18991, 19011 and 19017, Food and Agricultural Code; and 9 CFR Part 313 (2006).

HISTORY

1. New article 7 (sections 906–906.1) and new section filed 5–31–2007; operative 6–30–2007 (Register 2007, No. 22).

§ 906.1. Safe and Humane Handling and Transportation of Fallow Deer to Custom Livestock Slaughter Establishments.

- (a) The following are general provisions for the safe and humane handling and transportation of fallow deer:
- (1) Deer shall be handled humanely and quietly, with care and patience.
- (2) Persons handling or transporting deer shall be knowledgeable about deer behavior and welfare and shall comply with these regulations.
- (3) It is recommended but not required that groups of deer intended for shipment be allowed to establish social relationships before loading.
- (4) It is recommended but not required that transportation of deer be by the most direct and appropriate route from point of origin to final destination and be completed without delay.
- (5) All rooms, compartments, alleyways, ramps, chutes and doors used for transporting, moving, and holding deer shall be free from dangerous projections, such as nails and bolts, and sharp edges that might cause pain and/or injury.
- (6) All rooms, pens, compartments, alleyways, ramps, chutes and doors used for transporting, moving, and holding deer shall be constructed in a way that prevents deer from jumping out of the area.
- (7) All rooms, vehicle compartments, pens, alleyways, ramps and chutes used for transporting, moving, and holding deer shall have secure footing and shall be properly drained.
- (8) If deer are held longer than one hour, clean bedding material shall be provided in deer areas in transportation vehicles and in holding pens. Deer held in excess of 24 hours shall be provided new or additional clean bedding.
- (9) There shall be no gaps between floors and walls, ramps and vehicles, gates and walls or other such objects which would probably result in injury to deer.
- (10) Downers (deer unable to stand even with assistance) shall not be brought onto a custom livestock slaughter establishment premises, unless they became disabled during transport to the establishment. In that case, they shall be immediately stunned on the vehicle and removed from the vehicle and bled prior to regaining consciousness.
- (b) Loading Equipment. All ramps, chutes, doors, and gates used for loading and unloading deer shall be constructed and maintained in a manner that prevents injury or suffering.
- (1) Doors and gates shall be sufficiently wide to permit deer to pass through readily, without bruising or injury.
 - (2) The bottom edge of drop gates shall be padded.
- (c) Transportation Vehicles. Vehicles used to transport deer shall permit easy loading and unloading and shall provide for the safety of deer and personnel during loading, transport and unloading.

- (1) Vehicles shall be constructed in a manner that prevents injury to deer, including ensuring that no deer limbs or heads can project from the vehicle.
 - (2) Vehicles shall have doors that close firmly and securely.
- (3) Vehicles shall be constructed to provide deer with adequate ventilation at all times, while avoiding drafts. Care shall be taken to minimize entry of vehicle exhaust into areas containing deer.
- (4) If deer are kept in the transport vehicle for greater than one hour, sufficient floor space to allow all animals to lie down comfortably at the same time shall be provided.
 - (5) Deer shall be loaded only into vehicles that are clean.
- (6) Deer shall be protected from extremes of temperature during transport.
- (d) Water and Feed. Deer shall be fed and watered before loading for transport. For trips longer than 12 hours, feed and water shall be provided every four hours. Holding pens shall provide deer with access to clean water at all times and with feed if they are held in excess of 12 hours.
- (e) Unloading. Deer shall be unloaded as soon as it is reasonable and practical to do so upon arrival at the custom livestock slaughter establishment, but not later than 12 hours after arrival.
- (f) Humane Handling at Custom Livestock Slaughter Establishments. Operators of all custom livestock slaughter establishments are responsible for humane handling of deer on the plant premises.
- (1) Sufficient pens shall be provided to prevent overcrowding, to permit necessary segregation of animals, and to enable all animals to lie down at the same time.
- (2) Deer pens shall be segregated from those holding other species of food animals.
 - (3) Holding facilities shall protect deer adequately from the elements.
- (4) Holding pens shall be adequately ventilated to minimize stress to animals and to prevent excessive accumulation of odors and condensation
- (5) Deer that are sick, injured, or disabled shall immediately be separated from healthy animals.
- (6) Objects that might cause pain and/or injury, such as sticks, boards, canes, or electric prods, shall not be used on deer. However, a staff or similar object may be used judiciously to assist in guiding deer or for safety when handling larger or aggressive deer.

NOTE: Authority cited: Sections 18960 and 18963, Food and Agricultural Code. Reference: Section 18963, Food and Agricultural Code.

HISTORY

1. Renumbering and amendment of former sections 950, 951, 952, 953, 954 and 955 to new section 906.1 filed 5–31–2007; operative 6–30–2007 (Register 2007, No. 22).

Article 8. Handling and Disposal of Condemned or Other Inedible Products at Official Establishments

§ 907. Disposition of Condemned Products at Official Establishments.

(a) Carcasses, parts of carcasses, and other products condemned at an official establishment shall, except as provided in subsection (b) of this section or in this article, be destroyed in the presence of an inspector by incineration or denatured with crude carbolic acid; cresylic disinfectant; a formula consisting of one part FD&C No. 3 green coloring, 40 parts water, 40 parts liquid detergent, and 40 parts oil of citronella; or any other proprietary material approved by the Department in specific cases. When such product is to be denatured, it shall be freely slashed before the denaturing agent is applied, except that, in the case of dead animals that have not been dressed, the denaturant may be applied by injection. The denaturant must be deposited in all portions of the carcass or product to the extent necessary to preclude its use for food purposes.

- (b) All carcasses and parts condemned because of anthrax, as identified in section 904.7 of this subchapter, at official establishments shall be disposed of by:
 - (1) Complete incineration or
- (2) Thorough denaturing with crude carbolic acid or cresylic disinfectant and then disposed of in accordance with the requirements of the appropriate state or municipal authorities, who shall be notified immediately by the area supervisor.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18728, 18813, 18850, 18972, 18991, 19012 and 19017, Food and Agricultural Code.

HISTORY

1. New article 8 (sections 907–907.4) and new section filed 5–31–2007; operative 6–30–2007 (Register 2007, No. 22).

§ 907.1. Carcasses of Livestock Condemned on Ante-Mortem Inspection.

Carcasses of livestock that have been condemned on ante-mortem inspection shall be handled in accordance with 9 CFR section 314.7 (2006). NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18723, 18732, 18972, 18991, 19014 and 19017, Food and Agricultural Code; and 9 CFR section 314.7 (2006).

HISTORY

1. New section filed 5–31–2007; operative 6–30–2007 (Register 2007, No. 22).

§ 907.2. Dead Animal Carcasses.

- (a) With the exception of dead livestock that have died en route and are received with livestock for slaughter at an official establishment, no dead animal or part of the carcass of any livestock that died otherwise than by slaughter may be brought on the premises of an official establishment
- (b) Under no circumstances shall the carcass of any animal that has died otherwise than by slaughter, or any part thereof, be brought into any room or compartment in which any edible product is prepared, handled, or stored.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18669, 18674, 18723, 18732, 18732, 18754, 18851, 18873 and 18949, Food and Agricultural Code.

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 907.3. Specimens for Educational, Research, and Other Non-Food Purposes.

Collection of specimens for educational, research, and other non-food purposes shall be in accordance with 9 CFR section 314.9 (2006). Reference to Form MP-403-10 in section 314.9 shall refer to MPI Form 79-014 (Rev. 12/04), Application and Permit to Obtain Specimens from Official Meat Inspection Establishment.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18725, 18726, 18727 and 18971, Food and Agricultural Code; and 9 CFR section 314.9 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 907.4. Livers Condemned Because of Parasitic Infestation and for Other Causes; Conditions for Disposal.

- (a) Livers condemned on account of hydatid cysts shall be destroyed pursuant to the provisions of section 907 of this subchapter.
- (b) Livers condemned because of parasites other than hydatid cysts; and livers condemned because of telangiectasis, angioma, "sawdust" condition, cirrhosis, carotenosis, or other nonmalignant change, benign abscesses, or contamination, shall be placed in containers marked "INEDIBLE" printed legibly.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18722, 18726, 18728, 18850, 18851, 18971 and 19017, Food and Agricultural Code.

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

Page 76.14

Article 9. Marking Products and Containers

§ 908. Approval Required for Official Marks.

No device containing any official mark shall be made or caused to be made for use on any product until it has been approved by the Department.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18664, 18665, 18671, 18722, 18846, 19015 and 19016, Food and Agricultural Code.

HISTORY

1. New article 9 (sections 908–908.11) and new section filed 5–31–2007; operative 6–30–2007 (Register 2007, No. 22).

§ 908.1. Use of Official Marks.

- (a) No person shall affix or place, or cause to be affixed or placed, the official inspection legend or any other official mark, or any abbreviation or simulation of any official mark, to or on any product, or container thereof, except under the supervision of an inspector, or as authorized by Article 10 of this subchapter in connection with the manufacture of containers.
- (b) No person shall fill, or cause to be filled, in whole or in part, with any product, any container bearing or intended to bear any official mark, or any abbreviation or simulation of any official mark, except under the supervision of an inspector.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18656, 18661, 18664, 18665, 18670–18672, 18724, 18730, 18737, 18781, 18847, 18974, 18991, 19001, 19015, 19016 and 19017, Food and Agricultural Code.

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 908.2. Marking Devices.

- (a) The operator of each official establishment shall furnish such ink brands, burning brands, and any other device for marking products with official marks as the Department may determine are necessary for marking products at such establishment. The official inspection legend on such a device shall be as prescribed in this article.
- (b) All official devices for marking products with the official inspection legend, or other official inspection marks, including self-locking seals, shall be used only under supervision of an inspector.
- (c) No brand or other marking device shall be false or misleading. The letters and figures thereon shall be of such style and type as will make a clear and legible impression. All markings to be applied to products in an official establishment shall be approved prior to use by the Department as provided for in section 909.3 of this subchapter.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18661, 18664, 18665, 18668, 18670, 18671, 18724, 18730, 18789, 18847, 18973, 18974, 18991, 19001, 19015, 19016 and 19017, Food and Agricultural Code.

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 908.3. Branding Ink.

Ink used for marking products shall be used in accordance with 9 CFR section 316.5 (2006). Program laboratory shall refer to a laboratory selected by the Program.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18669, 18671, 18673, 18722, 18752, 18788, 18991 and 19015, Food and Agricultural Code; and 9 CFR section 316.5 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 908.4. Products Shall Not be Removed from Official Establishments Unless Marked in Accordance with the Regulations.

Products shall not be removed from official establishments unless marked in accordance with 9 CFR section 316.6 (2006).

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18664, 18665, 18669, 18671,

18722, 18724, 18789, 18944, 18949, 18991, 19001, 19015, 19016 and 19017, Food and Agricultural Code; and 9 CFR section 316.6 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 908.5. Products Marked with Official Marks.

- (a) Custom processed carcasses and parts passed for human food at custom livestock slaughter establishments shall be stamped on each quarter or part with:
- (1) The approved California identification number, which shall be the letter "C" followed by a hyphen and the establishment number. The letter and number shall be in the same prominence, size and style of print and at least one—half of an inch in height;
- (2) The words "Not for Sale" in letters at least three-eighths of an inch in height.

For example:

NOT FOR SALE C-381

(b) Carcasses and parts from fallow deer passed for human food and for transportation and/or sale shall be stamped on each quarter or part with a facsimile of the following mark of inspection:¹



This official inspection mark shall be of sufficient size and of such color as to be conspicuously displayed and readily legible. This official inspection mark shall be applied with approved edible ink.

¹The number "38" is given as an example only. The establishment number of the licensed custom livestock slaughterhouse where the product is prepared shall be used in lieu thereof.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18664, 18665, 18669, 18671, 18722, 18724, 18730, 18731, 18783, 18846, 18789, 18946, 18991, 19015, 19016 and 19017, Food and Agricultural Code.

HISTORY

1. Renumbering of former section 930 to new section 908.5, including amendment of section heading, section and NOTE, filed 5–31–2007; operative 6–30–2007 (Register 2007, No. 22).

§ 908.6. Marking of Meat Food Products and Poultry Meat Food Products.

(a) Labeled product passed for human food, processed in meat processing establishments licensed under Food and Agricultural Code section 19010, derived from United States Department of Agriculture–inspected product or from fallow deer products inspected and passed at a custom livestock slaughterhouse shall bear the following official inspection legend:



(b) Inspected and passed sausages and other products in casings or in link form of the ordinary "ring" variety or larger shall be marked with the official inspection legend and list of ingredients in accordance with Article 12 of this subchapter. The official marks required by this section shall be branded near each end of the sausage or similar product prepared

in casings when the product is of a size larger than that customarily sold at retail intact.

- (c) Inspected and passed sausage and other products, in casings or in link form, of the smaller varieties, shall bear the official inspection legend and one or more lists of ingredients in accordance with Article 12 of this subchapter.
- (d) The list of ingredients may be applied by stamping, printing, using paper bands, tags, or tissue strips, or other means approved by the Department in specific cases.
- (e) All cured products shall be marked with the list of ingredients in accordance with Article 12 of this subchapter.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18664, 18665, 18669, 18671, 18722, 18724, 18730, 18731, 18782, 18783, 18786, 18789, 18944, 18949, 19001, 19015, 19016 and 19017, Food and Agricultural Code.

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 908.7. Special Markings for Meat Food Products and Poultry Meat Food Products.

The meat food products and poultry food products listed in 9 CFR section 316.11 (2006) shall be marked in accordance with section 316.11. NOTE: Authority cited: Sections 407, 18693, 18735, 18960. 18961 and 19014. Food and Agricultural Code. Reference: Sections 18664, 18665, 18669, 18671, 18722, 18724, 18730, 18731, 18781, 18782, 18783, 18786, 18949, 19001, 19015 and 19017, Food and Agricultural Code; and 9 CFR section 316.11 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 908.8. Marking of Outside Containers.

Outside containers of inspected and passed product shall be marked in accordance with 9 CFR section 316.13(a), (b), (d) and (g) (2006).

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18664, 18665, 18669, 18671, 18722, 18724, 18730, 18731, 18782, 18783, 18786, 18789, 18944, 18949, 19001, 19015, 19016 and 19017, Food and Agricultural Code; and 9 CFR section 316.13 (2006)

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 908.9. Marking Outside Containers of Inedible Grease, Inedible Tallow, or Other Inedible Animal Fat or Mixtures.

Outside containers of inedible grease, inedible tallow, or other inedible animal fat or mixtures of fat shall be marked in accordance with 9 CFR section 316.15 (2006).

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18669, 18724, 18730, 18731, 18813, 18850, 18949, 19001 and 19017, Food and Agricultural Code; and 9 CFR section 316.15 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 908.10. Unmarked Inspected Products.

Products that have been inspected and passed but do not bear the official inspection legend may be removed from an official establishment in closed containers bearing the official inspection legend and all other information required by this part and Article 10 of this subchapter: Provided that upon removal from such closed container the product may not be further transported in commerce unless such removal is made under the supervision of an inspector and such product is reinspected by an inspector and packed under his supervision in containers bearing the official inspection legend and all other information required by this part and Article 10 of this subchapter: And provided further, that unmarked product shall not be brought into an official establishment in an open container.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18656, 18661, 18662, 18664, 18665, 18669, 18670, 18676, 18722, 18724, 18730, 18731, 18845, 18941, 18942, 18942.2, 18944, 18974, 18949, 19012 and 19017, Food and Agricultural Code.

HISTORY

1. New section filed 5–31–2007; operative 6–30–2007 (Register 2007, No. 22).

§ 908.11. Carcass Identification.

Each custom slaughtered carcass held in a cooler at an official establishment shall be accompanied by identification, attached to the carcass or to the device or container holding the carcass, that lists the owner of the carcass and the date on which it was slaughtered.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014. Food and Agricultural Code. Reference: Sections 18669, 18722, 18727, 18732, 18845, 18972 and 18949, Food and Agricultural Code.

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

Article 10. Labeling, Marking Devices, and Containers

§ 909. Definition and Required Features.

section 317.2 (2006).

Label definitions and label features shall comply with 9 CFR section 317.2 (2006) and with Directive 7220.1, Food Labeling Division Policy Memoranda, (August 2, 2005), published by the United States Department of Agriculture (USDA), Food Safety and Inspection Service. Copies of USDA directives may be found at http://www.fsis.usda.gov. NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18652, 18656, 18661, 18662, $18664, 1866\overline{5}, 18669, 18722, 18724, 18730, 18731, 18736, 18737, 18751, 18752, \\$ 18753, 18754, 18755, 18756, 18757, 18758, 18759, 18842, 18843, 18941, 18942,

18942.2, 18944, 18949, 18974 and 19017, Food and Agricultural Code; and 9 CFR HISTORY

1. New article 10 (sections 909-909.14) and new section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 909.1. Requirements; Supervision by Inspector.

- (a) Labels are required on inspected and passed products placed in containers or coverings in accordance with 9 CFR section 317.1 (2006).
- (b) Fresh products packaged for retail sale shall conform to the labeling requirements of this article except that their labels do not require the official mark of inspection.
- (c) Bulk product displayed unwrapped or in clear packages that require a meat processing establishment employee to serve the customer by bringing the product to the customer, i.e. a service sale, does not require a label on the packaging or container of product. Clear plastic or shrink-wrap is considered a protective device, not a container, in this
- (1) If bulk product is not on display, it must be wrapped in the presence of the customer to be considered a service sale not requiring full labeling. Sale of product pre-wrapped in butcher paper or similar opaque wrap is not considered a service sale and such product shall be fully labeled.
- (2) The display for bulk product sold by service sale shall have a placard identifying the product and, if the product is fabricated with two or more ingredients, a list of product ingredients.
- (d) Products sold in a manner that allows customers to serve themselves by direct access to the product (self-service sale) shall be fully labeled.
- (e) Meat and poultry products processed under USDA Meat and Poultry Inspection and repacked in a meat processing establishment shall be labeled. However, the label does not require a mark of inspection.
- NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18652, 18656, 18661, 18662, 18664, 18665, 18669, 18722, 18724, 18730, 18731, 18736, 18737, 18751, 18752, 18753, 18754, 18755, 18756, 18757, 18758, 18759, 18842, 18843, 18941, 18942, 18942.2, 18944, 18949, 18974 and 19017, Food and Agricultural Code; and 9 CFR section 317.1 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

Page 76.16

¹ The number "38" is given as an example only. The establishment number of the meat processing establishment where the product is prepared shall be used in lieu thereof.

§ 909.2. Approval of Abbreviations of Marks of Inspection.

Abbreviations of marks of inspection shall be submitted to the Department for approval prior to use. Such abbreviations shall have the same force and effect as the respective marks for which they are authorized abbreviations.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18670, 18671 and 19017, Food and Agricultural Code.

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 909.3. Labeling Approval.

- (a) No final labeling shall be used on any product unless the sketch labeling of such final labeling has been submitted to the Department for approval, with a completed MPI Form 79–080 Label and Formulation Approval (Revision 12/04), and has been approved by the Department. The management of the official establishment must maintain a copy of all labeling used, along with the product formulation and processing procedures. Such records shall be made available to any duly authorized representative of the Department upon request.
- (b) The Department shall permit submission for approval of only sketch labeling, as defined in subsection (d) of this section, for all products, except as provided in section 909.13 of this Article and except for temporary use of final labeling as prescribed in subsection (f) of this section.
- (c) All labeling required to be submitted for approval as set forth in subsection (a) of this section shall be submitted, with a completed MPI Form 79–080 Label and Formulation Approval (Revision 12/04), in duplicate to the Department.
- (d) "Sketch" labeling is a printer's proof or equivalent which clearly shows all labeling features, size, location, and indication of final color, as specified in 9 CFR section 317.2 (2006) and in Directive 7220.1, Food Labeling Division Policy Memoranda, Revision 3 (August 2, 2005), published by the United States Department of Agriculture (USDA), Food Safety and Inspection Service. Copies of USDA directives and notices may be found at: http://www.fsis.usda.gov. The Department will accept sketches that are hand drawn, computer generated, or other reasonable facsimiles that clearly reflect and project the final version of the labeling. Indication of final color may be met by: submission of a color sketch, submission of a sketch which indicates by descriptive language the final colors, or submission with the sketch of previously approved final labeling that indicates the final colors.
- (e) Inserts, tags, liners, pasters, and like devices containing printed or graphic matter for use on, or to be placed within, containers and coverings of product shall be submitted for approval in the same manner as provided for labeling in subsection (a) of this section, except that such devices which contain no reference to product and bear no misleading features shall be used without submission for approval as prescribed in 9 CFR section 317.5(b)(7) (2006).
- (f) Consistent with the requirements of this section, temporary approval for the use of a final label or other final labeling that may otherwise be deemed deficient in some particular may be granted by the Department. Temporary approvals may be granted for a period not to exceed 180 calendar days, under the following conditions:
 - (1) The proposed labeling would not misrepresent the product;
- (2) The use of the labeling would not present any potential health, safety, or dietary problems to the consumer;
 - (3) Denial of the request would create undue economic hardship; and
- (4) An unfair competitive advantage would not result from the granting of the temporary approval.
- (5) Extensions of temporary approvals may also be granted by the Department provided that the applicant demonstrates that new circumstances, meeting the above criteria, have developed since the original temporary approval was granted.
- (g) The Department shall approve meat carcass ink brands and meat food product ink and burning brands, which comply with Article 9 of this subchapter.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18670, 18671 and 19017, Food and Agricultural Code; and 9 CFR section 317.5 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 909.4. Approved Labels to be Used Only on Products to Which They Are Applicable.

Labels shall be used only on products for which they are approved, and only if they have been approved for such products in accordance with section 909.3 of this subchapter.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18662, 18664, 18665, 18724, 18730, 18731, 18782, 18783, 18784, 18785, 18786, 18787, 18788, 18789, 18847, 18944, 18974, 19015, 19016 and 19017, Food and Agricultural Code.

History

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 909.5. False or Misleading Labeling or Practices.

- (a) No product or any of its wrappers, packaging, or other containers shall bear any false or misleading marking, label, or other labeling and no statement, word, picture, design, or device that conveys any false impression or gives any false indication of origin or quality or is otherwise false or misleading shall appear in any marking or other labeling. No product shall be wholly or partly enclosed in any wrapper, packaging, or other container that is so made, formed, or filled as to be misleading.
- (b) When a product is labeled with a specific smoke (e.g. Hickory Smoked), then it must be smoked 100% with that particular wood. All smoke must be generated from hardwood, hardwood sawdust, corncobs, or from natural liquid smoke that has been transformed into a true gaseous state by the application of direct heat.
- (c) Labels and containers of products shall comply with the requirements of 9 CFR section 317.8(b) (2006). Reference in section 317.8(b) to section 317.4 shall be deemed to refer to section 909.3 of this subchapter

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18662, 18664, 18665, 18724, 18730, 18731, 18781, 18782, 18783, 18784, 18785, 18786, 18787, 18788, 18789, 18842, 18843, 18846, 18847, 18944, 18972, 18974 19015, 19016 and 19017, Food and Agricultural Code; and 9 CFR section 317.8 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 909.6. Reuse of Official Inspection Marks and Containers.

Reuse of official inspection marks and containers shall be in accordance with 9 CFR section 317.10 (2006).

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18661, 18662, 18664, 18665, 18670, 18671, 18724, 18730, 18731, 18781, 18846, 18847, 18941, 189042, 18942, 18944, 18974, 19015 and 19017, Food and Agricultural Code; and 9 CFR section 317.10 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 909.7. Labeling, Filling of Containers, Handling of Labeled Products.

Labeling, filling of containers, and handling of labeled products shall be in accordance with 9 CFR section 317.11 (2006).

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18652, 18656, 18661, 18662, 18664, 18665, 18669, 18672, 18674, 18722, 18724, 18730, 18731, 18751, 18752, 18753, 18754, 18755, 18756, 18757, 18758, 18759, 18871, 18941, 18942, 18942, 18944, 18949, 18974, 19015 and 19017, Food and Agricultural Code; and 9 CFR section 317.11 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 909.8. Product Relabeling Requirements.

Relabeling of product shall be in accordance with 9 CFR section 317.12 (2006).

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18661, 18662, 18664, 18665, 18669, 18671, 18722, 18724, 18941, 18942, 18942.2, 18944, 18949, 18974, 19015 and 19017, Food and Agricultural Code; and 9 CFR section 317.12 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 909.9. Custom Prepared Products.

Products that are custom prepared under provisions of 9 CFR section 303.1(a)(2) (2006) must be packaged immediately after preparation and must be labeled (in lieu of information otherwise required by Article 10) with the words "Not For Sale" in lettering not less than three–eighths inch in height. Such exempted custom prepared products or their containers may bear additional labeling provided such labeling is not false or misleading.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18662, 18669, 18944, 18946, 18974, 19015, 19016 and 19017, Food and Agricultural Code; and 9 CFR section 303.1 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 909.10. Cured Products.

Cured products shall be labeled in accordance with 9 CFR section 317.17 (2006).

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18662, 18664, 18665, 18676, 18724, 18784, 18786, 18789, 18944, 18974, 19015 and 19017, Food and Agricultural Code; and 9 CFR section 317.17 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 909.11. Packaging Materials.

Packaging materials and their use in official establishments shall comply with requirements of 9 CFR section 317.24(a), (b), (c), (d), (e) and (g) (2006)

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18652, 18656, 18661, 18664, 18665, 18669, 18672, 18676, 18724, 18727, 18730, 18731, 18732, 18751, 18753, 18753, 18754, 18755, 18756, 18757, 18758, 18759, 18843, 18944, 18949, 18974, 19015 and 19017, Food and Agricultural Code; and 9 CFR section 317.24 (2006). HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 909.12. Storage and Distribution of Labels and Containers Bearing Official Marks.

Labels, wrappers, and containers bearing any official marks, with or without the establishment number, may be transported from one official establishment to another official establishment provided such shipments are made with the prior authorization of the inspector at point of origin, who will notify the inspector at destination concerning the date of shipment, quantity, and type of labeling material involved. No such material shall be used at the establishment to which it is shipped unless such use conforms to the requirements of this subchapter.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18656, 18661, 18662, 18669, 18671, 18724, 18727, 18847, 18941, 18942, 18942.2, 18949, 18974, 19015 and 19017, Food and Agricultural Code.

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 909.13. Generically Approved Labeling.

(a) An official establishment is authorized to use generically approved labeling, as defined in subsection (c) of this section, without such labeling being submitted for approval to the Department, provided the labeling is in accordance with this section and shows all mandatory features in a prominent manner as required in 9 CFR section 317.2 (2006) and in Directive 7220.1, Food Labeling Division Policy Memoranda, Revision 3 (August 2, 2005), published by the United States Department of Agriculture (USDA), Food Safety and Inspection Service, and is not otherwise false or misleading. Copies of USDA directives and notices may be found at: http://www.fsis.usda.gov.

(b) The Department shall select samples of generically approved labeling from records maintained by official establishments as required in section 909.3 of this article, to determine compliance with labeling requirements.

(c) Generically approved labeling is labeling that complies with the requirements of 9 CFR sections 317.5(b)(1), (2), (4), (7), and (9)(i), (ii), (iii), (iv), (v), (vii), (viii), (ix), (x), (xi), (xii), (xiii), (xiv), (xv), (xvii, (xviii), (xviii), (xx), (xx), (xxiii), and (xxiii) (2006).

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18664, 18665, 18670, 18671, 18724, 18731, 18781, 18782, 18783, 18784, 18785, 18786, 18787, 18788, 18789, 18944, 18974, 19015, 19016 and 19017, Food and Agricultural Code; and 9 CFR sections 317.2 and 317.5 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 909.14. Rescindment of Labels.

Once a year each official establishment shall submit to the Branch Chief, in quadruplicate, a list of approvals for labels that have become obsolete, accompanied by a statement that such approvals are no longer desired. The approvals shall be identified by number, date of approval, and name of the product.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18724, 18730, 18845, 18846, 18949 and 18974, Food and Agricultural Code.

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

Article 11. Entry Into Official Establishments; Reinspection and Preparation of Products

§ 910. Products and Other Articles Entering Official Establishments.

(a) Products and certain other articles listed in 9 CFR section 318.1(b), (c), (d), (e), (g), and (h) (2006) entering official establishments shall comply with requirements of 9 CFR section 318.1(a), (b), (c), (d), (e), (g), (h)(1), (i), and (j) (2006). References in section 318.1 to sections 318.2 and 318.3 shall be deemed to refer to section 910.2 of this article.

(b) Inspected product may be returned to an official establishment only if the establishment has written procedures, approved by the Department, for handling returned product.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18652, 18658, 18659, 18660, 18661, 18662, 18664, 18665, 18666, 18669, 18670, 18676, 18721, 18722, 18723, 18724, 18725, 18726, 18727, 18730, 18731, 18732, 18751 18752, 18753, 18754, 18755, 18756, 18757, 18758, 18759, 18781, 18782, 18783, 18784, 18785, 18786, 18787, 18788, 18789, 18812, 18813, 18843, 18845, 18872, 18941, 18942, 18942, 2, 18944, 18947, 18948, 18949, 18971, 18972, 19001, 19013, 19017 and 19020, Food and Agricultural Code; and 9 CFR section 318.1 (2006).

HISTORY

1. New article 11 (sections 910–910.18) and new section filed 5–31–2007; operative 6–30–2007 (Register 2007, No. 22).

§ 910.1. Reinspection, Retention, and Disposal of Meat and Poultry Products at Official Establishments.

Reinspection, retention, and disposal of meat and poultry products at official establishments shall be in accordance with 9 CFR section 318.2(a), (b), and (d) (2006).

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18652, 18656, 18664, 18665, 18666, 18669, 18670, 18671, 18676, 18721, 18722, 18723, 18732, 18751 18752, 18753, 18754, 18755, 18756, 18757, 18758, 18759, 18781, 18782, 18783, 18784, 18785, 18786, 18787, 18788, 1878, 18843, 18845, 18872, 18941, 18942, 18942, 18944, 18947, 18949, 18950, 18972, 18974, 18976, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 318.2 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 910.2. Designation of Places for Receipt of Products and Other Articles for Reinspection.

Every official establishment shall designate, with the approval of the area supervisor, a dock or place where products and other articles subject to reinspection under section 910.1 of this article shall be received, and such products and articles shall be received only at such dock or place.

Page 76.18

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18664, 18665, 18670, 18676, 18721, 18723, 18944, 18947, 18949, 18970, 18972, 19014 and 19017, Food and Agricultural Code.

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 910.3. Preparation of Products; Supervision; Responsibilities of Official Establishments.

- (a) All processes used in curing, pickling, rendering, canning, or otherwise preparing any product in official establishments shall be supervised by an inspector unless such preparation is conducted as a custom operation exempted from inspection under provisions of 9 CFR section 303.1(a)(2) (2006).
- (b) It shall be the responsibility of the operator of every official establishment to comply with the Act and the regulations in this subchapter. In order to carry out this responsibility effectively, the operator of the establishment shall institute appropriate measures to assure the maintenance of the establishment and the preparation, marking, labeling, packaging and other handling of its products strictly in accordance with the sanitary and other requirements of this subchapter. The effectiveness of such measures will be subject to review by the Department.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18652, 18664, 18665, 18666, 18669, 18671, 18676, 18725, 18726, 18732, 18751 18752, 18753, 18754, 18755, 18756, 18757, 18758, 18759, 18812, 18845, 18944, 18947, 18949, 18970, 18971, 18974, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 303.1 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 910.4. Product Procedures and Requirements.

- (a) Care shall be taken to assure that product is not adulterated when placed in freezers. If there is doubt as to the soundness of any frozen product, the inspector will require defrosting and reinspection of a sufficient quantity thereof to determine its actual condition.
- (b) Frozen product may be defrosted in water or pickle in a manner and with the use of facilities that are acceptable to the inspector. Before such product is defrosted, a careful examination shall be made to determine its condition. If necessary, this examination shall include defrosting of representative samples by means other than in water or pickle.
- (c) Product, such as pork tenderloins, brains, sweetbreads, stew, or chop suey, shall not be packed in hermetically sealed metal or glass containers, unless subsequently heat processed or otherwise treated to preserve the product in a manner approved by the Department in specific cases
- (d) Care shall be taken to remove bones and parts of bones from product that is intended for chopping.
- (e) Heads for use in the preparation of meat food products shall be split and the bodies of the teeth, the turbinated and ethmoid bones, the ear tubes, and the horn butts shall be removed. The heads shall then be thoroughly cleaned.
- (f) Kidneys to be used in the preparation of meat food products shall first be freely sectioned and then thoroughly soaked and washed. All detached kidneys, including beef kidneys with detached kidney fat, shall be inspected before being used in or shipped from the official establishment.
- (g) Cattle paunches and hog stomachs for use in the preparation of meat food products shall be thoroughly cleaned on all surfaces and parts immediately after being emptied of their contents, which shall promptly follow their removal from the carcasses.
- (h) Clotted blood shall be removed from hog hearts before they are shipped from the official establishment or used in the preparation of meat food products.
- (i) Beef bungs, beef bladders, hog bungs, hog middles, and hog stomachs that are to be used as containers of any meat food product shall be presented for inspection, turned with the fat surface exposed.
- (j) Portions of casings that show infection with Oesophagostomum or other nodule-producing parasites, and weasands infected with the larvae of Hypoderma lineatum, shall be rejected, except that when the infesta-

tion is slight and the nodules and larvae are removed, the casing or weasand may be passed.

- (k) Cover pickle that is clear, free of sediment by filtration, and does not show evidence of decomposition may be reused.
- (*l*) Rework product shall be used only in similar products at levels specified in the appropriate approved in–depth review, MPI Form 79–082 (Rev. 12/04), In–Depth Review of Cooked Sausage, or MPI Form 79–085 (Rev. 12/04), In–Depth Review of Cured/Cooked and Smoked Means
- (m) Beef, pork, poultry, and sheep and goat meat shall be kept separate in storage and processing, except when incorporated in a multi-species product. Processing equipment shall be cleaned between species.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18652, 18661, 18664, 18665, 18666, 18669, 18676, 18751 18752, 18753, 18754, 18755, 18756, 18757, 18758, 18759, 18845, 18941, 18942, 18942.2, 18944, 18947, 18949, 18972, 19014 and 19017, Food and Agricultural Code.

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 910.5. Ingredients and Other Articles Used in Preparation of Products.

- (a) Ingredients and articles listed in 9 CFR section 318.6(b)(1) through (12) (2006) shall be used in accordance with section 318.6(a) and (b)(1) through (12). Reference in section 318.6 to section 317.8(b)(3) shall be deemed to refer to section 909.5 of this subchapter.
- (b) Letters of guarantee obtained from manufacturers and suppliers shall be on file in the official establishment for non-meat ingredients and dairy products that were not produced in a USDA inspected plant or labeled as "Food Grade" or "Food Chemical Codes."
- (c) Non-meat ingredients shall be identified and labeled at all times prior to use.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18652, 18661, 18662, 18664, 18665, 18669, 18676, 18724, 18731, 18751, 18752, 18753, 18754, 18755, 18756, 18757, 18758, 18759, 18842, 18845, 18941, 18942, 18942.2, 18944, 18947, 18949, 19014 and 19017, Food and Agricultural Code; and 9 CFR sections 318.6 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 910.6. Samples of Products, Water, Dyes, Chemicals, etc., to Be Taken for Examination.

Samples of products, water, dyes, chemicals, preservatives, spices, or other articles in any official establishment may be taken for examination as often as deemed necessary by the Department for the efficient conduct of inspection.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18664, 18665, 18669, 18676, 18721, 18944, 18947, 18949 and 19017, Food and Agricultural Code.

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 910.7. Prescribed Treatment of Pork and Pork Products to Destroy Trichinae.

- (a) Pork and pork products shall be treated to destroy trichinae in accordance with 9 CFR section 318.10(a) and (b) (2006).
- (b) Treatment or pork and pork products to destroy trichinae shall consist of heating, refrigerating, or curing, as follows:
- (1) Pork and pork products may be treated to destroy trichinae by heating in accordance with 9 CFR section 318.10(c)(1) (2006).
- (2) Pork and pork products may be treated to destroy trichinae by refrigerating in accordance with 9 CFR sections 318.10(c)(2)(i), (ii), (iii) and (iv) (2006).
- (A) During the period of refrigeration the product shall be kept separate from other products and in rooms or compartments equipped and made secure with locks or seals.
- (B) The product shall be in boxes sealed with fibrous tape across the length and width of the boxes and the mark of inspection applied at the junction of the tape. The boxes shall also be stamped with the lot number, if any, and the date of entry into the retention freezer.

- (C) The rooms or compartments containing product undergoing freezing shall be equipped with accurate "high–low" or recording thermometers placed at or above the highest level at which the product undergoing treatment is stored and away from refrigerating coils.
- (D) After completion of the prescribed freezing of pork to be used in the preparation of product covered by subsection (b) of this section, the pork shall be kept under close supervision of an inspector until it is so used. If separate facilities for preparing meat food products containing treated pork are not used, the equipment and facilities used for making products containing treated pork shall be thoroughly cleaned and free of any particles of untreated pork prior to such use.
- (E) Official establishments that treat pork for trichina by refrigeration shall provide the Department with written procedures for such treatment and shall keep accurate records of such treatment on MPI Form 79–087 (Rev. 12/04), Plants Freezing Pork to Destroy Trichina. After completion of the prescribed treatment period, and at the time of release, an inspector shall review Form 79–087 to assure that time and temperature requirements for the lot are met and the pork is eligible for release for plant use
- (F) Official establishments that use pork treated for trichina by refrigeration shall maintain a record, on MPI Form 79–088 (Rev. 12/04), Plant Certified Pork Use Record, of the use made of certified products.
- (G) Boxes of certified pork shall remain sealed until opened for use and must bear the statement "Pork Product _______ Degrees F ______ Days Refrigeration"
- (H) An inspector shall check the temperature inside the freezer at least weekly during the retention period and at the termination of the retention period. Results shall be listed on the MPI Form 79–030 (Rev. 12/04) Plant Inspection Report and on MPI Form 79–087 (Rev. 12/04) Plants Freezing Pork to Destroy Trichina.
- (3) Pork and pork products may be treated to destroy trichinae by curing in accordance with 9 CFR section 318.10(c)(3) (2006).
- (4) The Department shall consider additional processing methods in accordance with 9 CFR section 318.10(c)(4) (2006).
- (c) Smokehouses, drying rooms, and other compartments used in the treatment of pork by heating or by curing to destroy live trichinae shall be equipped with accurate automatic recording thermometers in accordance with 9 CFR section 318.10(d) (2006).
- (d) The pooled sample digestion technique to analyze pork for the presence of trichina cysts shall be used in accordance with 9 CFR section 318.10(e) (2006).
- (e) The Department shall consider any additional analytical method for trichinosis upon petition by an official establishment, and may approve that method upon the determination that it will detect at least 98 percent of swine bearing cysts present at a tissue density equal to or less than one cyst per gram of muscle from the diaphragm pillars at a 95 percent confidence level. Any such petitions shall be supported by any data and other information that the Department finds necessary.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections, 18661, 18664, 18665, 18669, 18674, 18676, 18721, 18727, 18845, 18941, 18942, 18942.2, 18944, 18947, 18949, 19014 and 19017, Food and Agricultural Code; and 9 CFR section 318.10 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 910.8. Adulteration of Product by Polluted Water.

An official establishment and all products contained therein that are contaminated with polluted water, including but not limited to flood water, shall be handled in accordance with 9 CFR section 318.14(a) and (b) (2006).

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections, 18652, 18656, 18661, 18662, 18664, 18665, 18669, 18676, 18721, 18722, 18728, 18736, 18751 18752, 18753, 18754, 18755, 18756, 18757, 18758, 18759, 18845, 18941, 18942, 18942.2, 18944, 18947, 18949, 18973, 19014 and 19017, Food and Agricultural Code; and 9 CFR section 318.14 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 910.9. Tagging Chemicals, Preservatives, Cereals, Spices, etc., California Retained.

When any chemical, preservative, cereal, spice, or other substance is intended for use in an official establishment, it shall be examined by an inspector and, if found to be unfit or otherwise unacceptable for the use intended or if final decision regarding acceptance is deferred pending laboratory or other examination, the inspector shall attach a California Retained tag to the substance or container thereof. The substance so tagged shall be kept separate from other substances as the area supervisor may require and shall not be used until the tag is removed, and such removal shall be made only by a program employee after a finding that the substance can be accepted or, in the case of an unacceptable substance, when it is removed from the establishment.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections, 18661, 18669, 18721, 18736, 18845, 18947, 18949, 18972, 18973, 19014 and 19017, Food and Agricultural Code.

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 910.10. Pesticide Chemicals and Other Residues in Products.

Pesticide chemicals and other residues in products shall comply with requirements of 9 CFR section 318.16(a) and (b) (2006).

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections, 18652, 18661, 18664, 18665, 18672, 18673, 18676, 18736, 18751 18752, 18753, 18754, 18755, 18756, 18757, 18758, 18759, 18843, 18845, 18941, 18942, 18942.2, 18947, 18972, 19014 and 19017, Food and Agricultural Code; and 9 CFR section 318.16 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 910.11. Requirements for the Production of Cooked Beef, Roast Beef, and Cooked Corned Beef Products.

- (a) Cooked beef and roast beef, including sectioned and formed roasts and chunked and formed roasts, and cooked corned beef shall be prepared by one of the time and temperature combinations in the following table. The stated temperature is the minimum that shall be produced and maintained in all parts of each piece of meat for at least the stated time:
- (1) Table for Time/Temperature Combination for Cooked Beef, Roast Beef, and Cooked Corned Beef.

Beer, and Cooked Con	ieu Beel.	
Minimum internal tempero	ature	Minimum processing time in minutes after minimum temperature is reached
Degrees Fahrenheit (°F)	Degrees Centigrade (°C	()
130	54.4	121
131	55.0	97
132	55.6	77
133	56.1	62
134	56.7	47
135	57.2	37
136	57.8	32
137	58.4	24
138	58.9	19
139	59.5	15
140	60.0	12
141	60.6	10
142	61.1	8
143	61.7	
144	62.2	6 5
145	62.8	Instantly

- (b) Cooked beef, including sectioned and formed roasts and chunked and formed roasts, and cooked corned beef shall be moist cooked throughout the process or, in the case of roast beef or corned beef to be roasted, cooked as provided in paragraph (c) of this section. The moist cooking may be accomplished by (1) placing the meat in a sealed, moisture impermeable bag, removing the excess air, and cooking; (2) completely immersing the meat, unbagged, in water throughout the entire cooking process; or (3) using a sealed oven or steam injection to raise the relative humidity above 90 percent throughout the cooking process.
- (c) Roast beef or corned beef to be roasted shall be cooked by one of the following methods:

- (1) Heating roasts of 10 pounds or more in an oven maintained at 250 °F (121 °C) or higher throughout the process;
- (2) Heating roasts of any size to a minimum internal temperature of 145 °F (62.8 °C) in an oven maintained at any temperature if the relative humidity of the oven is maintained either by continuously introducing steam for 50 percent of the cooking time or by use of a sealed oven for over 50 percent of the cooking time, or if the relative humidity of the oven is maintained at 90 percent or above for at least 25 percent of the total cooking time, but in no case less than 1 hour; or
- (3) Heating roasts of any size in an oven maintained at any temperature that will satisfy the internal temperature and time requirements of subsection (a) of this section if the relative humidity of the oven is maintained at 90 percent or above for at least 25 percent of the total cooking time, but in no case less than 1 hour. The relative humidity may be achieved by use of steam injection or by sealed ovens capable of producing and maintaining the required relative humidity.
- (d) Except as provided in subsection (d)(1) of this section, establishments producing cooked beef, roast beef, or cooked corned beef shall have sufficient monitoring equipment, including recording devices, to assure that the time (within 1 minute), the temperature (within 1 °F), and relative humidity (within 5 percent) limits of these processes are being met. Data from the recording devices shall be made available to a program employee upon request.
- (1) In lieu of recording devices, establishments may propose, in the written procedures prescribed in subsection (f) of this section, an alternative means of providing inspection personnel with evidence that finished product has been prepared in compliance with the humidity requirements of subsections (b) and (c) of this section, and the 145 °F (62.8 °C) temperature requirement of subsection (a) of this section.
- (e) Each package of finished product shall be plainly and permanently marked on the immediate container with the date of production either in code or with the calendar date.
- (f) In order to assure that cooked beef, roast beef, and cooked corned beef are handled, processed, and stored under sanitary conditions, the establishment shall submit a set of written procedures for approval by the Department. The written procedures shall include the following information:
- (1) The temperature to which raw frozen product is thawed and the time required.
- (2) The lot identification procedure for lots of product during processing.
- (3) The storage time and temperature combinations that the establishment intends to use before cooking, the cooking time and temperature the establishment intends to use, and the time, if any, the establishment intends to wait after cooking and before cooling.
- (4) If a code, instead of the calendar date, is used on the immediate container of the finished product, its meaning shall also be included.
- (5) Any other steps in the procedures that could affect the safety of the product and where control can be applied to prevent, eliminate, or reduce potential food safety hazards.
- (6) In lieu of recording devices, the alternate means permitted by section 910.11(d)(1) of providing evidence to inspection personnel that the finished product will be prepared in compliance with temperature or humidity requirements.
 - (7) Any other alternate procedure used that is permitted in this section.
- (g) The establishment shall maintain records and reports that document the time, temperature, and humidity at which any cooked beef, roast beef, or cooked corned beef is cooked and cooled at the establishment. Such records shall be kept by the establishment for 6 months or for such further period as the Department may require for purposes of any investigation or litigation under the Act, by written notice to the person required to keep such records. Such records shall be made available to the inspector or any duly authorized representative of the Department upon request.

- (h) The handling and processing of cooked beef, roast beef, and cooked corned beef before, during, and after cooking shall be such as to prevent the finished product from being adulterated. As a minimum, they shall be controlled as follows:
- (1) The establishment shall notify the inspector which processing procedure will be used on each lot, including time and temperature.
- (2) In order to assure uniform heat penetration and consequent adequate cooking of each piece of beef, individual pieces of raw product in any one lot shall either not vary in weight by more than 2 pounds or not vary in thickness by more than 2 inches at the thickest part. Alternate methods of assuring uniform heat penetration may be submitted in writing for approval to the Department.
- (3) A water-based solution that is used for injecting or immersing the meat shall be refrigerated to 50 °F (10 °C) or lower from the time it contacts the meat, and shall be filtered each time it is recirculated or reused.
- (4) Any non-meat ingredient, including the water-based solution in subsection (h)(3) above, that has contacted meat shall be discarded at the end of that day's production unless it is in continuous contact with one batch of product.
- (5) Product prepared for cooking shall be entered into the cooking cycle within 2 hours of completion of precooking preparation, or be placed immediately in a cooler at a temperature of 40 °F (4.4 °C) or lower.
- (6) The time and temperature requirements shall be met before any product in the lot is removed from the cooking units. Unless otherwise specified in the written procedures approved in accordance with subsection (f) of this section, the heat source shall not be shut off until these requirements are met.
- (7) Other than incidental contact caused by water currents during immersion cooking or cooling, product shall be placed so that it does not touch or overlap other products. This provision does not apply to product that is stirred or agitated to assure uniform heat transfer.
- (8) Temperature sensing devices shall be so placed that they monitor product in the coldest part of the cooking unit; and when an oven temperature is required by paragraph (c) of this section, the oven temperature shall also be monitored in the coldest part of the cooking unit.
- (9) If a humidity sensing device is required in an oven, it shall be placed so that it measures humidity in either the oven chamber or at the exit vent.
- (10) Chilling shall begin within 90 minutes after the cooking cycle is completed.
- (A) All product shall be chilled from 120 °F (48.8 °C) to 55 °F (12.7 °C) in no more than 6 hours.
- (B) Chilling shall continue and the product shall not be packed for shipment until it has reached 40 °F (4.4 °C).
- (11) Any establishment that has experienced a cooking process deviation during preparation of product may either reprocess the product completely, continue the heating to 145 °F (62.8 °C), or contact the Department for a review of the process schedule for adequacy and, if needed, for a cooking schedule to finish that one batch of product.
- (12) An establishment that has experienced a cooling deviation after the product has been cooked shall contact the Department to determine the disposition of that retained product.
- (13) Cooked beef, roast beef, and cooked corned beef shall be so handled as to assure that the product is not recontaminated by direct contact with raw product. To prevent direct contamination of the cooked product, establishments shall:
- (A) Physically separate areas where raw product is handled from areas where exposed cooked product is handled, using a solid impervious floor to ceiling wall; or
- (B) Handle raw and exposed cooked product at different times, with a cleaning of the entire area after the raw material handling is completed and prior to the handling of cooked product in that area; or

- (C) Submit a written procedure for approval to the Department detailing the steps to be taken which would avoid recontamination of cooked product by raw product during processing.
 - (14) To prevent indirect contamination of cooked product:
- (A) Any work surface, machine, or tool that contacts raw product shall be thoroughly cleaned and sanitized with a solution germicidally equivalent to 50 ppm chlorine before it contacts cooked product;
- (B) Employees shall wash their hands and sanitize them with a solution germicidally equivalent to 50 ppm chlorine whenever they enter the heat processed product area or before preparing to handle cooked product, and as frequently as necessary during operations to avoid product contamination; and
- (C) Outer garments, including aprons, smocks, and gloves, shall be specially identified as restricted for use in cooked product areas only, changed at least daily, and hung in a designated location when the employee leaves the area.
- (15) Cooked product shall not be stored in the same room as raw product unless it is first packaged in a sealed, watertight container or is otherwise protected by a covering that has been approved, upon written request, by the Department.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections, 18652, 18656, 18661, 18664, 18665, 18669, 18676, 18724, 18725, 18726, 18727, 18730, 18731, 18736, 18737, 18751, 18752, 18753, 18754, 18755, 18756, 18757, 18758, 18759, 18845, 18941, 18942, 18942, 2, 18947, 18948, 18970, 18971, 18972, 18973, 19011, 19012, 19013, 19014, 19015 and 19017, Food and Agricultural Code.

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 910.12. Compliance Procedure for Cured Pork Products.

- (a) Definitions. For the purposes of this section:
- (1) A product is that a cured pork article that is contained within one Group as defined in subsection (a)(2) of this section and that purports to meet the criteria for a single product designated under the heading "Product Name and Qualifying Statements" in the charts in 9 CFR sections 319.104 or 319.105 (2006).
 - (2) A Product Group or a Group means one of the following:
- (A) Group I, consisting of cured pork products that have been cooked while imperviously encased. Any product that fits into the Group will be placed in this Group regardless of any other considerations.
- (B) Group II, consisting of cured pork products that have been water cooked. Any product that does not fit into Group I but does fit into Group II will be placed into Group II regardless of any other considerations.
- (C) Group III, consisting of boneless smokehouse heated cured pork products. Any boneless product that does not fit into Group I or Group II shall be placed in Group III.
- (D) Group IV, consisting of bone-in or semi-boneless smokehouse heated cured pork products. Any product that is not completely boneless or still contains all the bone that is traditional for bone-in product, and does not fit into Group I, Group II, or Group III shall be placed in this Group.
 - (3) A lot is that product from one production shift.
- (4) A production rate is frequency of production, expressed in days per week.
- (5) Protein fat free percentage, protein fat free content, PFF percentage, PFF content or PFF of a product means the meat protein (indigenous to the raw, unprocessed pork cut) content expressed as a percent of the non-fat portion of the finished product.
- (b) Normal Compliance Procedures. The Department may collect samples of cured pork products and analyze them for their PFF content. Analyses shall be conducted by the Department's Center for Analytic Chemistry Laboratory or another laboratory approved by the Department.
- (c) Each analytical result shall be recorded and evaluated to determine if the affected lot and subsequent production of like product shall be California Retained as provided in subsection (e) of this section.
 - (d) Rules for Rounding:

- (1) Laboratory results for percent meat protein and fat will be reported to the second decimal place (hundredths).
- (2) PFF for charting purposes will be calculated from the reported laboratory results to the second decimal place. Rounding of calculations to reach two decimal places will be done by the following rule:
- (3) All values of five-thousandths (0.005) or more will be rounded up to the next highest hundredth. All values of less than five-thousandths (0.005) will be dropped.
- (4) For compliance with the Absolute Minimum PFF requirements, the PFF will be rounded to the first decimal place (tenths). Rounding of calculations to reach one decimal place will be done by the following rule: All PFF values of five-hundredths (0.05) or more will be rounded up to the next highest tenth. All PFF values of less than five-hundredths (0.05) will be dropped.
- (5) For product disposition (pass–fail of a minimum PFF standard for retained product) the average PFF calculation will be rounded to the first decimal place. Individual PFF Values will be calculated to the nearest hundredth as in (B) above. The average, however, will be rounded to the nearest tenth as in (C) above.
- (e) Criteria for California retention of cured pork products for further
- (1) When an analysis of an individual sample indicates a PFF content below the applicable minimum requirement of 9 CFR section 319.104 or section 319.105 (2006) by 2.3 or more percentage points for a Group I or II product, or 2.7 or more percentage points for a Group III or IV product, the lot from which the sample was collected shall be California Retained
- (2) Any subsequently produced lots of like product and any lots of like product for which production dates cannot be established shall be California Retained.
- (3) Disposition of such California Retained product shall be in accordance with subsections (f) and (g) of this section.
 - (f) Compliance procedure during product retention.
- (1) When a product lot is California Retained under the provisions of subsections (e)(1) and (2) of this section, the Department shall collect three randomly selected samples from each such lot and analyze them individually for PFF content. The PFF content of the three samples shall be evaluated to determine disposition of the lot as provided in subsection (e)(1) of this section and the action to be taken on subsequently produced lots of like product as provided in subsection (e)(2) of this section.
- (2) If the processor does not wish to have the product evaluated in this manner, alternate sampling plans may be used provided such plans have been formulated by the processor and approved by the Department prior to evaluation by the three–sample criteria, and provided the analyses specified in such plans are performed at the expense of the processor.
- (A) A product lot that is California Retained under the provisions of subsection (e)(1) of this section may be released for entry into commerce provided one of the following conditions is met:
- 1. The average PFF content of the three samples randomly selected from the lot is equal to or greater than the applicable minimum PFF percentage required by 9 CFR section 319.104 or section 319.105 (2006). Further processing to remove moisture for the purpose of meeting this provision is permissible. In lieu of further analysis to determine the effects of such processing, each 0.37 percent weight reduction due to moisture loss resulting from the processing may be considered the equivalent of a 0.1 percent PFF gain.
- 2. The lot of the product is relabeled to conform to the provisions of 9 CFR section 319.104 or section 319.105 (2006), under the supervision of an inspector.
- 3. The lot is one that has been prepared subsequent to preparation of the lot that, under the provisions of subsection (e)(2) of this section, resulted in discontinuance of California retention of new lots of like product. Such lot may be released for entry into commerce prior to receipt of analytical results for which sampling has been conducted. Upon receipt of such results, they shall be subjected to the provisions of subsection (e)(1) of this section.

(g) Products not meeting specified PFF requirements, determined according to procedures set forth in this section, may be deemed adulterated under the Federal Food, Drug, and Cosmetic Act, 21 USC section 601(m)(8) and misbranded under section 601(n).

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections, 18652, 18662, 18664, 18665, 18666, 18669, 18676, 18721, 18724, 18727, 18730, 18845, 18944, 18947, 18973, 19014 and 19017, Food and Agricultural Code; 9 CFR sections 319.104 and 319.105 (2006); and Federal Food, Drug, and Cosmetic Act, 21 USC section 601.

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 910.13. Use of Animal Drugs.

Animal drug residues are permitted in meat and meat food products if such residues are from drugs that have been approved by the Food and Drug Administration and any such drug residues are within tolerance levels approved by the Food and Drug Administration, unless otherwise determined by the Department and listed herein.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Section 18752, Food and Agricultural Code.

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 910.14. Determination of Added Water in Cooked Sausages.

Determination of added water in cooked sausages shall be in accordance with 9 CFR section 318.22 (2006).

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections, 18972 and 19014, Food and Agricultural Code; and 9 CFR section 318.22 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 910.15. Cooling of Heated Potentially Hazardous Products.

- (a) To avoid product adulteration, processors shall rapidly and continuously cool all potentially hazardous products not included in subsection (b) using the following cooling rates:
- (1) During cooling, the product's internal temperature shall not remain between 135 °F and 70 °F for more than 2 hours and shall not remain between 70 °F and 41 °F for more than 4 hours.
- (2) Product consisting of pieces of intact muscle, such as turkey breast or pork loin, may be cooled according to the requirements for cooked beef, roast beef, and cooked corn beef products in section 910.11(h)(10) of this article.
- (b) Processors may slowly cool cured products if the product, such as cooked sausage, smoked ham, and bacon satisfies condition (1), one of the two choices in condition (2), and one of the three choices in condition (3) below.
- (1) The internal temperature does not remain between 120 °F and 40 °F for more than 20 hours.
 - (2) The cooling process:
 - (A) Causes a continuous drop in product temperature; or
- (B) Controls the product's surface temperature so that it does not stay between 120 °F and 80 °F for more than 2 hours; and
 - (3) The product is formulated:
- (A) With no less than 120 ppm of sodium nitrite or its equivalent (e.g. in ppm KNO2) and a brine concentration of 3.5 percent or more; or
- (B) With no less than 40 ppm of sodium nitrite or its equivalent (e.g., in ppm KNO2) and a brine concentration of 6 percent or more; or
- (C) With or without nitrite (such as salt cured product), but with a maximum water activity of 0.92.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections, 18732, 18950, 18972, 19012 and 19014, Food and Agricultural Code.

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 910.16. Cooled Uncured Potentially Hazardous Product Holding Temperatures.

Uncured potentially hazardous processed product, if stored for any period of time longer than one week, shall be held at or below 41°F.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections, 18732, 18950, 18972, 19012 and 19014, Food and Agricultural Code.

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 910.17. Hot Uncured Cooked Potentially Hazardous Product Holding Temperatures.

- (a) Hot uncured cooked potentially hazardous products may be held if kept at or above $135\,^{\rm o}F$.
- (b) If the product temperature drops below $135\,^{\rm o}{\rm F}$ for over 30 minutes, the processor shall either continuously cool the product to meet the times and temperatures in Section 910.15(b) of this subchapter, immediately reheat it to $165\,^{\rm o}{\rm F}$, or discard it.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections, 18732, 18950, 18972, 19012 and 19014, Food and Agricultural Code.

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 910.18. Methods of Rapid Cooling.

- (a) Rapid cooling of products shall be accomplished by one or more of the following methods:
 - (1) Placing the product in shallow, heat-conducting pans.
 - (2) Separating the food into smaller or thinner portions.
 - (3) Using rapid-cooling equipment.
 - (4) Using containers that facilitate heat transfer.
- (5) Utilizing other effective means that have been approved by the Department
- (b) When product is placed in cooling or cold-holding equipment, containers in which the product is being cooled shall be:
- (1) Arranged in the equipment, to the extent practicable, to provide maximum heat transfer through the container walls.
- (2) Loosely covered, or uncovered if protected from overhead contamination, to facilitate heat transfer from the surface of the food.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18732, 18950, 18972, 19012 and 19014, Food and Agricultural Code.

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

Article 12. Definitions and Standards of Identity or Composition

§ 911. Product Definitions and Standards of Identity or Composition.

Product definitions and standards of identity or composition shall be in accordance with 9 CFR Part 319, section 319.1, et seq. (2006), 9 CFR Part 381, section 381.55, et seq. (2006), and the Food Standards and Labeling Policy Book (August 2005), published by the United States Department of Agriculture, Food Safety and Inspection Service, Office of Policy Program Development. A copy may be found at: http://www.fsis.usda.gov.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections, 18662, 18664, 18665, 18676, 18724, 18730, 18731, 18944, 18974, 18972 and 19017, Food and Agricultural Code; and 9 CFR Parts 319 and 381 (2006).

HISTORY

1. New article 12 (sections 911–911.1) and new section filed 5–31–2007; operative 6–30–2007 (Register 2007, No. 22).

§ 911.1. Mexican Style Chorizo.

(a) Mexican style chorizo is a non-fermented, cured or uncured, perishable sausage that is uncooked, semidried in an atmospherically controlled drying chamber, and prepared with fresh or frozen meats and meat fat with the meat fat constituting not more than thirty percent of the finished product. It is seasoned with one or more types of peppers. No binders or extenders are allowed.

- (b) The following are standards for specific types of Mexican style chorizo:
- (1) "Mexican Style Chorizo" shall be prepared with fresh or frozen pork or fresh or frozen pork and pork fat.
- (2) "Mexican Style Chorizo with Beef," "Mexican Style Chorizo with Veal," and Mexican Style Chorizo with Beef and Veal" shall be prepared with fresh or frozen pork and with beef and/or veal. Pork shall constitute the major portion of the meat content.
- (3) "Mexican Style Beef Chorizo" shall be prepared with fresh or frozen beef or and fresh or frozen beef and beef fat.
- (4) "Mexican Style Veal Chorizo" shall be prepared with fresh or frozen veal or fresh or frozen veal and veal fat.
 - (c) Optional ingredients in Mexican style chorizo include:
 - (1) Spices (including paprika, oregano, and cumin) and flavorings.
- (2) Water or ice to facilitate chopping or mixing, but not to exceed three percent of the total weight of all ingredients, including water.
- (3) One or more types of chili peppers, such as red or green peppers, jalapeño peppers, chili pepper, green chilies, cayenne peppers, chili powder, jalapeño powder, or the various varieties of dried pepper pods that have been soaked and ground or made into a sauce.
- (4) Cider vinegar, wine vinegar, or apple cider vinegar. The vinegar used shall have a concentration of no less than four grams of acetic acid per 100 cubic centimeters (20 °C).
- (5) Orange juice or pineapple juice or a combination of orange juice and pineapple juice. These may be from concentrate.
- (6) Dehydrated, powdered, or fresh garlic, onions, or a combination of garlic and onions.
 - (7) Sugar, dextrose, corn syrup, corn syrup solids, and glucose syrup.
 - (8) Monosodium glutamate.
- (9) Antioxidants and oxygen interceptors listed in 9 CFR section 424.21 (2006), and Directive 7120.1, Safe and Suitable Ingredients Used in the Production of Meat and Poultry Products, Amendment 10 (January 18, 2007), published by the United States Department of Agriculture (USDA), Food Safety and Inspection Service, such as BHA (butylated hydroxyanisole), BHT (butylated hydroxytolene), propyl gallate, TBHQ (tertiary butythydroquinone).
- (10) Bacterial growth inhibitors listed in 9 CFR section 424.21 (2006), and Directive 7120.1, Safe and Suitable Ingredients Used in the Production of Meat and Poultry Products, Amendment 10 (January 18, 2007), published by the United States Department of Agriculture (USDA), Food Safety and Inspection Service, such as sodium lactate.
 - (11) Beef, veal, beef and veal, and/or beef fat.
- (12) Sodium or potassium nitrite not to exceed 1/4 ounce per 100 pounds of meat and meat by products (7 grams per 45000 grams =150 ppm). If nitrite is used in the product formulation, the product shall be labeled with the word "cured" in the product name, such as "Cured Mexican Style Chorizo." The word "cured" shall be displayed on the product label in the same size and style of lettering as other words in the product name.
- (13) If sodium or potassium nitrite is used, curing accelerators listed in 9 CFR section 424.21 (2006), and Directive 7120.1, Safe and Suitable Ingredients Used in the Production of Meat and Poultry Products, Amendment 10 (January 18, 2007), published by the United States Department of Agriculture (USDA), Food Safety and Inspection Service, such as sodium erythorbate or sodium ascorbate.
- (d) Finished Mexican style chorizo shall meet one the following standards:
 - (1) A water activity of 0.95 or less and a pH level of 5.0 or less.
- (2) A moisture to protein ratio of 3.1 to 1 or below with a pH level of 5.0 or less.
 - (3) A pH level of 4.5 or less.
- (e) If Mexican style chorizo contains pork, one of the following is required:

- (1) The pork shall be treated for the destruction of trichinae in accordance with section 910.7 of this subchapter;
- (2) If displayed in a self-service counter, the product shall be clearly labeled "Raw Product Cook Thoroughly Before Serving;" or
- (3) If not labeled and handed to the customer by an establishment employee, the product shall be accompanied by a handout instructing the customer to thoroughly cook it before serving.
- (f) Copies of USDA directives and notices may be found at: http://www.fsis.usda.gov.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections, 18662, 18664, 18665. 18676, 18724, 18730, 18731, 18944, 18974, 18972 and 19017, Food and Agricultural Code.

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

Article 13. Preparation and Processing Operations

§ 912. Purpose and Scope.

This article prescribes rules for the preparation of meat and the processing of poultry products to prevent the adulteration or misbranding of meat and poultry products at official establishments. Articles 11 and 12 of this subchapter and 21 CFR Part 170, section 170.3 et seq. (2006), specify rules for the use of certain food ingredients (e.g., food additives and color additives) that may render meat or poultry products adulterated or misbranded.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Section 18652, 18664, 18665, 18666, 18669, 18676, 18751, 18752, 18753, 18754, 18755, 18756, 18757, 18758, 18759, 18781, 18782, 18783, 18784, 18785, 18786, 18787, 18788, 18789, 18843, 18944, 18947, 18949, 19000 and 19017, Food and Agricultural Code; and 21 CFR Part 170 (2006).

HISTORY

1. New article 13 (sections 912–912.3) and new section filed 5–31–2007; operative 6–30–2007 (Register 2007, No. 22).

§ 912.1. Use of Food Ingredients.

The use of food ingredients in meat and poultry products shall be in accordance with 9 CFR section 424.21 (2006), and Directive 7120.1, Safe and Suitable Ingredients Used in the Production of Meat and Poultry Products, Amendment 10 (January 18, 2007), published by the United States Department of Agriculture (USDA), Food Safety and Inspection Service. Copies of USDA directives and notices may be found at: http://www.fsis.usda.gov.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Section 18652, 18664, 18665, 18666, 18669, 18676, 18751, 18752, 18753, 18754, 18755, 18756, 18757, 18758, 18759, 18781, 18782, 18783, 18784, 18785, 18786, 18787, 18788, 18789, 18843, 18944, 18947, 18949, 19000 and 19017, Food and Agricultural Code; and 9 CFR section 424.21 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 912.2. Other Permitted Additives and Uses.

Other permitted additives shall be used in accordance with 9 CFR section 424.22(a) and (b) (2006).

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Section 18652, 18664, 18665, 18666, 18669, 18676, 18751, 18752, 18753, 18754, 18755, 18756, 18757, 18758, 18759, 18781, 18782, 18783, 18784, 18785, 18786, 18787, 18788, 18789, 18843, 18944, 18947, 18949, 19000 and 19017, Food and Agricultural Code; and 9 CFR section 424,22 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 912.3. Prohibited Uses.

The use of additives listed in 9 CFR section 424.23 (2006) shall be prohibited in accordance with section 424.23.

NOTE: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18664, 18665, 18676, 18731, 18944 and 19014, Food and Agricultural Code; and 9 CFR section 424.23 (2006).

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

Article 14. Records and Reports

§ 913. Custom Livestock Slaughter Reports.

- (a) Plant management at each custom livestock slaughterhouse shall complete the following reports:
- (1) MPI Form 79–072 (Rev. 12/04) Daily Livestock Slaughter Report. For each livestock animal slaughtered the following information shall be entered on the day of slaughter:
 - (A) Date of slaughter.
 - (B) Name and address of the owner of the animal.
 - (C) Species and live weight in pounds.
- (D) The inspector's dispositions on ante- and post-mortem inspections.
 - (E) Weight, in pounds, of carcasses and parts condemned.
- (2) MPI Form 79–073 (Rev. 12/04) Monthly Summary Livestock Slaughtered and Inspected. This form shall be completed for the preceding month, using data from all MPI Forms 79–072 (Rev. 12/04) Daily Livestock Slaughter Report completed that month. The completed form shall be sent to the Sacramento headquarters office by the tenth day of the month.

NOTE: Authority cited: Sections 407, 18693, 18727, 18735, 18901, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18663, 18664, 18672, 18721, 18722, 18731, 18943, 18945, 18946 and 19014, Food and Agricultural Code.

HISTORY

1. New article 14 (sections 913–913.1) and new section filed 5–31–2007; operative 6–30–2007 (Register 2007, No. 22).

§ 913.1. Meat Processing Reports.

- (a) Plant management at each meat processing establishment shall complete the following reports:
- (1) MPI Form 79–070 ($\dot{R}ev.~12/04$) Daily and Monthly Processing Report.
- (2) Under the headings Meat Products, Poultry Products, Custom Products, and Re-Inspection, a column shall be completed for each day the establishment conducts processing operations.
- (3) The weight, in pounds, for all products produced and/or condemned on re–inspection shall be entered in the appropriate space.
- (4) MPI Form 79–071 (Rev. 12/04) Monthly Report Processing Operations at State Inspected Meat and Poultry Official Establishments. This form shall be completed for the preceding month, using data from all MPI Forms 79–070 (Rev. 12/04) Daily and Monthly Processing Report completed that month. The completed form shall be sent to the Sacramento headquarters office by the tenth day of the month.

NOTE: Authority cited: Sections 407, 18693, 18727, 18735, 18901, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18664, 18665, 18672, 18674, 18676, 18721, 18722, 18944, 18947 and 19014, Food and Agricultural Code.

HISTORY

1. New section filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 920. Amendment to Incorporation by Reference.

HISTORY

- Amendment filed 12-5-70 as an emergency; effective upon filing (Register 70, No. 49).
- Certificate of Compliance—Sec. 11422.1, Gov. Code, filed 1–21–71 (Register 71, No. 4).
- 3. Repealer filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 921. Mark of Inspection on Labels for Meat Food Products.

HISTORY

- 1. New section filed 1–20–78; effective thirtieth day thereafter (Register 78, No. 3).
- 2. Repealer filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 927. Authority of Livestock Meat Inspectors, Processing Inspectors and Persons Responsible for Operation of Livestock Establishments.

NOTE: Authority cited: Sections 407 and 18960, Food and Agricultural Code. Reference: Sections 18971, 18972, 18973 and 18974, Food and Agricultural Code.

HISTORY

- 1. New Article 2 (Sections 927–934) filed 8–2–83; effective thirtieth day thereafter (Register 83, No. 32).
- 2. Amendment of section heading and section filed 12–26–2001; operative 1–25–2002 (Register 2001, No. 52).
- Amendment relocating article 2 heading from section 927 to section 901 and renumbering former section 927 to new section 901 filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 928. Condemnation and Retention of Product.

NOTE: Authority cited: Sections 407 and 18960, Food and Agricultural Code. Reference: Sections 18991, 19001, 19012 and 19017, Food and Agricultural Code.

HISTORY

1. Renumbering of former section 928 to section 901.1 filed 5–31–2007; operative 6–30–2007 (Register 2007, No. 22).

§ 929. Grounds for Disciplinary Action.

NOTE: Authority cited: Sections 407 and 18960, Food and Agricultural Code. Reference: Sections 19017, 19030, 19035 and 19036, Food and Agricultural Code.

HISTORY

1. Renumbering of former section 929 to section 901.2 filed 5–31–2007; operative 6–30–2007 (Register 2007, No. 22).

§ 930. Required Marking.

NOTE: Authority cited: Sections 407, 18960 and 18963, Food and Agricultural Code. Reference: Sections 18991 and 19001, Food and Agricultural Code.

HISTORY

- 1. Amendment of section and Note filed 12-26-2001; operative 1-25-2002 (Register 2001, No. 52).
- 2. Editorial correction restoring misplaced footnote.
- 3. Renumbering of former section 930 to section 908.5 filed 5–31–2007; operative 6–30–2007 (Register 2007, No. 22).

§ 931. Licenses.

NOTE: Authority cited: Sections 407 and 18960, Food and Agricultural Code. Reference: Sections 18980, 18981, 18990 and 19000, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 12-26-2001; operative 1-25-2002 (Register 2001, No. 52).
- Editorial correction removing misplaced footnote.
- 3. Renumbering of former section 931 to section 901.3 filed 5–31–2007; operative 6–30–2007 (Register 2007, No. 22).

§ 932. Examinations.

NOTE: Authority cited: Sections 407 and 18960, Food and Agricultural Code. Reference: Sections 18982, 18983, 18990 and 19000, Food and Agricultural Code.

HISTORY

1. Renumbering of former section 932 to section 901.4 filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 933. Animals Killed off Premises.

NOTE: Authority cited: Sections 407 and 18960, Food and Agricultural Code. Reference: Section 18991, Food and Agricultural Code.

HISTORY

1. Renumbering of former section 933 to section 901.6 filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 934. Presence of Inspector on Premises.

NOTE: Authority cited: Sections 407 and 18960, Food and Agricultural Code. Reference: Section 18991, Food and Agricultural Code.

HISTORY

1. Renumbering of former section 934 to section 901.7 filed 5-31-2007; operative 6-30-2007 (Register 2007, No. 22).

§ 950. General Provisions.

NOTE: Authority cited: Sections 18960 and 18963, Food and Agricultural Code. Reference: Sections 18963, Food and Agricultural Code.

HISTORY

- 1. New article 3 (sections 950–955) and section filed 12–26–2001; operative 1–25–2002 (Register 2001, No. 52).
- 2. Repeal of former article 3 heading and renumbering of former section 950 to section 906.1, subsections (a)–(a)(10) filed 5–31~2007; operative 6–30–2007 (Register 2007, No. 22).

§ 951. Loading Equipment.

NOTE: Authority cited: Sections 18960 and 18963, Food and Agricultural Code. Reference: Sections 18963, Food and Agricultural Code.

HISTORY

- 1. New section filed 12-26-2001; operative 1-25-2002 (Register 2001, No. 52).
- 2. Renumbering of former section 951 to section 906.1, subsections (b)–(b)(2) filed 5–31–2007; operative 6–30–2007 (Register 2007, No. 22).

§ 952. Transportation Vehicles.

NOTE: Authority cited: Sections 18960 and 18963, Food and Agricultural Code. Reference: Section 18963, Food and Agricultural Code.

HISTORY

- 1. New section filed 12-26-2001; operative 1-25-2002 (Register 2001, No. 52).
- 2. Renumbering of former section 952 to section 906.1, subsections (c)–(c)(6) filed 5–31–2007; operative 6–30–2007 (Register 2007, No. 22).

§ 953. Water and Feed.

NOTE: Authority cited: Sections 18960 and 18963, Food and Agricultural Code. Reference: Sections 18963, Food and Agricultural Code.

HISTORY

- 1. New section filed 12-26-2001; operative 1-25-2002 (Register 2001, No. 52).
- 2. Renumbering of former section 953 to section 906.1, subsection (d) filed 5–31–2007; operative 6–30–2007 (Register 2007, No. 22).

§ 954. Unloading.

NOTE: Authority cited: Sections 18960 and 18963, Food and Agricultural Code. Reference: Section 18963, Food and Agricultural Code.

HISTORY

- 1. New section filed 12-26-2001; operative 1-25-2002 (Register 2001, No. 52).
- 2. Renumbering of former section 954 to section 906.1, subsection (e) filed 5–31–2007; operative 6–30–2007 (Register 2007, No. 22).

§ 955. Humane Handling at Custom Livestock Slaughter Establishments.

NOTE: Authority cited: Sections 18960 and 18963, Food and Agricultural Code. Reference: Sections 18963, Food and Agricultural Code.

HISTORY

- 1. New section filed 12-26-2001; operative 1-25-2002 (Register 2001, No. 52).
- 2. Renumbering of former section 955 to section 906.1, subsections (f)–(f)(6) filed 5–31–2007; operative 6–30–2007 (Register 2007, No. 22).

[The next page is 77.]

Subchapter 2.

Article 36. Definitions and General Provisions

§ 1180. Definitions.

The definitions in Sections 19200–19214 of the Agricultural Code apply to this group, unless otherwise apparent from their context, and in addition.

- (a) Dead animal means an animal which has died other than by slaughter.
- (b) Inspected horsemeat means horsemeat produced in a slaughtering establishment under inspection by the Secretary, the Director, or a municipal inspection service approved by the Director.
- (c) Secretary means the Secretary of the United States Department of Agriculture.
- (d) Chief of the Bureau means the Chief of the Bureau of Meat Inspection or any officer or employee of the California Department of Agriculture whose authority has heretofore been delegated or may hereafter be delegated to act in his stead.
 - (e) Cow means all cattle.
- (f) Denature means to render unfit for human food by the use of approved denaturing agents in accordance with Section 1180.34.
- (g) Director means the Director of the California Department of Agriculture or his delegate.
- (h) Licensed premises of a dead hauler means the premises on which he maintains a collection station and/or the premises where his trucks and other vehicles are parked over night and on weekends.
- (i) Meat food product means any article intended for and capable of being used as pet food which is derived or prepared in whole or substantial and definite part, from any portion of any animal.
 - (j) Pack means to pack, repack, label, or relabel.
- (k) Pet food means any product intended for use as food for dogs, cats, or other carnivora derived wholly or in part from the carcasses or parts or products of the carcasses of animals.
 - (1) Place of business of a dead hauler means the licensed premises.
- (m) Prepare means to slaughter, cut up, bone, recut, pack, repack, label or relabel fresh or frozen pet food or horsemeat intended for human use subject to the control of the California Department of Agriculture.
- (n) Processing for use as pet food means chilling, freezing, packing, repacking or otherwise handling any meat, meat food product or meat by-product, or horsemeat, horsemeat food product or horsemeat byproduct destined for use as pet food.
- (o) Packing house waste shall include shop fat and bones from any source.
- (p) The meaning of the term "adulterated" is as set forth in Section 27030 of the California Health and Safety Code.

NOTE: Authority for Group 3 cited: Sections 407, 18681, 18682, 19380–19385, Agricultural Code. Reference: Sections 19200 through 19444 Agricultural Code.

- 1. New Group 3 (§§ 1180, 1180.1 through 1180.37) filed 1–14–70 as an emergency; effective upon filing. Approved by State Building Standards Commission. (Register 70, No. 3).
- 2. Certificate of Compliance—Sec. 11422.1, Gov. C., filed 3–12–70 (Register 70, No. 11).
- 3. Renumbering of Group 3 as Group 2 filed 10–8–70 as an emergency; effective upon filing (Register 70, No. 41).
- Change without regulatory effect amending subsection (a) filed 5–27–2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No. 22).

Article 37. Licenses

§ 1180.1. Licensing.

- (a) Every person required to be licensed pursuant to Sections 19240, 19260, 19280, 19300 and 19320 of the Agricultural Code shall obtain a license for his principal place of business and an additional license for each branch location where any of the business practices requiring the license will be carried on.
- (b) License applications shall contain the information required by Sections 19241, 19261, 19281, 19301 and 19321, as applicable, and in addition, as required by the Director,
- (1) description of the premises by photographs, floor plans, drawings or otherwise,
- (2) description of facilities by listings and photographs of stationary and mobile equipment,
- (3) description of the record keeping system that will be maintained to show purchase and sale transactions, inventory, payrolls, purchase and use of supplies and equipment and other related records as required,
- (4) personal fitness of the applicant and executive officers and employees.
- (c) A penalty fee of twenty—five dollars (\$25) shall be assessed upon all renewal applications that are not received by the Cashier on or before the expiration date of the license for which the renewal is required.

§ 1180.2. Change of Ownership.

- (a) Each licensee shall report to the Director any proposed change of ownership of the licensed business, including any proposed transfer of stock if the licensee is a corporation.
- (b) The licensed business of a sole proprietorship or partnership may not be operated under ownership differing from that registered with the Director in the application.
- (c) A corporate licensee may not exercise the privileges of the license under stock ownership differing from that registered with the Director in the application, unless the licensee has first notified the Director pursuant to subparagraph (a) and the Director has approved such operation following investigation consistent with Section 1180.1. This section does not apply to stock transfer made pursuant to the order of any court; provided, however, notice of each such transfer shall be given to the Director before the transfer is made.

§ 1180.3. Change of Executive Officers and Employees.

Each licensee shall report to the Director within 10 days each change of executive officers and management employees.

Article 37.1. Enforcement Fees for Renderers, Collection Centers, and Transporters of Inedible Kitchen Grease

§ 1180.3.1. Enforcement Fees.

Pursuant to sections 19227 and 19315 of the Food and Agricultural Code, effective January 1, 2008, the annual enforcement fees are set as follows:

- (a) The fee for rendering establishments shall be \$3,000.
- (b) The fee for collection centers shall be \$1,500, plus \$300 per vehicle, up to a maximum total of \$3,000 per collection center.
- (c) The fee per registered transporter of inedible kitchen grease shall be \$300 per single vehicle, not to exceed \$3,000 for 10 or more vehicles.
- (d) The Department shall reevaluate the fees in this regulation annually. Fees will be recalculated, if necessary, to cover the actual expenditures of the enforcement program based upon the prior—year revenue and expenditure budget report.

NOTE: Authority cited: Sections 407, 19227 and 19315, Food and Agricultural Code. Reference: Sections 19227, 19228 and 19315, Food and Agricultural Code.

HISTORY

- 1. New article 37.1 (sections 1180.3.1–1180.3.2) and section filed 7–1–2002; operative 7–31–2002 (Register 2002, No. 27).
- Amendment of first paragraph and subsections (a)–(c) filed 1–7–2008; operative 1–7–2008 pursuant to Government Code section 11343.4 (Register 2008, No. 2).

§ 1180.3.2. Method for Collection.

- (a) Every licensed rendering establishment, licensed collection center, and registered transporter of inedible kitchen grease shall submit the fees required pursuant to sections 19227 and 19315 of the Food and Agricultural Code, and section 1180.3.1, to the Department upon license or registration renewal.
- (b) Penalties for any late enforcement fees shall be assessed pursuant to sections 19227(c) and 19315(c) of the Food and Agricultural Code.
- (c) All enforcement fees must be submitted to the Department along with the following information:
 - (1) Name, address, and license number of the rendering plant;
 - (2) Name, address, and license number of the collection center;
- (3) Name, address, registration number, and number of transportation vehicles for transporters of inedible kitchen grease;
 - (4) Fee amount paid.

NOTE: Authority cited: Sections 407, 19227 and 19315, Food and Agricultural Code. Reference: Sections 19227, 19228 and 19315, Food and Agricultural Code.

HISTORY

1. New section filed 7-1-2002; operative 7-31-2002 (Register 2002, No. 27).

Article 38. Horsemeat and Pet Food Importers

§ 1180.4. Shipping Permits.

- (a) Each shipment of fresh or frozen meat, meat byproducts, horse-meat, horsemeat byproducts, poultry meat, or poultry meat byproducts for pet food imported into California must originate in an establishment under inspection of the Secretary or an approved state or local health agency and must be sealed at the point of origin under the supervision of the inspector in charge of the establishment. A permit for shipment must be secured from the Director, and each lot or shipment must be accompanied by a numbered certificate signed by the federal, state or local health agency inspector—in—charge showing:
- 1. Name, address, and number of the establishment where material originates.
- 2. All material was inspected and passed as fit for animal (pet) food by the United States Department of Agriculture, or an approved state meat inspection service, or an approved local health agency, and did not originate from animals that died other than by slaughter.
 - 3. The product has been denatured and the method of denaturing.
 - 4. The amount and type of product shipped.
 - 5. The product has been sealed and the seal number or numbers.
 - 6. The car or truck number of the vehicle hauling the product.
- The name and address of the pet food plant to which it is being shipped.
 - 8. The estimated date and time of arrival.
- 9. The permit number (from the California Department of Agriculture) of the shipment.
- 10. The dated signature of the Federal meat inspector, the state inspector, or the local health agency in charge at the plant of origin certifying to the above information as an official record.
- (b) When certificates are signed by a state or local health agency inspector, the inspector must be an employee of a state or local health agency which has requirements equal to those which are provided for in these regulations and such out-of-state requirements have been approved by the Director.
- (c) The certificate required by this section may be designed and printed by the shipper, but must be serial numbered with at least three sheets to a set and provide space for the required information. The Director may require a particular form if form submitted is not satisfactory.

- (d) Serially numbered seals, acceptable to the Director, shall be furnished by the shipper for use in sealing the product to be shipped into California. Such seals shall also bear the shipper's name and address or such other means of identification as approved by the Director and be of such manufacture that the seal is destroyed at the time of its removal.
- (e) Compliance with the requirements of this section does not relieve the shipper, importer, or other persons from the responsibility of complying with the applicable requirements of the Secretary concerning the labeling, reporting, certifying, denaturing, and handling of any product inedible by man which is moved in commerce.
- (f) The Director may refuse to permit any imported shipment to be used for pet food and require such shipment to be rendered pursuant to Section 1180.25 whenever he determines that there is a lack of documentation that such shipment meets all of the requirements of the Agricultural Code and this Group for use as pet food.

§ 1180.5. Equine Meat, Identification.

HISTORY

1. Repealer filed 5–7–97; operative 6–6–97 (Register 97, No. 19).

Article 39. Horse Slaughter for Human Food

§ 1180.6. Horse Slaughterer.

Every person engaged in the business of slaughtering horses for human food purposes shall comply with the requirements set forth in Article 23, Group 1, Subchapter 4, Title 3 of the California Administrative Code and other provisions of law and these regulations.

Article 40. Pet Food

§ 1180.7. Facilities and Conditions to Be Provided by Pet Food Slaughterers and Processors.

When required by the Director, the following facilities and conditions, and such others as may be essential to efficient conduct of inspection and maintenance of sanitary conditions shall be provided by each licensed establishment of a pet food slaughterer or processor.

- (a) Pet food slaughterers and processors shall comply with the following requirements of the United States Department of Agriculture Meat Inspection Regulations, Code of Federal Regulations, Title 9, Sections 307.1, 307.2 and 308.1–308.15.
- (b) The facilities for sewage disposal shall be approved by the county or city health officer.

HISTORY

- 1. Amendment filed 12–4–70 as an emergency; effective upon filing (Register 70, No. 49).
- Certificate of Compliance—Sec. 11422.1, Gov. Code, filed 1–21–71 (Register 71, No. 4).

§ 1180.8. Commingling of Foods.

HISTORY

1. Repealer filed 5-7-97; operative 6-6-97 (Register 97, No. 19).

§ 1180.9. Movement of Non-Denatured Products.

NOTE: Authority cited: Sections 407 and 19380, Food and Agricultural Code. Reference: Section 19384, Food and Agricultural Code.

HISTORY

1. Repealer filed 6-4-85; effective thirtieth day thereafter (Register 85, No. 23).

§ 1180.10. Possible Conditions.

- (a) The carcasses of animals affected with the following conditions may be used for pet food: anasarca, ocular squamous cell carcinoma (after removal of neoplastic tissue), emaciation, eosinophilic myositis, immaturity, nonseptic bruises and injuries (after removal of abnormal tissues), sarcosporidiosis, and unborn calves.
- (b) Any animal in an unconscious or dying condition or affected with any infectious or contagious disease or a condition specified in the Meat Inspection regulations of the Secretary or the Director that would render

Page 78

the meat unfit for food purposes shall be condemned and denatured so as to render it unfit for human or pet food.

§ 1180.11. Dead Animals.

No dead or unconscious animal shall be brought upon the premises of a pet food slaughterer except as provided for in Section 19342 of the Agricultural Code. In such case, the establishment shall immediately notify the state inspector or his area supervisor or the Chief of the Bureau by personal contact, or by telephone explaining the circumstances. If, upon consideration of the circumstances and examination of the carcass, the meat is found to be fit for pet food, it shall be so passed by the inspector. The licensee shall within 12 hours of receipt of the animal submit a written report to the inspector confirming the circumstances of the matter.

§ 1180.12. Labeling.

- (a) The immediate and master containers of all fresh or frozen meat, horsemeat, meat food product and meat by-products intended for sale as pet food shall be labeled to show:
 - (1) The common or usual name of the edible product;
- (2) The name and address of the packer or distributor, and when the name of the distributor is shown, it shall be qualified by such terms as "packed for," "distributed by," or "distributors;"
 - (3) A statement of the net weight of the product;
- (4) The establishment number of the establishment in which the product was processed in conjunction with the words "Processed in Establishment No.:"
- (5) A statement of ingredients, if the edible product is made up of two or more ingredients. Such ingredients shall be listed by their common or usual names in the order of descending proportion;
- (6) The words "Not For Human Food" or other wording required by the Secretary.
- (b) Four copies of each label used in licensed establishments shall be submitted to and approved by the Director before they are used.
- (c) A product consisting of two or more ingredients shall bear a list of the ingredients, giving the common or usual names of the ingredients arranged in order of their predominance.
- (d) Copies of each trade label submitted for approval pursuant to these regulations shall, when the Director requires, be accompanied by a statement showing the kinds and percentages of the ingredients comprising the edible product with respect to which the label is used. Approximate percentages may be given in cases where the percentages of ingredients may vary from time to time, if the limits of variation are stated.
- (e) False, deceptive or misleading statements, marks, brands or designs shall not appear on labeling material.
- (f) Each vehicle used for the transportation of fresh or frozen pet food, except a vehicle used as a substitute for a vehicle disabled en route, shall be clearly and legibly marked with the name, address and pet food slaughterer or processor's license number in letters not less than four inches in height on the left side of the cab or body.

Article 41. Transportation of Dead Animals

§ 1180.13. Transporting Dead Animals.

No person shall transport any dead animal to any place except to a place on his own premises for burial, to a licensed rendering plant, a licensed collection center, a state or county diagnostic laboratory or crematory. No dead animal may be unloaded at any place ineligible to receive such animal except that dead animals may be transferred from a wrecked, disabled transportation vehicle to another transportation vehicle for delivery to a licensed rendering plant, a licensed collection station, or a state or county diagnostic laboratory or crematory. No slaughterer shall pick up any dead animal pursuant to Section 19342 of the Agricultural Code unless he is licensed as a dead hauler.

In case a vehicle is disabled en route and the transporter of dead animals finds it necessary to unload the animals and reload them into an op-

erable vehicle, he shall report the transfer and facts by letter or telephone to the Secretary within five working days.

NOTE: Authority cited: Section 19380, Food and Agricultural Code. Reference: Section 19348, Food and Agricultural Code.

HISTORY

1. Amendment of section and new NOTE filed 5–7–97; operative 6–6–97 (Register 97, No. 19).

§ 1180.14. Restrictions on Hauling.

Dead haulers shall not load into any means of conveyance containing any dead animals, any other products, or other commodities.

§ 1180.15. Records.

Each dead hauler shall keep in a bound book, separate and distinct from all other records, serially numbered entries in ink which shall show as to all animals:

Date and time of pic	k up	
Name and address o	f person from which the animal(s)	
were obtained	· · · · · · · · · · · · · · · · · · ·	_
Species	Number	_
Breed		
Sex		
Name of person or f	irm whom delivered	
Time and date of de	livery	
	payment for the animal(s),	
given or received		

All such records shall be produced upon demand of the Director. The records shall be maintained for 1 year.

§ 1180.16. Skin Removal Prohibited.

No person shall buy, sell, possess, receive, or transport any dead animal from which the hide or skin has been removed unless the meat and meat byproducts from such dead animal has been denatured with crude carbolic acid or cresylic disinfectant as specified in Section 1180.34, or other agents or methods approved by the Director for denaturing such dead animals.

§ 1180.17. Vehicles Used in Hauling.

- (a) All vehicles and other means of conveyance used by dead haulers for transporting any dead animal shall be leakproof and so constructed of impervious material as to permit thorough cleaning and sanitizing and shall be equipped to assure the control of insects and odors and prevent the spread of disease. All vehicles which have been used for the transportation of dead animals shall be thoroughly cleaned and disinfected at the end of each day's operation during which the vehicle or other means of conveyance was used. The cleaning procedure shall include the complete removal from the means of conveyance of any fluid, parts or product of such dead animals.
- (b) Vehicles and other means of conveyance used for the transporting of dead animals shall be completely unloaded, cleaned and disinfected prior to any other use. Substances permitted for use as disinfectants are: (a) Liquefied phenol (U.S.P. strength 87 percent phenol in the proportion of at least six fluid ounces to one gallon water). (b) Cresylic disinfectant in the proportion of not less than four ounces to one gallon water. (c) Any other disinfectant approved by the Secretary.
- (c) Each dead hauler shall attach to his application for a license a list describing each vehicle used for the hauling of dead animals and photographs of each vehicle showing front, rear and views of both sides. The description shall include the make, size, and year manufactured and the license number of each vehicle. The Secretary shall be notified within 10 days whenever a vehicle is added to or removed from this function. A description of the vehicle added and required photographs shall be included with the report.

NOTE: Authority cited: Section 19380, Food and Agricultural Code. Reference: Sections 19321, 19350 and 19354, Food and Agricultural Code.

HISTORY

1. Amendment of subsections (b) and (c) and new Note filed 5–7–97; operative 6–6–97 (Register 97, No. 19).

§ 1180.18. Vehicle Identification.

Each vehicle used for the transportation of dead animals, except a vehicle used as a substitute for a vehicle disabled en route, shall be clearly and legibly marked with the name, address and transporter's license number on the left side of the cab or body. Nothing in this section shall prohibit a farmer from transporting his own dead animal in a vehicle not so identified to a licensed renderer, state or county diagnostic laboratory or crematory.

§ 1180.19. Premises.

Licensed premises of a dead hauler shall be maintained in such a manner that it does not create a public or animal health problem or nuisance. The Director may at any time require the licensee to obtain a certificate from the local health officer that the premises are being maintained in compliance with local health ordinances.

Article 42. Collection Centers and Facilities

§ 1180.20. Facilities.

NOTE: Authority cited: Sections 407 and 19380, Food and Agricultural Code. Reference: Sections 19302, 19322 and 19382, Food and Agricultural Code.

HISTORY

1. Repealer filed 6-4-85; effective thirtieth day thereafter (Register 85, No. 23).

§ 1180.21. Buildings and Facilities.

- (a) Collection centers shall be constructed in accordance with standards prescribed in Section T3–1180.20 and related sections in Title 24.
- (b) Collection centers shall be operated so buildings used for the temporary storage of animal carcasses, packing house wastes, and other products before transportation to a licensed rendering plant are kept clean and in good repair and maintained so as to be susceptible of being thoroughly cleaned and protected from the entrance or harboring of vermin.
- (c) Carcasses or packing house waste or containers of packing house waste unloaded at collection centers shall be unloaded in the holding building or on a slab of sufficient size to hold such material.
- (d) Slabs or aprons used as dead haul vehicle washing areas and floors of rooms in which carcasses and packing house wastes are received or stored shall be kept cleaned and maintained to permit runoff of water with no standing water. The drainage and plumbing systems shall be operated and maintained to permit the quick runoff of all water from buildings and disposal of such water to prevent a nuisance or health hazard.
- (e) The plumbing and drainage systems of collection centers shall be operated and maintained so all solid and liquid waste from the various cleaning operations, including sanitizing and washing vehicles used for hauling dead animals, and surface water around the center and the premises, shall be disposed in a manner as to prevent a nuisance or human or animal health hazard.

NOTE: Authority cited: Sections 407, 19380 and 19384, Food and Agricultural Code. Reference: Section 19384, Food and Agricultural Code.

HISTORY

1. Repealer and new section filed 6-4-85; effective thirtieth day thereafter (Register 85, No. 23).

§ 1180.22. Operations.

- (a) Carcasses and packing house waste shall be removed from collection centers as rapidly as possible and shipped only to licensed renderers.
- (b) Carcasses shall not be skinned prior to delivery to a licensed renderer unless the carcasses have been denatured with crude carbolic acid or cresylic disinfectant or other agents approved by the Director. The denaturant shall be applied by injection and must be deposited in all portions of the carcass before skinning the carcass to the extent necessary to preclude their use for food purposes. In such cases where skinning of carcasses is conducted at a collection center, all sales or transactions of meat or meat byproducts received at the collection center shall be to one rendering plant specified in the license application. Transporting of the meat and meat byproducts shall be made in trucks owned and operated by the licensed operator of the collection center, or of the one rendering plant specified to receive the material and who is licensed as required by Sec-

- tion 1180.1(a). The transportation from the collection center to the rendering plant shall be by the most direct route and there shall be no unloading or loading except at the collection center and at the one rendering plant specified. The transportation of the material shall in all respects be handled in the same manner and under the same restrictions as for the transportation of dead animals as specified in Article 41 (Sections 1180.13 to 1180.19, inclusive)of this Group. The Chief of the Bureau may approve other methods of supplying the denaturant before the carcasses are skinned when he finds that the methods will prevent the use of dead animals for food purposes.
- (c) Equipment which may be used for skinning, eviscerating, cutting up or processing meat shall not be brought into, or used, or stored in any collection center unless the licensed operator has been approved by the Director to skin carcasses that are denatured as specified in (b) of this section
- (d) All rooms, compartments, places, and equipment used for storing or handling any dead carcasses and/or packing house wastes shall be kept clean.

§ 1180.23. Vermin Control.

- (a) Every practicable precaution shall be taken to keep the storage building free of flies, birds, rats, mice and other vermin and dogs and cats and other pets.
- (b) Any condition within the immediate vicinity of any licensed establishment which may constitute an attractant, breeding place or harborage for rodents, insects and other pests shall be eliminated.

§ 1180.24. Records.

Each collecting center shall keep a record in ink. These records shall be kept for a period of one year in a bound book, separate and distinct from all other records, and shall be in the following form:

Serial Entry Number	
Enter date and time of pick i	ıp
Name and address of person were obtained	from which the animal(s)
Species	Number
Breed	
Sex	
Name of person or firm to w	hom delivered
Time and Date of delivery	
Amount and date of paymen given or received	
	duced upon demand of the Director

Article 43. Renderers

§ 1180.25. Separation from Other Businesses.

Every licensed rendering establishment shall be separate and distinct from any other nonlicensed establishment in which any meat or meat byproducts are handled and from any other nonlicensed business at the discretion of the Director.

§ 1180.26. Method of Rendering.

- (a) Only such methods of rendering shall be used as will produce products which are free of microorganisms which are pathogenic to man or animals. To this end, the Director may require the installation of recording devices such as recording thermometers and the taking of samples for laboratory examination. If such examinations reveal that the method of rendering used is not satisfactory, or if information on recording devices reveal that the rendering procedure is not satisfactory, or if recording devices are not installed when required, the Director may condemn the product so processed.
- (b) All recording devices shall record correctly the lowest and highest temperature of the material being rendered and the time of the rendering operation.
- (c) A record of each rendering operation shall be recorded by the renderer and retained for a period of one year.

Page 80

§ 1180.27. Vehicle Cleaning Area.

- (a) The vehicle cleaning area shall be constructed in accord with provisions of Section T3–1180.27 and related sections of Title 24, California Administrative Code.
- (b) The vehicle cleaning and sanitizing area shall be maintained and operated so that the waste from such operation is disposed in a manner as to prevent a nuisance or human or animal health hazard.
- (c) Vehicles shall be cleaned and sanitized with live steam or other suitable method.

NOTE: Authority cited: Sections 407, 19380, 19382 and 19384, Food and Agricultural Code. Reference: Sections 19382 and 19384, Food and Agricultural Code.

HISTORY

Repealer and new section filed 6-4-85; effective thirtieth day thereafter (Register 85, No. 23).

§ 1180.28. Cans and Other Receptacles.

Watertight cans and other receptacles used for holding industrial or packing house wastes being transported to the rendering establishment shall be so constructed as to be readily cleaned and they are to be cleaned and sanitized after each use. Cans and other receptacles found to be uncleaned and unsanitized after each use or in such state of disrepair that they cannot be readily cleaned and sanitized or which are not watertight

shall be tagged "reject" by any Bureau of Meat Inspection employee when found in such condition. Such tagged receptacles shall not be used again by the rendering company until they are brought into compliance and the reject tag is removed by a bureau employee. Any product placed in such unclean cans or receptacles shall be condemned. If it cannot be accurately determined which product was placed in such cans or receptacles, all products which could have been so placed shall be condemned.

§ 1180.29. Removal Permit.

Carcasses, meat, meat byproducts, meat food products, horsemeat and horsemeat byproducts shall be promptly rendered and shall not be removed from rendering establishments or their premises except on special permit from the Director and under the condition he may prescribe to prevent the improper use of such products.

§ 1180.30. Records.

Each renderer shall keep in a bound book, separate and distinct from all other records, serially numbered entries in ink which shall show as to all animals:

Name and address of	of person from which the animal(s)
were obtained	
Species	Number

[The next page is 81.]

Breed				 		
Sex _						
A	 -1	1.	- 6		- 1	

Amount and date of payment for the animal(s), given

or received

All such records shall be produced upon demand of the Director. The records shall be maintained for one year.

Article 44. Retaining and Rejecting

§ 1180.31. Retaining and Condemning Products.

(a) Any meat, meat byproduct, meat food product, horsemeat, horsemeat byproducts or horsemeat food product which is slaughtered, prepared, handled, or transported under authority of these regulations shall be inspected as often as the Director deems it necessary in order to ascertain whether such product is adulterated or is otherwise not in compliance with law or regulations. Upon any such inspection, if any such product or portion thereof is found to be adulterated or not in compliance, such product or portion thereof shall be condemned. If the violation is minor in nature and the Director determines that the risk of diversion of the product is not substantial the Director may, upon request of the licensee in writing, permit the salvaging of the product which is subject to condemnation. In such cases the product shall be tagged with a retained tag and the owner notified of such tagging and the Director shall make necessary arrangements with the owner so that an employee of the Bureau of Meat Inspection may be present when the product so tagged is to be processed for salvage or otherwise handled. No tagged product shall be handled or moved unless the tag is removed by an employee of the Director or permission is obtained from the Director allowing movement under permit and seal to a point where the product can be reprocessed or otherwise handled. Reprocessing shall only be done in an establishment licensed by either the Department of Public Health or the Director.

(b) Condemned product shall be denatured so as to render it unfit for human or pet food.

§ 1180.32. Tagging Reject.

All rooms, compartments, facilities, vehicles, or equipment found to be unclean or not so constructed or equipped, as required by law and these regulations shall be tagged "reject" and such tagged rooms, compartments, facilities, or equipment shall not be used until they are cleaned, sanitized or so repaired as to bring them into compliance and the tag is removed by the Director. The Director, upon finding any such violation, may, in lieu of tagging specific equipment or facilities, prohibit the operation of the entire facility until the defect is corrected and the Director has reinspected the facilities and equipment and permitted the resumption of operations.

§ 1180.33. Slaughtering of Animals for Zoo Use.

(a) When the Director finds that there is no ready supply of raw animal meat available for use in the feeding of zoo animals, he may, after investigation of the slaughtering facilities, exempt the licensed slaughterer from specific provisions of these regulations under condition which will not conflict with the purposes of Chapter 5 (commencing with Section 19200) of Part 3 of Division 9 of the Agricultural Code. Providing: That such slaughterer notifies the Chief of the Bureau as to where and at what time each animal is to be slaughtered and that such slaughtering and handling is conducted in such a manner that it does not create a public nuisance and all meat or horsemeat resulting from such slaughter is moved immediately (on the same day) after slaughter to the zoo. No meat from such slaughtering operation shall be used for any other purpose than for sale to a zoo. Each such slaughterer shall keep in a bound book, separate and distinct from all other records, serially numbered entries in ink which shall show as to all animals:

Date and time of j	oickup
Name and address	of person from which the animal(s)
were obtained	
Species	Number

Breed
Sex
Name of person or firm to whom delivered
Amount and date of payment for the animal(s), given or
received

Receipt of delivery from zoo to whom the animal was sold shall be attached.

All such records shall be produced upon demand of the Director. The records shall be maintained for one year. Any such operation shall be approved by the local health officer in writing at least every 90 days.

Article 46. Denaturing

§ 1180.34. Meat Inedible by Humans—Identification.

- (a) Horsemeat, horsemeat byproducts, meat, meat byproducts, meat food product, or raw animal fat which have been condemned for human and pet food, or meat or meat byproducts from dead animals, or meat or meat byproducts which have not been prepared in an establishment under State or Federal Meat Inspection, or in an establishment licensed to manufacture or process pet food in accordance with this Group shall be, if more than four inches in diameter, freely slashed, and immediately thereafter one of the following approved denaturing agents, unless certain agents are specified elsewhere in this Group, shall be liberally applied to all surfaces of such meat and products, whether or not slashed: Crude carbolic acid, Cresylic disinfectant, or No. 2 fuel oil.
- (b) Horsemeat, horsemeat byproducts, meat, meat byproducts, meat food products, or raw animal fat which are to be used for pet food unless identified and handled in accordance with Section 1180.13 shall be, if more than four inches in diameter, freely slashed and immediately thereafter one of the following denaturing agents shall be liberally applied to all surfaces of such meat and products, whether or not slashed:
 - (1) (A) Unrefined (malodorous) fish oil.
- (B) Federal Food, Drug, and Cosmetic Act Green No. 3 coloring, FD&C Blue No. 1 coloring, FD&C Blue No. 2 coloring, or FD&C Violet No. 1 coloring used separately or in combination with a formula consisting of one part dye to 40 parts by weight of water, 40 parts liquid detergent and 40 parts oil of citronella. This concentrate is further diluted by using one part concentrate to 32 parts of water.
 - (C) Any other agent approved by the Chief of the Bureau.
 - (2) Provided however:
- (A) That, if the meat, meat byproduct, or meat food products or raw animal fat are in small pieces (four inches in diameter or less) slashing will not be necessary.
- (B) That tripe may be denatured by dipping it in a six percent solution of tannic acid for one minute followed by immersion in a water bath, then immersing it for one minute in a solution of .002 percent FD&C Yellow No. 5 coloring.
- (C) That meat may be denatured by dipping it in a solution of .625 percent tannic acid followed by immersion in a water bath, then dipping it in a solution of .625 percent ferric acid (ferric acetate); and
- (D) That when the meat, meat byproduct, or meat food product is ground, four percent by weight of coarsely ground hard bone uniformly incorporated with the meat or product may be used in lieu of the agents prescribed above. The size of bone shall be no less than the opening size for No. 5 mesh (U.S. Bureau of Standards).
- (3) Rendered animal fat derived from inedible or condemned materials and possessing the physical characteristics of color, odor, and taste of an edible product shall be denatured to effectually distinguish it from an edible product either with low grade offal during the rendering or by adding to, and mixing thoroughly with, such fat denaturing oil, No. 2 fuel oil, or brucine dissolved in a mixture of alcohol and the pine oil or oil of rosemary.
- (4) In addition to the application of the denaturing agents listed in subparagraphs (1), (2), and (3) above, such meat or product shall be properly identified such as "Beef not for Human Consumption—Denatured with

Page 81 (4-1-90)

- _____," bear a true and correct statement of the net weight and the name and address of the processor or manufacturer.
- (5) The application of any of the denaturing agents listed in (a) or (b) of this section to the outer surfaces of molds or blocks of boneless meat, meat byproducts, or meat food products shall not be considered adequate. The denaturing agent must be mixed intimately with all of the material to be denatured and must be applied in such quantity and manner that it cannot easily and readily be removed by washing or soaking. A sufficient amount of the chosen denaturant of subparagraphs (1) or (2) of paragraphs (b) shall be used to give the meat, meat byproduct, raw animal fat, or rendered animal fats and oils, a distinctive color, odor or taste so that such material cannot be confused with an article of human food.
- (c) All denaturing shall be done immediately upon condemnation of the meat or product, or in the case of (b) of this section, immediately after the meat or product is prepared.

Article 47. Hours of Operation and Overtime

§ 1180.35. Hours of Operation.

Each owner of a pet food slaughtering establishment or pet food processing establishment shall advise the Director, in writing, their establishment's regular schedule work days and time of operation. Any deviation from this schedule shall be approved by the area supervisor or the Chief of the Bureau prior to the deviation.

§ 1180.36. Overtime Work of Bureau Employees.

The management of a licensed establishment desiring to work under conditions which will require the services of an employee of the Bureau on any Saturday, Sunday, or holiday, or for more than eight hours on any other day, shall sufficiently in advance of the period of overtime, request the inspector to furnish inspection service during such overtime period, and shall pay the Director therefor an amount sufficient to reimburse the Department for the cost of the inspection services so furnished. The request shall provide that if the overtime charge is not paid within 10 days of billing therefor, the Director may bring an action for collection of such fees, including attorney fees and other costs of collection. A minimum charge for four hours work time shall be assessed the establishment in cases when the time worked by the inspector is less than four hours. Failure on the part of an establishment to pay overtime fees within 10 days after they have been billed for such fees shall be sufficient cause for the Director to refuse to furnish further overtime inspection.

Article 48. General Provisions

§ 1180.37. Licensing Provisions.

- (a) During the period of 60 days following the adoption of this Group, the Director may issue licenses pursuant to this Group to persons who on the date of adoption were engaged in a business required to be licensed hereunder and whose facilities did not meet all of the standards so required; provided, however, the Director shall require the applicant to agree to time-phased plans for meeting said facility standards within 6 months from the date of issuance of the license. Any license so issued shall be conditioned upon time-phased compliance, which may include dates for the following: submission of plans, contracts for construction and approvals of government officials concerned, start of construction and satisfactory continuance of construction, periodic inspections and approvals during construction and final inspection and approval. If the Director finds the licensee has failed to comply with any such condition he may, upon notice, take action to withdraw the privileges of the license.
- (b) The licensing provisions of this Group 3 shall not apply to a retail store which (1) repacks for sale at the retail store properly labeled and denatured fresh or frozen pet food into properly labeled consumer sized containers or (2) sells at retail properly labeled pet food made at the retail store entirely from nonadulterated meat and meat byproducts.

- (c) The Director may require any person licensed or seeking a license under this Group 3 to provide to him statements under penalty of perjury concerning any operation authorized by the license or violation of law or regulations. If the statements do not adequately deal with the matter, the Director may require further statements under penalty of perjury as to such additional matters. Failure of the licensee to provide the Director with such statements and any supporting documents or materials called for shall be grounds for disciplinary action against the license, and where further violations may be introduced, from preventing operation of the licensed facility.
- (d) Notwithstanding any other provisions of this Group 3, whenever there is reason to believe a product has not been handled in accordance with laws and these regulations, the Director may stop the operation involved, hold the product, and require the operator, licensee or person in possession to show such compliance, and failing the showing of such compliance, the Director may condemn the product and require the operator, licensee or person in possession to pay the cost of such condemnation.

§ 1180.38. Inspection of Raw Product on Request of Horsemeat and Pet Food Importers.

- (a) The Director will provide inspection of raw product in the possession of persons holding a license as a horsemeat and pet food importer pursuant to Sections 19280 et seq. of the Food and Agricultural Code under the following conditions:
 - (1) Facilities and inspection personnel are currently available.
 - (2) The product is readily accessible to Department personnel.
- (3) A charge, equal to the cost of inspection, is paid by the licensee for the inspection. The Director may require that an advance deposit for such inspection be made based upon his estimate of the resulting charge.
- (b) Such inspection shall be limited to determining whether the product at the time and place of inspection is acceptable for processing into or use as pet food. The Department will conduct such tests and procedures as are determined suitable in the particular case. A determination that the product at the time of testing is acceptable shall not be a bar to the Department's determination at a later time that the product is no longer acceptable.

Such product shall at all times be subject to inspection as provided in Section 1180.31.

HISTORY

- 1. New section filed 1–25–72 as an emergency; effective upon filing (Register 72, No. 5).
- 2. Certificate of Compliance filed 3-10-72 (Register 72, No. 11).

§ 1180.39. Disposal of Parts or Products of Animals Not Intended for Use as Human Food.

Any parts or products of animals disposed of by inspected establishments, retail stores, custom slaughterers and custom processors and which are not intended for use as human food shall be disposed of through licensed renderers, licensed pet food processors, licensed collection centers or other method approved by the Director.

 $Note: Authority\ cited: Sections\ 407, 19380, 19383\ and\ 19384, Food\ and\ Agricultural\ Code.$ Reference: Sections 19200–19444, Food\ and\ Agricultural\ Code.

HISTORY

1. New section filed 1–13–78; effective thirtieth day thereafter (Register 78, No. 2).

§ 1180.40. Permit for the Removal of Inedible or Condemned Meat and Poultry Products.

Every establishment under federal or state meat or poultry inspection disposing of inedible or condemned material from the premises shall obtain a permit from the Director of Food and Agriculture.

The application for a permit shall be in a form which is prescribed by the Director and shall contain the following:

1. The name and address of the licensed renderer, licensed pet food processor, licensed collection center, mink farm or specify another approved method of disposal of the inedible or condemned material.

Page 82 (4-1-90)

2. The name of the transportation company that will transport the material.

The Director may refuse or revoke a permit if it is found that the inedible or condemned material has not been disposed of in accordance with all applicable laws and regulations. The permittee shall notify the Director of any changes in the information contained in the application for the

The Director may suspend the permit without hearing upon determining that the permittee has violated the provisions of this Article and that there is good reason to believe such violation is continuing, pending the filing of an accusation and hearing thereon. The accusation shall be filed within fifteen days of the suspension.

HISTORY

1. New section filed 1–13–78; effective thirtieth day thereafter (Register 78, No. 2).

§ 1180.41. Registration of Transporters.

Transporters of parts or products of animals, which are not intended for use as human food, including those operating under public authority, shall register with the Director the destination and method of disposal of the inedible and condemned material.

Vehicles and containers used by transporters shall be kept clean.

HISTORY

1. New section filed 1-13-78; effective thirtieth day thereafter (Register 78, No.

Chapter 5. Poultry Inspection

Subchapter 1. General Provisions

Article 1. Definitions

§ 1200. Definitions.

For the purpose of these regulations the following words, phrases, names, and terms shall be construed respectively to mean:

- (a) Bureau. The Bureau of Meat Inspection of the California Department of Agriculture.
- (b) Bureau Employee. An employee of the Bureau of Meat Inspection who is authorized by the chief of the bureau to do any work or perform any duty in connection with plant sanitation or poultry meat inspection.
- (c) Condition. Any condition, including, but not being limited to, the state of preservation, cleanliness, or soundness of any product; or any condition, including but not limited to, the processing, handling, or packaging which affects such product.
 - (d) Department. The California Department of Agriculture.
- (e) Dressed Poultry. Poultry which has been slaughtered for human food with head, feet, and viscera intact and from which the blood and feathers have been removed.
- (f) Edible Poultry By-products. Any giblets or any edible part of dressed poultry other than eviscerated poultry.
- (g) Free From Protruding Pinfeathers and Hair. Pinfeathers and vestigial feathers (hair or down as the case may be) have been removed so that the carcass is free from protruding pinfeathers and vestigial feathers which are visible to a poultry meat inspector or bureau employee during an examination of the carcass at normal operating speed. However, a carcass may be considered as free from protruding pinfeathers or vestigial feathers if it has a generally clean appearance (especially on the breast) and if not more than an occasional protruding pinfeather is in evidence during a more careful examination of the carcass.
- (h) Giblets. The live from which the bile sac has been removed, the heart from which the pericardial sac has been removed and the gizzard from which the lining and contents have been removed: provided, that each such organ has been properly trimmed and washed.

- (i) Immediate Container, or True Container. The unit, can, pot, tin, or other receptacle or covering in which any poultry meat or product is customarily packed or shipped.
- (j) Inspected and Condemned, or Any Authorized Abbreviation Thereof. That the poultry carcasses, parts of carcasses, poultry meat products or poultry meat food products so designated have been inspected by a poultry meat inspector or bureau employee and found to be unsound, unhealthful, unwholesome, or otherwise unfit for human food.
- (k) Inspected for Wholesomeness Under Supervision of the California Department of Agriculture, or Any Authorized Abbreviation Thereof. That the poultry or poultry meat, poultry meat products, or poultry meat food products so marked have been inspected under these regulations, and that at the time they were inspected and so marked they were free from:
 - (1) Physical evidence of disease injurious to human health;
- (2) Pathological conditions which have rendered or would render the poultry meat unsuited for human food;
 - (3) Serious destruction of the flesh by disease or injury; or
 - (4) Contamination by any substance injurious to human health.
- (1) Inspection Mark. A mark or statement, authorized by these regulations, on a product or on the container of a product, indicating that the product has been inspected for wholesomeness by an inspector.
- (m) Inspector. Poultry meat inspector who has been issued a valid license by the Director to inspect poultry meat for wholesomeness.
- (n) Official Plant. Any premises licensed by the department where poultry is slaughtered or otherwise prepared for food purposes, cannery, factory or similar place, where state inspection is maintained under these regulations.
- (o) Potable Water. Water which is free from disease producing organisms and injurious chemicals. It does not possess obnoxious tastes or odors, and is not turbid or colored to a degree that it is rendered repugnant to the consumer. Standards of tests to be used in determining potability shall be the same as the standards of the State Department of Public Health.
- (p) Poultry. Domestic fowl and domesticated rabbit to be used for human food. "Fowl" includes chickens, turkeys, ducks, geese, and other domesticated birds.
- (q) Poultry Meat Food Product. Any article of food, or any article intended or capable of being used as human food which is derived or prepared, in whole or in substantial and definite part from any portion of poultry.
- (r) Product. Dressed poultry, ready-to-cook poultry, edible poultry by-product and poultry meat food product.
- (s) Ready-to-Cook Domestic Rabbits. Any domestic rabbit which has been slaughtered for human food, from which the head, blood, skin, feet, and inedible viscera has been removed, that is ready to cook without need of further processing, or any cut-up or disjointed portion of such domestic rabbit.
- (t) Ready-to-Cook Poultry. Any dressed poultry which is free from protruding pinfeathers, vestigial feathers (hair or down as the case may be), and from which the head, shanks, crop, preen gland, trachea, esophagus, entrails, reproductive organs and lungs have been removed, and with or without the giblets, is ready to cook without need of further processing. Ready-to-cook poultry also means any cut-up or disjointed portion of poultry prepared as described in this paragraph.
- (u) Regulations or These Regulations. Regulations contained in Subchapter 5, Chapter 2, Title 3, of the California Administrative Code.
- (v) Retained for Further Inspection. That each carcass, including all parts thereof so marked or identified, is held for further examination by an inspector or bureau employee to determine its disposal.
- (w) Shipping Container, or Outside Container. The box, bag, barrel, crate, or other receptacle or covering inclosing any product packed in one or more immediate or true containers.
- (x) Soundness. Freedom from external evidence of any disease or condition which may render a carcass unfit for food.

Page 83 (4-1-90) (y) Major Reconstruction. Major reconstruction shall be construction other than that associated with normal or routine maintenance activities. NOTE: Authority cited for Subchapter 5: Sections 407, 24561, 24562, 24563, 24681 and 24991, Agricultural Code. Reference: Section 24651–25151, Agricultural Code.

HISTORY

- New Subchapter 5 (§§ 1200 through 1272) filed 5–31–56; designated effective July 1, 1956 (Register 56, No. 10).
- 2. Amendment filed 1–23–61; effective thirtieth day thereafter (Register 61, No. 2)
- 3. Amendment of subsections (a) and (b) filed 1–9–70; effective thirtieth day thereafter (Register 70, No. 2).

Article 2. Applicability of Regulations

§ 1201. Applicability of Regulations.

Unless inapplicable, the provisions of these regulations shall apply equally to domesticated fowl and domesticated rabbit used for human food

Article 3. Scope of Inspection

§ 1202. Scope of Inspection.

- (a) Every poultry plant in which poultry is slaughtered, dressed, or drawn, or in which poultry meat, poultry meat by–products, or poultry meat food products of, or derived from poultry, is wholly or in part cut up, recut, packed or repacked, canned, cooked, cured, smoked, salted, rendered, or otherwise prepared, which are capable of being used as food for man, shall have inspection under these regulations as provided by Division 3, Chapter 3, Articles 1 and 2 of the Agricultural Code.
- (b) All poultry and all poultry meat, and products entering a plant at which inspection is required by these regulations, and all products prepared, in whole or in part, therein, shall be inspected, handled, prepared, marked and labeled as required by these regulations.

HISTORY

1. Subsection (c) expired by own terms (Register 72, No. 51).

Article 4. Organization of Force

§ 1203. Appointments: Promotions.

Poultry inspection is conducted under the direction of the Director of Agriculture through the Bureau of Meat Inspection. All permanent bureau employees engaged in the work of poultry meat inspection and poultry plant sanitation inspection are appointed upon certification of the State Personnel Board that they have passed the examination prescribed by that board. Promotions are made on the basis of efficiency, deportment, and length of service.

HISTORY

1. Amendment filed 1-9-70; effective thirtieth day thereafter (Register 70, No. 2).

Article 5. Application for Poultry Plant License

§ 1204. Licensing: Poultry Plant.

(a) The director may disapprove application for initial license if it is determined after inspection that the plant facilities or procedures are of an insanitary nature.

The director may also disapprove application for initial license if the plant involved has been constructed without prior approval of plans and does not conform with these regulations.

(b) The application for license, accompanied by the fee of \$40 prescribed by law, shall be remitted by cash, check or money order, and shall be mailed, paid or delivered to: Cashier, State Department of Agriculture, 1220 N Street, Sacramento 95814, California.

- (c) In cases of change of ownership or change of location, a new application and fee shall be submitted.
- (d) The form used for making application shall be provided by the Director of Agriculture.

HISTORY

 Amendment of subsection (d) filed 1-9-70; effective thirtieth day thereafter (Register 70, No. 2).

§ 1205. Approval: Plans, Information to Be Furnished, Subsidiary Plants, Notice of Approval and Granting of License.

- (a) Triplicate copies of complete plans, not necessarily blue prints, with specifications, consisting of floor plans showing the locations of such features as the principal pieces of equipment, route of edible products and inedible viscera, floor drains, principal drainage lines, hand washing basins, and hose connections for cleanup purposes; roof plans; elevations; cross and longitudinal sections of the various buildings, showing such features as principal pieces of equipment, heights of ceilings, conveyor rails, and character of floors and ceilings; and a plot plan showing such features as the limits of the plant's premises, locations in outline of buildings on the premises, cardinal points of the compass and roadways and railroads serving the plant, properly drawn to scale, shall be submitted for any intended new construction or major reconstruction. The source of water, and official results of test for potability by the State Department of Health, or from an agency or laboratory approved by the State Department of Health, or laboratory of the department shall be submitted. Persons intending construction or major reconstruction may request information from the Bureau of Meat Inspection, 1220 "N" Street, Sacramento, California 95814, concerning the requirements before submitting plans.
- (b) Each application shall specify the names, addresses, and forms of organization of subsidiaries for which a license is requested to do any business described in Section 1202.
- (c) Notice in writing shall be given to each applicant granted approval and license, specifying the plant to which the same applies.

HISTORY

- 1. Amendment filed 1–23–61; effective thirtieth day thereafter (Register 61, No. 2).
- Amendment of subsection (a) filed 1-9-70; effective thirtieth day thereafter (Register 70, No. 2).

Article 6. Official Numbers and Compliance with Regulations

§ 1206. Official Numbers: Subsidiary Plants.

- (a) To each plant granted a license an official number shall be assigned. Such number shall be used to identify all poultry meat and products prepared in the plant. More than one number shall not be assigned to a plant.
- (b) Two or more official plants under the same ownership or control may be granted the same official number, provided a serial letter is added in each case to identify each plant and the products thereof.
- (c) No poultry meat or products shall be handled or prepared in an official plant for a subsidiary of the proprietor or operator, nor shall any article handled or prepared therein be sold by or in the name of a subsidiary of the proprietor or operator, unless such subsidiary is named in an application of the plant, for approval and license, and is granted license in such plant, under these regulations.
- (d) Each official plant shall be separate and distinct from any nonlicensed plant in which any product is handled, and from any other nonlicensed plant, at the discretion of the chief of the bureau.

§ 1207. Drawings and Specifications to Be Furnished in Advance of Construction.

Triplicate copies of drawings and specifications complete as contemplated in Section 1205 of these regulations for major reconstruction of official plants and for new structures shall be submitted to the Bureau of Meat Inspection, California Department of Agriculture, 1220 "N" Street,

Page 84 (4-1-90)

Sacramento, California 95814 and approval obtained for the plans in advance of construction.

HISTORY

- Amendment filed 1–23–61; effective thirtieth day thereafter (Register 61, No. 2).
- 2. Amendment filed 1-9-70; effective thirtieth day thereafter (Register 70, No. 2).

§ 1208. Compliance with Regulations.

- (a) Each licensed plant shall adopt and enforce all measures necessary for carrying out the purposes of these regulations as the chief of the bureau may prescribe.
- (b) For the purpose of any examination or inspection necessary to enforce any of the provisions of these regulations, bureau employees shall have right of access at all times, by day or night, whether the plant is operating or not, to every part of any official plant under their jurisdiction.
- (c) No person shall resist, intimidate, delay, obstruct, hamper, abuse, or interfere with any bureau employee in the discharge, or attempt to discharge any duty of his office, nor shall any person attempt by means of any bribe, threat, or violence to deter or prevent any bureau employee from performing his duty.

Article 7. Buildings and Plant Facilities

§ 1209. Construction of Buildings.

HISTORY

1. Repealer filed 6-4-85; effective thirtieth day thereafter (Register 84, No. 23).

§ 1210. Construction and Use of Poultry Processing Plants.

General Requirements.

- (a) Construction requirements for poultry processing plants, including requirements for separate rooms for processing operations, are provided in Title 24, California Administrative Code, Section T3–901 et seq., and related provisions.
- (b) The plant shall be operated in accordance with the plan design for facility use, unless specific permission for deviation is obtained from the director.
- (c) The plant shall be maintained in a sanitary manner and all operations shall be performed in a sanitary manner. Specific use and sanitation requirements include the following:
- (1) Live poultry and edible product shall not be held or slaughtered in any room where inedible product is held. Rooms and compartments in which any poultry, meat, or product is prepared or handled shall be kept free from dust and odors from dressing and toilet rooms; catch basins; pelt rooms; inedible tank and fertilizer rooms; and holding, feeding, and receiving rooms.
- (2) The following two operations shall be conducted only within separate rooms conforming with plant construction requirements: killing, scalding, roughing, finishing, pinning and/or skinning operations; and pinning, finishing, chilling and packing operations for dressed poultry.
- (3) Final pinning of dressed poultry and chilling and packaging of edible products may not be performed in the eviscerating room.
- (4) Separate rooms, or other adequate facilities suitable to the operations, shall be maintained in eviscerating plants and in other plants where accumulation of refuse occurs. In no case shall receiving or feeding of live fowl be permitted in rooms in which eviscerating operations are performed.

NOTE: Authority cited: Sections 407, 24561, 24562 and 24681, Food and Agricultural Code. Reference: Sections 24749, 24771 and 24772, Food and Agricultural Code.

HISTORY

1. Repealer and new section filed 6–4–85; effective thirtieth day thereafter (Register 85, No. 23).

§ 1211. Floors, Walls, Ceilings, Etc.

(a) The floors, walls, and ceilings in a poultry plant shall be constructed in accordance with standards prescribed in Section T3–903 and related sections of Title 24, California Administrative Code.

§ 1214

(b) Poultry plants shall be operated and maintained in a manner to keep floors, walls, and ceilings and other parts of all compartments in good repair and susceptible of being readily and thoroughly cleaned.

NOTE: Authority cited: Sections 407, 24561, 24562 and 24681, Food and Agricultural Code. Reference: Sections 24741–24750, 24771 and 24772, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 1–23–61; effective thirtieth day thereafter (Register 61, No. 2).
- 2. Repealer and new section filed 6–4–85; effective thirtieth day thereafter (Register 85, No. 23).

§ 1212. Blood Disposal.

- (a) Adequate facilities shall be provided for the disposal of blood in a sanitary manner.
- (b) When bleeding troughs are used they shall be long enough to catch the blood during the bleeding process and shall be cleaned daily. Such troughs shall be installed so as to pitch at least one-half inch per foot toward a smooth metal catch basin or basins, of sufficient capacity for a day's operation at peak production, or shall be flushed continuously.

§ 1213. Draining and Plumbing.

- (a) Draining and plumbing systems in a poultry plant shall be constructed in compliance with the standards in Title 24, California Administrative Code.
- (b) The plant shall be operated and maintained in a manner to permit the quick runoff of all water from the plant buildings and surface water around the plant premises, and disposal of all such water in a manner to prevent stoppage and surcharging of the sewage system and generally to prevent a nuisance or sanitation hazard for the plant or surrounding area. NOTE: Authority cited: Sections 407, 24561, 24562 and 24681, Food and Agricultural Code. Reference: Sections 24741–24750, 24771 and 24772, Food and Agricultural Code.

HISTORY

Repealer and new section filed 6-4-85; effective thirtieth day thereafter (Register 85, No. 23).

§ 1214. Water Supply.

- (a) The water supply shall be ample, clean and potable, with adequate facilities for its distribution in the plant and its protection against contamination and pollution.
- (b) Every plant shall make known and, whenever required, shall afford opportunity for inspection of the source of its water supply, the storage facilities, and the distribution system.
- (c) Equipment using potable water shall be so installed as to prevent back-siphonage into the potable water system.
- (d) Nonportable water is permitted only in those parts of an official plant where no edible product is handled or prepared, and then only for limited purposes such as on refrigerating condensers not connected with the potable water supply, in vapor lines serving inedible products rendering tanks, in connection with equipment used for lashing and washing inedible products preparatory to tanking and in sewer lines for moving heavy solids in the sewage.
- (e) Nonpotable water is not permitted for washing floors, areas, or equipment involved in trucking materials to and from edible products departments, nor is it permitted in poultry scalding vats, mechanical pickers or for clean—up of shackling areas, bleeding area or runways within the slaughtering department.
- (f) In all cases nonpotable water lines shall be clearly identified and shall not be cross—connected with the potable water supply unless this is necessary for fire protection and such connection is of a type with an adequate break to assure against accidental contamination, and is approved by local authorities and by the chief of the bureau.
- (g) Inspectors may permit the reuse of water in vapor lines leading from deodorizers used in the preparation of edible products and in equipment used for chilling of canned products after retorting, provided the re-

Page 85 (4-1-90)

use is for the identical original purpose and the following precautions are taken to protect the water that is reused:

- (1) All pipelines, reservoirs, tanks, cooling towers, and like equipment employed in handling the reused water are so constructed and installed as to facilitate their cleaning and inspection.
- (2) Complete draining and disposal of the reused water, effective cleaning of equipment, and renewal with fresh, potable water is accomplished at such intervals as may be necessary to assure an acceptable supply of water for the purpose intended.
- (3) Effective chlorination (not less than approximately one part per million of residual chlorine at any point within the cooling system) of the reused water utilized for cooling any canned product is maintained, but with the understanding that chlorination alone is not to be relied upon entirely or to be accepted in lieu of the requirements listed in subparagraph (1) and (2) of this paragraph.
- (h) An ample supply of water at not less than 180°F, shall be furnished when used for sanitizing purposes. Whenever necessary to determine compliance with this requirement, conveniently located thermometers shall be installed to show the temperature of the water at the point of use as the chief of the bureau may direct. An adequate supply of hot water for cleaning purposes shall be available.
- (i) Hose connections with steam and water mixing valves or hot water hose connections shall be provided at convenient locations throughout the plant for cleaning purposes.
- (j) Before chemicals, drugs, or antibiotics may be added to potable water used in the processing of poultry, the chief of the bureau must be notified in order that facilities, procedures and acceptable labeling material can be checked and approved.

HISTORY

1. Amendment filed 1–23–61; effective thirtieth day thereafter (Register 61, No. 2).

§ 1215. Sanitary Facilities and Accommodations: Specific Requirements.

- (a) Dressing rooms, toilet rooms, lavatories, and urinals shall be constructed in accordance with standards prescribed in Sections T3–906 and related sections of Title 24, California Administrative Code.
- (b) The plant shall be operated so that dressing rooms, toilet rooms, and urinals are maintained sufficient in number, ample in size, and conveniently located. They shall be separate from the rooms and compartments in which products are prepared, stored, or handled. Depending upon limited size and characteristics of operations conducted by the plant, other facilities may be used in place of dressing rooms. Such facilities shall be so maintained that their presence and use does not interfere with the sanitary operation of the plant.

NOTE: Authority cited: Sections 407, 24561, 24562 and 24681, Food and Agricultural Code. Reference: Sections 24741–24750, 24771 and 24772, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 1–23–61; effective thirtieth day thereafter (Register 61, No. 2)
- Repealer and new section filed 6-4-85; effective thirtieth day thereafter (Register 85, No. 23).

§ 1216. Lighting and Ventilation.

- (a) Lighting and ventilation requirements of a poultry plant shall be provided in accordance with Section T3–907 and related sections of Title 24, California Administrative Code.
- (b) Lighting fixtures and windows shall be maintained and operated to provide adequate lighting to ensure sanitary conditions.
- (c) Ventilation equipment shall be maintained and operated to eliminate objectionable odors and minimize moisture condensation to ensure sanitary conditions.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681 and 24991, Food and Agricultural Code. Reference: Sections 24561, 24562, 24749, 24771 and 24772, Food and Agricultural Code.

HISTORY

Repealer and new section filed 6-4-85; effective thirtieth day thereafter (Register 85, No. 23).

§ 1217. Equipment and Utensils to Be Easily Cleaned: Those for Inedible Products to Be Marked.

- (a) Equipment and utensils used for preparing, processing, and otherwise handling any product shall be of such materials and construction so as to permit thorough cleaning and such as will insure strict cleanliness in the preparation and handling of all products. So far as is practicable, such equipment shall be made of metal or other approved impervious material. Trucks and receptacles used for inedible materials shall be of similar construction and shall bear some conspicuous and distinctive mark, and shall not be used for handling edible products.
- (b) Live poultry holding pens shall be so constructed as to permit proper cleaning.
- (c) Batteries should be constructed entirely of metal and have metal dropping pans so as to permit proper and complete washing and cleaning. All batteries shall be replaced with batteries constructed of metal or other suitable, impervious material whenever replacement becomes necessary.
- (d) Metal refuse containers with covers shall be provided, and such containers shall be kept covered.
- (e) Chilling vats or tanks used for chilling dressed poultry shall be made of metal or other hard–surfaced impervious material.
 - (f) Ice shovels shall be smooth surfaced and made of metal.
 - (g) Scalding Equipment.
- (1) Scalding equipment, tank or spray type, shall be made of metal and have a smooth surface, and be of such construction as to permit proper and complete washing and cleaning.
- (2) The scalding tanks, when used, shall be constructed as to prevent contamination of potable water lines and to permit water to enter continuously at the rate of 1/4 gallon per bird per minute and to flow out through an overflow.
- (3) Scalding tanks under 100 gallons shall be so constructed that the water can and shall be changed at least twice each day used.
- (4) The overflow outlets in scalding equipment shall be of sufficient size to permit feathers and water to be carried off.
- (5) The overflow, draw-off valves, and sediment basin drain shall discharge into a floor or valley drain, or onto the floor in close proximity to a floor or valley drain.
- (h) When necessary, safety guards shall be installed around moving machine parts of mechanical pickers, and such guards shall be of such construction as not to be difficult or laborious to remove or to keep clean. Sheet metal or metal grills fastened down with sufficient bolts and wing nuts are preferable.
- (i) When wax dipping is used, metal troughs or containers shall be provided to catch the wax removed from the dipped poultry. If such wax is to be used again, adequate equipment shall be provided for the conduct of reclaiming procedures such as skimming, heating and washing, centrifuging and filtration.
- (j) Where grading bins are used for poultry, they shall be of sufficient number and capacity to handle the grading adequately without the use of makeshift bins; and all dressed poultry shall be kept off the floor. Grading bins may be made of metal and shall be constructed and maintained in such a manner as to allow easy and thorough cleaning. All replacements of such bins shall, however, be of metal.
- (k) Except as otherwise provided herein, all equipment and utensils used in the killing, roughing, pinning, skinning, eviscerating, chilling and packing rooms shall be of metal or other equally impervious material and constructed so as to permit proper and complete cleaning.
 - (1) Conveyors, Shackles and Trays.
- (1) Conveyors used in the preparation of ready-to-cook poultry shall be constructed as to allow easy identification of viscera and its carcass and so designed as will present each carcass or all parts thereof in a way that will permit adequate and efficient inspection.
- (2) Overhead conveyors shall be constructed and maintained that they will not allow grease, oil, or dirt to accumulate on the drop chain or shackle which shall be of noncorrosive metal.

Page 86 (4-1-90)

- (3) Nonmetallic belt–type conveyors used in moving edible products shall be of waterproof composition.
- (4) When individual trays or other acceptable equipment are not used during eviscerating operations, each carcass shall be suspended and a metal trough shall be provided beneath the conveyor to extend from the point where the carcass is opened to the point where the viscera has been completely removed, and such troughs shall be flushed continuously by a water spray.
- (5) In plants where no conveyors are used, each carcass shall be eviscerated in such a manner that all contamination of the product is eliminated.
- (m) Tables and benches used in the processing of poultry shall be made of metal or other approved materials, and be so constructed and placed to permit thorough cleaning, and when replaced shall have coved corners.
- (n) Water spray washing equipment or running water facilities with sufficient potable water to thoroughly and efficiently wash carcasses shall be used for washing each carcass inside and out.
- (o) Watertight metal receptacles shall be used for entrails and other waste resulting from preparation of eviscerated poultry.
- (p) Freezing rooms should be adequately equipped to freeze ready-to-cook fowl solid in less than 60 hours, and rabbits should be frozen solid in less than 48 hours. Freezing rooms shall be equipped with floor racks or pallets and fans to insure air circulation.
- (q) Cooling racks shall be made of metal or other materials equally impervious to moisture and be readily accessible for thorough washing and cleaning.
- (r) Devices for the temporary retention of instruments such as knives, scissors, shears, clippers and similar hand-operated instruments used by workers and others at inspected plants shall be constructed of rust-resisting metal or other impervious materials, shall be of a type that may be readily cleaned, and shall be kept clean.
- (s) Metal surface required to be used in subsections a, c, d, e, f, g, h, j, k, m, o, q shall be rust resistant.

HISTORY

- 1. Amendment filed 1–23–61; effective thirtieth day thereafter (Register 61, No. 2).
- New subsection (s) filed 6-4-85; effective thirtieth day thereafter (Register 85, No. 23).

§ 1218. Accessibility.

- (a) All equipment shall be so placed as to be readily accessible for all processing and cleaning operations.
- (b) Mechanical pickers shall be so installed as to be accessible for thorough cleaning and removal of the accumulation of feathers.

§ 1219. Restrictions on Use.

Equipment and utensils used in the official plant shall not be used outside the official plant, except under such conditions as may be prescribed or approved by the chief of the bureau. Equipment, used in the preparation of any article (including, but not being limited to, animal food) from inedible material, shall not be used outside of the inedible products department except under such conditions as may be prescribed or approved by the chief of the bureau.

Article 8. Maintenance of Sanitary Conditions and Precautions Against Contamination of Products

§ 1220. Cleaning of Rooms and Compartments.

- (a) Rooms, compartments, places, equipment, and utensils used for preparing, storing, or otherwise handling any product, and all other parts of the plant shall be kept clean and in sanitary condition.
- (b) There shall be no handling or storing of materials which create an objectionable condition in rooms, compartments, or places where products are prepared, store, or otherwise handled.

- (c) All feathers, blood, offal, refuse, dirt and waste products subject to decomposition and fermentation shall be removed daily.
- (d) All windows, doors, and light fixtures in the official plant shall be kept clean.
- (e) All docks and rooms shall be kept clean and free from debris, unused equipment and utensils.
- (f) Live poultry receiving docks and receiving rooms shall be of such construction as to readily permit their easy cleaning.
- (g) Floors in holding and feeding rooms shall be cleaned with such regularity as may be necessary to maintain them in a sanitary condition.
- (h) The killing, roughing, pinning and skinning room shall be kept clean and free from offensive odors at all times.
- (i) The walls, floors, and all equipment and utensils used in the killing, roughing, pinning, and skinning room shall be thoroughly cleaned after each day's operation.
- (j) The floors in the killing, roughing, pinning and skinning room shall be cleaned frequently during killing, roughing, skinning and finishing operations and be kept reasonably free from accumulated blood, offal, feathers, manure, water, and dirt.
- (k) All equipment in the toilet and locker rooms, as well as such rooms, shall be kept clean, sanitary, and in good repair.
- (I) Cooler and freezer rooms shall be free from objectionable odors of any kind and shall be maintained in a sanitary condition (including, but not being limited to the prevention of drippings from refrigerating coils onto products).

HISTORY

1. Amendment filed 1–28–61; effective thirtieth day thereafter (Register 61, No. 2)

§ 1221. Cleaning of Equipment and Utensils.

Equipment and utensils used for preparing or otherwise handling any product shall be kept clean and in a sanitary condition and in good repair.

- (a) Batteries, dropping pans, and pens shall be cleaned regularly and the manure removed from the plant daily.
 - (b) The feed mixer shall be cleaned daily.
- (c) Scalding tanks shall be completely emptied and thoroughly cleaned as often as may be necessary but not less frequently than once a day.
- (d) Ice shovels shall be marked to identify, kept clean, free of corrosion, stored off the floor, and used only for the handling of ice.
- (e) All equipment and utensils used in the killing, roughing, pinning, and skinning rooms shall be thoroughly washed and cleaned after each day's operation. The chilling and packing room and all equipment and utensils used therein shall be maintained in a clean and sanitary condition.
- (f) Graders' and packers' gloves and grading bins shall be washed daily and used only for grading and packing, as the case may be.
- (g) Chilling vats or tanks shall be emptied and rinsed after each use. They shall be thoroughly cleaned once daily.
- (h) When frozen poultry is to be defrosted in water, adequate facilities (tanks, vats or racks) shall be provided, including continuous running tap water of sufficient volume to thaw such poultry. Such poultry shall not be thawed in still water and the thawing tanks shall be emptied and rinsed after each use. The tanks shall be thoroughly cleaned once daily. If water is heated, it shall not be heated above 70 degrees F. Thawing tanks shall be equipped with properly installed over—flow pipes to discharge over a floor drain or a valley drain. Where mechanical devices are not used for removing thawed carcasses from thawing tanks, the tanks shall be of a size which will enable employees to remove poultry without getting inside the tanks.
- (i) When synchronized overhead conveyors and tray conveyors are used, the trays shall be completely washed and sanitized after being automatically emptied of inedible viscera.
- (j) When a coney or tray operation is used, such trays shall be of metal, of seamless construction, and shall be completely washed and sanitized after each use by means approved by the chief of the bureau.
- (k) Tables, shelves, bins, trays, knives, pans, and all other tools and equipment used in the preparation of ready-to-cook poultry shall be kept

Page 87 (4-1-90)

clean and sanitary at all times. Cleaned equipment and utensils shall be drained on racks and shall not be nested.

(l) Drums, cans, tanks, vats, and other receptacles used to hold or transport poultry, shall be kept in a clean and sanitary condition.

§ 1222. Operations and Procedures to Be Clean and Sanitary.

- (a) Operations and procedures involving the preparation, storing, or handling of any poultry or product shall be strictly in accord with clean and sanitary methods.
- (b) There shall be no handling or storing of materials which create an objectionable condition in rooms, compartments, or other places in the plant where any product is prepared, stored, or otherwise handled.
- (c) Pinning and finishing operations shall be performed in a part of the room that is located sufficiently away from the killing and roughing operations to prevent contamination of the product.
- (d) Blood from the killing operation shall be confined to a relatively small area and kept from being splashed about the room.
- (e) In finishing and cleaning dressed poultry, feed shall be removed from the crop, the fecal material in the cloaca shall be removed and carcasses which are not free from vestigial feathers shall be singed, and such operation shall be completed prior to or during the final washing but prior to chilling and packaging of such dressed poultry. Notwithstanding the foregoing, dressed poultry which is to be eviscerated in an official plant within 24 hours from time of slaughter may, when approved by the chief of the bureau, be transferred by conveyor or operational type container or other approved means to such official plant prior to removal of the feed in the crop.
- (f) The head of each dressed poultry carcass shall be washed thoroughly to remove feed from the mouth and blood from the head and mouth.
- (g) In the final washing, the dressed carcass shall be passed through a spray or system of sprays providing an abundant supply of fresh clean water or under clean flowing water utilizing a scrubbing action.
- (h) The floors in the eviscerating room shall be kept clean and reasonably dry during eviscerating operations, and free of all refuse.
- (i) Plant operations shall be conducted in such a manner as will result in sanitary processing and wholesome, properly prepared ready—to—cook poultry.
- (j) Mechanized packaging equipment shall be maintained in good sanitary condition.
- (k) All offal resulting from the eviscerating operation shall be removed as often as necessary to prevent the development of a nuisance.
- (1) Paper and other material used for lining barrels or other containers in which products are packaged shall be of such kinds as do not tear readily during use, but remain intact when moistened by the product. Wooden containers to be used for packaging poultry shall be fully lined except when the individual carcasses to be packaged therein are fully wrapped.
- (m) Protective coverings shall be used for the product in the plant, and as it is distributed from the plant, which will afford adequate protection for the product against contamination by any foreign substance (including, but not being limited to, dust, dirt and insects), considering the means intended to be employed in transporting the product from the plant.
- (n) Containers to be used for packaging ready-to-cook poultry shall be clean, free from objectionable substances or odors and of sufficient strength and durability to adequately protect the product during the normal distribution. Ready-to-cook poultry, other than that which is to be icepacked, shall be adequately drained to remove ice and free water prior to packing and packaging.
- (o) Refuse may be moved directly to loading docks only for prompt removal.
- (p) Employees and others who handle condemned carcasses or parts shall, before handling other carcasses or parts, cleanse their hands with liquid soap and hot water, and rinse them in clean water.
- (q) Implements which have come in contact with condemned carcasses shall be thoroughly cleansed before further use.

- (r) Employees of the plant who handle any product shall keep their hands clean and in all cases after visiting the toilet rooms or urinals shall wash their hands before handling any product, implement or packing material used in the preparation of a poultry product.
- (s) Aprons, frocks and other outer clothing worn by persons who handle any product shall be of material that is readily cleansed, and only clean garments shall be worn.
- (t) Hands of employees handling poultry or edible products or the equipment thereof shall be free of infected cuts, boils and open sores at all time while thus engaged.
- (u) Care shall be taken to prevent the contamination of products with perspiration, hair, cosmetics, medicaments and the like.
- (v) Neither smoking nor chewing of tobacco shall be permitted in any room where exposed edible products are prepared, processed, or otherwise handled.

HISTORY

1. Amendment filed 1–23–61; effective thirtieth day thereafter (Register 61, No. 2).

§ 1223. Temperatures and Cooling and Freezing Procedures.

- (a) Temperatures and procedures which are necessary for cooling and freezing poultry, including all edible portions thereof, shall be in accordance with sound operating practices which insure the prompt removal of the animal heat, and which will maximize the preservation of the quality and conditions of the poultry.
- (b) In general, all poultry that is prepared in the official plant shall be cooled immediately after processing. If such poultry is to be shipped from the plant in packaged form, the poultry shall be cooled to and maintained at a temperature of 40 degrees F. or less prior to shipment from the plant, except that if it is to be held in excess of 24 hours it shall be held at 36 degrees F., and except that with respect to poultry which is to be frozen immediately, the chief of the bureau may approve, upon written request, the shipment of packaged poultry from the plant prior to cooling to 40 degrees F., or less if such poultry is handled in accordance with subparagraphs (1) and (2) of this paragraph.
- (1) Poultry intended for freezing without pre—chilling shall, within two hours from the time of slaughter, be placed in a plate freezer or a freezer with a functioning circulating air system where a temperature of –20 degrees F., or lower is maintained. The poultry shall be stacked in a manner which will permit adequate circulation of air around the individual containers, and such poultry shall remain therein until completely frozen.
- (2) The plant and freezer shall be so located and the necessary arrangements made so that the inspector will have access to the freezing room and adequate opportunity to determine compliance with the time and temperatures specified in (1) of this paragraph.
 - (c) Ice and Chilling Requirements.
- (1) In ice and water chilling, only ice manufactured or produced from potable water may be used for ice water chilling. The ice shall be handled and stored in a sanitary manner. If of block type, the ice shall be washed by spraying all surfaces with clean water before crushing. Metal ice crushers shall be cleaned at least once daily.
- (2) Enough clean crushed ice shall be used in vats or tanks to assure the chilling of poultry within the time specified in subparagraph (3) of this paragraph.
- (3) Poultry carcasses weighing less than 4 pounds shall be chilled to 40 degrees F. or below in less than 4 hours; carcasses weighing 4 to 8 pounds shall be chilled to 40 degrees F. or below in less than 6 hours; and carcasses weighing more than 8 pounds shall be chilled to 40 degrees F. or below in less than 8 hours.
- (4) In order to facilitate continuous processing operations, poultry may be held overnight in chilling tanks containing ice and water of a temperature of 40 degrees F. or less, but in no case may poultry be held in direct contact with water and ice for longer than 24 hours from the time of evisceration. If poultry is to be held in chill tanks for longer periods than specified herein, it shall be properly repacked with crushed ice in clean tanks

Page 88 (4-1-90)

which are continually drained, and during this holding period, the internal temperature of the poultry shall be maintained at or below 40 degrees F

- (d) In air chilling, dressed poultry shall be placed in a refrigerated room with moderate air movement and a temperature which will reduce the internal temperature of the carcasses to 40 degrees F.or less within 24 hours. In air chilling ready-to-cook poultry, the internal temperature of the carcasses shall be reduced to 40 degrees F. or less within 16 hours.
- (e) Any other chilling procedure which will affect chilling in a manner equal to that obtained by the procedures herein set forth, may be permitted when approved by the chief of the bureau.
- (f) Giblets shall be chilled to 40 degrees F. or lower within two hours from the time they are removed from the inedible viscera except that when they are chilled with the carcass by immediate entry into a freezer, the time and temperature requirements set forth in paragraph (b)(1) of this section shall apply. Any of the acceptable methods applicable to the chilling of the poultry carcass may be followed in cooling giblets except that unwrapped liver shall not be chilled in ice and water slush but may be chilled in direct contact with chipped ice or snow in containers which are continually drained. Giblet wrapping materials and procedures shall be such as will permit draining of the giblets prior to packaging of the ready-to-cook carcass.
 - (g) Freezing Requirements.
- (1) Poultry which has been chilled to 40 degrees F. or below prior to packaging and is to be frozen shall be placed into a freeze within 48 hours from time of packaging. However, if such poultry is held for longer than 24 hours from time of slaughter before it is placed in the freezer it shall be held at 36 degrees F. or lower.
- (2) The freezing operation for dressed poultry shall be accomplished in such a manner as to bring the internal temperature of the birds in the center of the package to 0 degree F. or below within 96 hours from the time of entering the freezer; whereas, ready—to—cook poultry shall be frozen in a manner so as to bring the internal temperature of the birds at the center of the package to 0 degree F. or below within 72 hours from the time of entering the freezer.
- (3) Warm packaged poultry which is to be chilled by immediate entry into a freezer within the official plant shall be handled in compliance with the time and temperature requirements set forth in paragraph (c)(3) of this section.
 - (4) Holding Requirements.
- (A) Frozen poultry shall be held under conditions which will maintain the product in a solidly frozen state with temperatures maintained as constant as possible.
- (B) Freezer temperatures of −10 degrees F. are preferable for holding frozen poultry.
- (h) When poultry is ice packed in barrels or other containers, the barrels and containers shall be covered and shall have an adequate number of drain holes to permit the water to drain out.

§ 1223.1. Exception to Chilling Requirements.

Regulations governing the chilling and freezing of poultry shall not be interpreted as requiring chilling of dressed or ready-to-cook poultry when sold direct to a retail customer providing the slaughtering, dressing and/or eviscerating is done at a retail customer's order and while the said customer awaits delivery; and further providing that the package or wrapper shall bear, in conjunction with the inspection mark or label, the additional statement "The poultry meat contained herein has not been chilled, and therefore should either be chilled or be cooked immediately."

HISTORY

1. New section filed 7–19–56 as an emergency; effective upon filing (Register 56, No. 14).

§ 1224. Vermin and Pets Excluded from Plant.

- (a) Every practicable precaution shall be taken to keep plants free of flies, rats, mice and other vermin.
- (b) Dogs, cats, and other pets shall be excluded from rooms where edible products and dressed poultry are processed, handled and stored.

§ 1225. Use of Compounds.

Only such germicides, insecticides, rodenticides, detergents or wetting agents or other similar materials may be used as will not contaminate or deleteriously affect the edible product. The use of poisons for any purpose in rooms or compartments where any unpacked poultry meat or product is stored or handled is forbidden except under such restrictions and precautions as the chief of the bureau may prescribe. The use of bait poisons in pelt rooms, inedible compartments, outbuildings, or similar places, or in store rooms containing canned or tierced products is not forbidden but so—called rat viruses shall not be used in any part of a plant or the premises thereof. The use of such compounds shall be in a manner satisfactory to the chief of the bureau.

§ 1226. Employment of Diseased Persons.

No poultry plant shall employ, in any department where any poultry or poultry meat product is handled or prepared, any person affected with tuberculosis or other communicable disease in a transmissible stage.

§ 1227. Inedible Operating and Storage Rooms: Outer Premises, Docks, Approaches, etc., Fly-Breeding Material: Nuisances.

All operating and storage rooms and departments of official plants used for inedible materials shall be maintained in acceptably clean condition. The outer premises of every official plant, embracing docks and areas where cars and vehicles are loaded, and the driveways and approaches shall be kept free of debris to permit complete drainage and kept in a clean and orderly condition. All catchbasins on the premises shall be given such attention as will ensure their being kept in acceptable condition as regards odors and cleanliness and catchbasins shall not be used for inedible waste recovery in departments where an edible product is prepared, handled, or stored. The accumulation on the premises of plants of any material in which flies may breed is forbidden. No nuisance shall be allowed in any plant or on any plant premises.

NOTE: Authority cited: Sections 407 and 24561, Food and Agricultural Code. Reference: Sections 24771 and 24772, Food and Agricultural Code.

§ 1228. Used Tubs, Barrels, and Other Containers: Inspection and Cleaning.

Used tubs, barrels, and boxes intended for use as containers of any poultry meat or product shall be inspected prior to use. Those showing evidence of misuse rendering them unfit to serve as containers for food products shall be rejected. The use of those showing no evidence of previous misuse may be allowed after they have been thoroughly and properly cleaned.

§ 1229. Dead Poultry Carcasses.

- (a) With the exception of dead poultry which have died enroute and are received with poultry for slaughter at an official plant, no dead animal, poultry or wild fowl may be brought on the premises of a plant unless advance permission therefor is obtained from the chief of the bureau.
- (b) Under no circumstances shall the carcass or parts of any domestic poultry which has died otherwise than by slaughter, or was found on the premises in a dying condition, be brought into any room or compartment in which any poultry meat is prepared, handled or stored.

Article 9. Products and Equipment Contaminated by Polluted Water

§ 1230. Products Contaminated by Polluted Water: Procedure for Handling.

- (a) In the event there is polluted water (including, but not being limited to, flood water and harbor water) in an official plant, all edible products that have been contaminated by such water shall be condemned.
- (b) After the polluted water has receded, all walls, ceilings, posts, and floors of the rooms and compartments involved, including the equipment therein, shall be cleansed thoroughly. An adequate supply of hot water, under pressure, is essential for effective cleansing. After cleansing, a solution of sodium hypochlorite containing approximately one–half of 1

Page 89 (4-1-90)

percent of available chlorine (5,000 parts per million) or other disinfectant approved by the chief of the bureau, shall be applied, and all metal surfaces shall be rinsed thoroughly with water to prevent corrosion. Any such equipment that will afterwards be used in connection with any edible product shall be rinsed thoroughly with clean water before being used.

- (c) Hermetically sealed containers of edible products which have been submerged in, or otherwise contaminated by, the polluted water shall be rehandled promptly as follows:
- (1) Such of the containers as are swollen or leaky or otherwise do not show the external characteristics of sound containers shall be segregated and the contents thereof condemned.
- (2) Paper labels, if any, attached or affixed to the remaining containers shall be removed and the containers washed in warm soapy water and, if necessary to remove rust and other foreign material, a brush shall be used.
- (3) Thereafter, such containers shall be immersed in a solution of sodium hypochlorite containing not less than 100 parts per million of available chlorine, or other disinfectant approved specifically for this purpose by the chief of the bureau, and rinsed in clean fresh water and dried thoroughly. Any such containers which show extensive rusting or corrosion, such as might materially weaken the container, shall be opened. The edible products from such containers that are found to be sound and wholesome shall be passed for human food.
- (4) The remaining containers may be relacquered, if necessary, and then relabeled with approved labels applicable to the edible product therein
- (5) The identity of the canned edible products shall be maintained throughout all stages of the rehandling operation to insure correct labeling of the containers.

Article 10. Sanitation Regulations Applicable to Rabbits Only

§ 1231. Processing, Chilling and Freezing.

- (a) Rabbits may be killed, skinned, eviscerated, cooled and packaged in one room, providing that the room is of such size that the killing, skinning and eviscerating can be done on hooks so spaced that sanitary processing is possible; the cooling tanks so placed that their contents are not contaminated by other processes, and the packing is done in a part of the room well away from inedible products so that no contamination of the ready—to—cook product is possible.
 - (b) Temperatures and Procedures for Cooling and Freezing Rabbits.
- (1) Cooling. Immediately after evisceration and washing of rabbit carcasses, they shall be placed in a cooling tank containing running cold tap water to remove the animal heat from the carcasses.
- (2) Air Chilling. Immediately after the initial water chilling, the carcasses shall be placed in cooling racks and thereupon placed in a refrigerated cooler with moderate air movements and a temperature which will reduce the internal temperature of the carcasses to 40 degrees F. or less within 24 hours.
 - (3) Freezing.
- (A) When ready-to-cook domestic rabbits are packaged in bulk or shipping containers, the carcasses shall be individually wrapped or packaged in water-vapor resistant cartons, or the containers shall be lined with heavy water-vapor resistant paper so as to assure adequate overlapping of the lining to completely surround the carcasses and to permit unsealed closure or sealing in such a manner that water-vapor loss from the product is considerably retarded or prevented. The rabbit carcasses shall receive an initial rapid freezing under such packaging, temperature, air circulation, and stacking conditions which will result in freezing the carcasses solid in 48 hours.
- (B) Frozen ready-to-cook rabbits shall be stored at 0 degrees F., or below, with temperatures maintained as constant as possible.

(4) Immediately after packing, all ready–to–cook domestic rabbits, other than those which are shipped from the plant (the body temperature of which will be below 36 degrees F.) will be either moved into the freezer or held for a period not exceeding 72 hours in the cooler at a temperature of not above 36 degrees F.

Article 11. Application for Examination and Poultry Meat Inspector License

§ 1235. Licensing Poultry Meat Inspectors.

- (a) Persons desiring to be licensed as poultry meat inspectors shall file an application with the director for an examination and license.
- (b) The application for license, accompanied by the fee of \$10 prescribed by law, shall be remitted by cash, check or money order, and shall be mailed, paid or delivered to: Cashier, State Department of Agriculture, 1220 N Street, Sacramento, California.
- (c) Applicants for examination to become licensed poultry meat inspectors shall have the following basic qualifications:
- (1) Applicant shall not be less than 18 years old.
 - (2) Applicant shall have had:
 - (A) Six months experience in poultry processing; or
 - (B) One year of technical training in a related field.
- (3) Ability to follow oral and written directions, to do simple arithmetical calculations, to write legibly, and to prepare clear and accurate reports.
- (4) Ability to analyze situations accurately and adopt an effective course of action.
 - (5) Normal vision or vision corrected to normal.
- (d) The form used for making application shall be provided by the Director of Agriculture.

HISTORY

- 1. Amendment of subsection (d) filed 1-9-70; effective thirtieth day thereafter (Register 70, No. 2).
- 2. Amendment of subsection (c)(1) filed 1–20–78; effective thirtieth day thereafter (Register 78, No. 3).

Article 12. Compliance with Law and Regulations

§ 1236. Reports of Violations of Regulations.

Poultry meat inspectors shall report to bureau employees all violations and failures to comply with Chapter 3, Division 3, Article 2 of the Agricultural Code or the regulations promulgated thereunder.

Article 13. Poultry Meat Inspectors

§ 1237. Designation of Minimum Number of Inspectors.

The chief of the bureau shall designate the minimum number of poultry meat inspectors to be employed by each poultry plant in accordance with the extent of operation of such plant.

§ 1238. Poultry Meat Inspectors to Have Right of Access to Plants at Any Reasonable Time.

For the purpose of any examination or inspection necessary to enforce any of the provisions of these regulations, poultry meat inspectors shall have right of access at any reasonable time, by day or night, whether the plant is operating or not, to every part of any official plant at which they are employed.

§ 1239. Identification of Poultry Meat Inspectors.

Each licensed poultry meat inspector shall be furnished with a numbered official identification card which he shall not allow to leave his possession. The applicant for a license as a poultry meat inspector shall furnish the department accurate information as to his sex, date of birth, height, weight, color of hair, color of eyes, which shall appear on such

Page 90 (4-1-90)

card for the purpose of identification. The applicant for a poultry meat inspector's license shall furnish the department two satisfactory recent photographs of himself, size 1 inch by 1 1/4 inch, one of which shall be attached to the identification card; the other will be held in the bureau files. This card shall serve as a certificate of license and shall be sufficient to entitle him to admittance at all regular entrances and to all parts of the plant and premises at which he is employed.

§ 1240. Interference with or Abuse of Poultry Meat Inspectors.

- (a) No person shall resist, intimidate, delay, obstruct, hamper, abuse, or interfere with any poultry meat inspector in the discharge of his duties nor shall any person attempt by means of any threat or violence to deter or prevent any poultry meat inspector from performing his duty.
- (b) No plant owner or operator or his agent shall discharge or in any way terminate the services of a poultry meat inspector in his plant without immediately notifying the chief of the bureau.

§ 1241. Duties and Conditions of Employment of Poultry Meat Inspectors.

- (a) Failure in effort on the part of the inspector to properly enforce poultry meat inspection regulations shall be sufficient cause for the director to revoke the license of such poultry meat inspector.
- (b) A poultry meat inspector whose license has been revoked shall surrender his identification or license card to the chief of the bureau upon written notification of his license having been revoked. No refund for license fee shall be made to any person whose license has been revoked.
- (c) No plant owner or operator or his agent shall employ a poultry meat inspector as such who does not possess a valid license as a poultry meat inspector.
- (d) When more than one poultry meat inspector is employed by a plant, the plant owner or operator shall keep a log in which he will enter, before the start of each day's operation, the name of the licensed inspector who will enforce the poultry meat inspection regulations for that day. If the plant operations are of such a nature that more than one poultry meat inspector is employed as such, the plant owner or operator shall enter, before the start of each day's operation, in his log the names of the poultry meat inspectors and designate the division of their authority within the plant. Such records shall be kept for a period of not less than one year.
- (e) The plant owner or operator shall not allow poultry meat inspectors to do work which will interfere with their carrying out the regulatory duties of their office in an efficient and satisfactory manner.
- (f) Poultry meat inspectors shall wear white, washable outer clothing and clean head coverings.
- (g) No processes used in killing, eviscerating, chilling, freezing, cutting, curing, pickling, rendering, canning, packing, or otherwise preparing any product in official plants shall be performed except under the supervision, and in the presence of a poultry meat inspector.
- (h) Office space and facilities for the inspector is to be constructed as provided by Section T3–902, Title 24, California Administrative Code, and related sections. This space and facilities, including heat, light, and janitor service, will be provided by the official plants for official use of the inspector.

NOTE: Authority cited: Sections 407 and 24561, Food and Agricultural Code. Reference: Sections 24741–24750, Food and Agricultural Code.

History

1. Repealer and new subsection (h) filed 6-4-85; effective thirtieth day thereafter (Register 85, No. 23).

§ 1242. Hours of Operation of Poultry Plants.

At the time of inauguration of inspection, each plant owner or operator shall make known to the chief of the bureau, in writing, their plant's regular scheduled work days and time of operation. Any deviation from this schedule, other than occasional deviations of not more than two hours at the end of a scheduled work day, made necessary by unforeseen work

stoppage or new commitments, shall be brought to the attention of the area supervisor or his superior prior to the time of deviation.

Article 14. Marking Receptacles and Tagging Unsanitary Equipment

§ 1243. Trucks and Receptacles for Diseased Carcasses.

Water-tight trucks and receptacles for holding or handling diseased carcasses and diseased parts of carcasses shall be so constructed as to be readily and thoroughly cleaned; such trucks and receptacles shall be marked in a conspicuous manner with the word "condemned" in letters not less than 2 inches high and, when required by the inspector, shall be equipped with facilities for locking and sealing.

§ 1244. Tagging Unsanitary Equipment, Utensils, Rooms or Compartments.

When in the opinion of a poultry meat inspector or bureau employee, any equipment, utensils, room or compartment at an official plant is unclean or its use would be in violation of any of these regulations, he will attach a "rejected" tag thereto, notify the plant operator of such tagging and make necessary arrangements with the plant operator for a poultry meat inspector or bureau employee to be present when the thing tagged is ready for reinspection. Such equipment, utensils, room, or compartment shall be placed in a sanitary condition in accordance with these regulations and thereafter shall be reinspected by the person designated on the reject tag and shall not be used until the condition thereof shall be found satisfactory by such person on reinspection and such person has removed the reject tag therefrom. Prior to such approval on reinspection, the reject tag shall not be removed or destroyed.

HISTORY

1. Amendment filed 1–23–61; effective thirtieth day thereafter (Register 61, No. 2).

Article 15. Ante-Mortem Inspection

§ 1245. Ante-Mortem Inspection When Required and Where.

- (a) Ante-mortem inspection of fowl may be required by the bureau as a prerequisite to any inspection, and, if so required, the plant will provide such help and facilities as may be required to facilitate such examination. Such ante-mortem inspection shall be made on the day of slaughter.
- (b) Ante-mortem inspection of rabbits is a prerequisite to their being inspected for wholesomeness.
- (c) Ante-mortem inspection shall be made on the premises of the plant in which the poultry is about to be slaughtered.
- (d) All poultry showing, on ante-mortem inspection, symptoms of acute ornithosis, tularemia, erysipelas, or acute fowl pox shall be condemned, killed by dislocating the neck, and disposed of in accordance with Section 1254.

Article 15.1. Humane Slaughter of Poultry

§ 1245.1. General Provisions.

All slaughter of poultry, with the exception of "Spent hens" and "Small game birds," shall be performed in accordance with approved methods of humane poultry slaughter as provided in this article. Violations of humane slaughter procedures specified in this article shall be cause for the suspension of inspection and revocation of the poultry slaughter establishment's license by the Chief of the Meat and Poultry Inspection Branch after the establishment's management has been given notice and an opportunity for a hearing.

NOTE: Authority cited: Section 19501.5, Food and Agricultural Code. Reference: Sections 19501 and 19501.5, Food and Agricultural Code.

HISTORY

1. New article 15.1 (sections 1245.1–1245.16) and section filed 10–11–94; operative 11–10–94 (Register 94, No. 41).

§ 1245.2. Definitions.

- (a) "Poultry slaughter establishment" means any place where poultry is slaughtered, dressed, or drawn.
- (b) "Spent hens" means older chicken hens which are considered too unproductive to retain as egg layers.
- (c) "Small game birds" means pigeons, pheasants, silkies (Gallina lanigera), chukars, quail and other species of game birds of the same approximate size as those listed in this section.
- (d) "Stunning" means to humanely render any domesticated fowl or rabbit insensible to pain to a level of surgical anesthesia or unconsciousness.
- (e) "Non-commercial equipment" means any device that is not commercially available from poultry equipment manufacturers.
- (f) "Surgical anesthesia" means the induction of an animal to a level of insensibility to pain that would allow immediate and simultaneous severance of both carotid arteries with a sharp instrument.
- (g) "PMI" Poultry Meat Inspector means a person who, after examination and demonstration, has been issued a license by the Secretary of Food and Agriculture to inspect poultry meat for wholesomeness.

 NOTE: Authority cited: Section 19501.5, Food and Agricultural Code. Reference: Sections 19501 and 19501.5, Food and Agricultural Code.

HISTORY

1. New section filed 10-11-94; operative 11-10-94 (Register 94, No. 41).

§ 1245.3. Handling of Poultry for Slaughter.

Regardless of the humane method of slaughter employed, the handling of poultry in connection with slaughter shall meet the following criteria.

- (a) Poultry shall be delivered to the stunning area in transport cages or other equipment that is of sufficient size to accommodate the size of poultry being presented for slaughter. Cages must be in good repair, free of broken wire, rough areas, holes, sharp projections, and other protrusions to avoid injury to the poultry.
- (b) If improper or injurious conditions exist at delivery to the poultry slaughter establishment, the PMI or Department inspector shall immediately halt slaughter activity until the discrepancy is corrected. A "California Rejected Tag" shall be attached to each cage identified with improper or injurious conditions by the PMI or Department inspector. The unacceptable conditions shall be corrected immediately by poultry slaughter establishment or its designated representative. The "California Rejected Tag" shall be removed by the PMI or Department inspector after corrective actions have been taken.
- (c) Poultry delivered for slaughter shall be held in a location with adequate ventilation to prevent overheating and shall have protection from exposure to adverse weather conditions.
- (d) Poultry shall be stunned, rendered unconscious, or killed before bleeding. Stunned poultry shall remain in a state of surgical anesthesia through completion of the bleeding process.
- (e) Bleeding shall be accomplished by severing both carotid arteries or by decapitation. Sufficient bleeding time (approximately 2 to 3 minutes) shall be allowed to prevent the unacceptable condition known as "red skins" which may occur with insufficient bleeding.
 - (f) PMIs shall be trained in humane methods of handling poultry.
- (g) Slaughter and handling of poultry shall be performed by operators in a proper and humane manner.
- (h) Each poultry slaughter establishment shall ensure that poultry handlers, slaughterers, and operators have been instructed in the humane methods of handling poultry and operating stunning and slaughter equipment before being assigned to such duties.
- (i) Non-commercial stunning or anesthetizing equipment shall not be used.

NOTE: Authority cited: Section 19501.5, Food and Agricultural Code. Reference: Sectionss 19501 and 19501.5, Food and Agricultural Code.

HISTORY

1. New section filed 10-11-94; operative 11-10-94 (Register 94, No. 41).

§ 1245.4. Method of Humane Slaughter of Poultry.

- (a) The Department has determined that the following methods are acceptable and practical humane methods for use in the stunning and slaughter of poultry.
 - (1) Carbon dioxide and argon gas-induced anoxia.
 - (2) Electrical stunning.
 - (3) Electrocution to cardiac arrest.
 - (4) Captive bolt (ostrich and rabbit only).
 - (5) Cervical dislocation.
 - (6) Carotid artery severance.
 - (7) Decapitation.
 - (8) Other methods as approved by the Department.
- (b) Any of the above methods may be used in combination to effect the most humane slaughter of poultry.
- (c) Each poultry slaughter establishment shall be responsible for the selection of sale equipment and the safe use of such equipment.
- (d) Establishments selecting the carbon dioxide and argon gas electrical stunning, or electrocution method shall install all equipment in accordance with the manufacturer's specifications, or under the supervision of a licensed engineer. Such installations shall comply with all applicable building and safety codes as specified by local and state government. NOTE: Authority cited: Section 19501.5, Food and Agricultural Code. Reference: Sections 19501 and 19501.5, Food and Agricultural Code.

HISTORY

1. New section filed 10-11-94; operative 11-10-94 (Register 94, No. 41).

§ 1245.5. General Requirements for Gas Chambers and Auxiliary Equipment; Operator; Facilities and Procedures.

- (a) The stunning area shall be adequately ventilated and the employee exposure monitored in accordance with Title 8, section 5155 of the California Code of Regulations. Carbon dioxide and argon gas is heavier than air, and therefore may accumulate in the stunning area.
- (b) A record of the calibration and maintenance of all measuring instruments shall be available for inspection by the Department inspector or PMI. All maintenance shall be performed by qualified personnel.
- (c) The carbon dioxide and argon gas shall be administered in a chamber which accomplishes effective exposure of poultry. Chamber operations shall be in accordance with manufacturer's specifications and instructions.
- (d) Chambers and all auxiliary equipment shall be designed to properly accommodate the species of poultry being stunned or killed.
- (e) A uniform carbon dioxide and argon gas concentration and distribution shall be maintained within the chamber to produce effective stunning. The system shall provide for mechanical agitation so that a concentration of carbon dioxide and argon gas is sufficient to accomplish effective stunning and is uniform throughout the chamber. The poultry slaughter establishment shall sample the concentration of gas for analysis from a representative place or places within the chamber on a continuing basis.
- (f) Neither carbon dioxide and argon gas nor atmospheric air used in the chambers shall contain irritating gases.

NOTE: Authority cited: Section 19501.5, Food and Agricultural Code. Reference: Sections 19501 and 19501.5, Food and Agricultural Code.

HISTORY

1. New section filed 10-11-94; operative 11-10-94 (Register 94, No. 41).

§ 1245.6. Administration of Carbon Dioxide and Argon Gas; Required Effect; Handling.

Where the carbon dioxide and argon gas mixture is used for the humane slaughter of poultry, it shall be subject to the following requirements.

(a) The poultry shall be delivered to the chamber in the transport cages or other equipment to prevent excessive handling and stress. The delivery of poultry to the chamber shall be done with a minimum of excitement and discomfort to the poultry. Delivery of calm poultry to the chamber is essential to effective and humane slaughter.

Page 92 Register 94, No. 41; 10–14–94

(b) The carbon dioxide and argon gas mixture shall be administered in a chamber meeting the requirements of this section and section 1245.4. The poultry shall be exposed to a carbon dioxide and argon gas ratio sufficient to accomplish effective surgical anesthesia, unconsciousness or death quickly and calmly, with a minimum of excitement and discomfort to the poultry. The exposure shall produce, at a minimum, surgical anesthesia in the poultry before severing both of the carotid arteries in the neck or decapitating the poultry. To ensure adequate bleeding in each bird, bleeding shall be done immediately after stunning or killing.

NOTE: Authority cited: Section 19501.5, Food and Agricultural Code. Reference: Sections 19501 and 19501.5, Food and Agricultural Code.

HISTORY

1. New section filed 10-11-94; operative 11-10-94 (Register 94, No. 41).

§ 1245.7. General Requirements for Electrical Stunning or Slaughter with Electric Current.

Where electric current is used for the humane slaughter of poultry, it shall be subject to the following requirements.

- (a) All equipment shall be installed and used in accordance with the manufacturer's instructions and specifications.
- (b) Only electric current application equipment with pathways, compartments, current applicators, and all auxiliary equipment designed to properly accommodate the species of poultry being anesthetized or slaughtered shall be used.
- (c) The delivery of poultry to the place of application of electric current shall be done with a minimum of excitement and discomfort to the poultry in accordance with the provisions contained in these regulations.
- (d) The application of electric current to stun or induce cardiac arrest shall be performed by operators so as to assure proper handling and humane application.
- (e) The electric current shall be administered so as to produce effective surgical anesthesia or death with a minimum of excitement and discomfort.

NOTE: Authority cited: Section 19501.5, Food and Agricultural Code. Reference: Sections 19501 and 19501.5, Food and Agricultural Code.

HISTORY

1. New section filed 10-11-94; operative 11-10-94 (Register 94, No. 41).

§ 1245.8. Electrical Stunning.

When electric current is used to stun the poultry, sufficient electric current shall be applied to the poultry during stunning to produce a state of surgical anesthesia or unconsciousness through the completion of bleeding.

NOTE: Authority cited: Section 19501.5, Food and Agricultural Code. Reference: Sections 19501 and 19501.5, Food and Agricultural Code.

HISTORY

1. New section filed 10-11-94; operative 11-10-94 (Register 94, No. 41).

§ 1245.9. Electrocution to Cardiac Arrest.

Where electrocution to cardiac arrest is used for the humane slaughter of poultry, it shall be subject to the following requirements.

- (a) Poultry may be stun-killed with this method.
- (b) Sufficient electric current shall be administered to the poultry, depending on size and weight of the species slaughtered, to induce cardiac arrest without the poultry regaining consciousness.
- (c) The proper voltage and current setting for each lot of birds may vary due to size and weight variations. Voltage may be adjusted to a higher setting to ensure that each poultry is delivered the appropriate amount of current to induce cardiac arrest.
- (d) After each poultry has been electrocuted, it shall be immediately bled by severing both carotid arteries or by decapitation to allow proper bleeding. Adequate bleeding time shall be allowed for each bird. Since electrocuted poultry does not have heart pumping action to facilitate blood loss, more time (approximately 2 to 3 minutes) should be allowed to achieve complete bleeding before being introduced to the scalding tank.

NOTE: Authority cited: Section 19501.5, Food and Agricultural Code. Reference: Sections 19501 and 19501.5, Food and Agricultural Code.

HISTORY

1. New section filed 10-11-94; operative 11-10-94 (Register 94, No. 41).

§ 1245.10. Captive Bolt.

Captive bolt is an acceptable method of humane slaughter of rabbits, ostriches and other similar large birds.

- (a) Where captive bolt is used as the humane method of slaughter, the captive bolt device shall be of the appropriate size for the chosen species.
- (b) The captive bolt device must be properly placed so that the cerebral hemisphere and the brainstem are adequately disrupted by the penetrating bolt to cause immediate unconsciousness. Immediate bleeding must follow use of the captive bolt device.

NOTE: Authority cited: Section 19501.5, Food and Agricultural Code. Reference: Sections 19501 and 19501.5, Food and Agricultural Code.

HISTORY

1. New section filed 10-11-94; operative 11-10-94 (Register 94, No. 41).

§ 1245.11. Cervical Dislocation.

Where dislocation of the neck is used as the humane method of slaughter, it shall be subject to the following requirements.

- (a) Dislocation of the neck by separating the cervical vertebrae from the base of the skull shall be performed quickly to induce rapid unconsciousness with a minimum of excitement and discomfort to the poultry.
- (b) Bleeding shall immediately follow cervical dislocation.

NOTE: Authority cited: Section 19501.5, Food and Agricultural Code. Reference: Sections 19501 and 19501.5, Food and Agricultural Code.

HISTORY

1. New section filed 10-11-94; operative 11-10-94 (Register 94, No. 41).

§ 1245.12. Carotid Artery Severance.

Where carotid artery severance is used for the humane slaughter of poultry, it shall be subject to the following requirements.

- (a) Carotid artery severance may be employed by manual or automatic means
- (b) Severing the carotid arteries shall be performed using a sharp instrument which is used to sever both carotid arteries simultaneously.
- (c) Regardless of the method employed, it shall be performed quickly to induce rapid unconsciousness or death with a minimum of excitement to the poultry.

NOTE: Authority cited: Section 19501.5, Food and Agricultural Code. Reference: Sections 19501 and 19501.5, Food and Agricultural Code.

HISTORY

1. New section filed 10-11-94; operative 11-10-94 (Register 94, No. 41).

§ 1245.13. Decapitation.

Where decapitation is used as the humane method of poultry slaughter, it shall be subject to the following requirements.

- (a) Decapitation may be achieved by manual or automatic means.
- (b) Decapitation shall be performed using a sharp instrument which achieves the complete severance of the head from the body by cutting all the major vessels of the neck and the spinal cord with a sharp instrument.
- (c) Regardless of the method employed, it shall cause quick and complete severance of the carotid arteries and the spinal cord.
- (d) All mechanical and automatic instruments used in this method shall be sharp and inspected frequently for sharpness. The poultry slaughter establishment shall ensure that all instruments and equipment are maintained in a satisfactory manner.

NOTE: Authority cited: Section 19501.5, Food and Agricultural Code. Reference: Sections 19501 and 19501.5, Food and Agricultural Code.

HISTORY

1. New section filed 10-11-94; operative 11-10-94 (Register 94, No. 41).

§ 1245.14. Training.

- (a) Each licensed PMI shall be responsible for attending formal annual maintenance training provided by the Department, including, but not limited to, humane handling and slaughter of poultry.
- (b) Failure of each PMI to attend annual maintenance training, as specified in paragraph (a) of this section, shall be grounds for nonrenewal, suspension, or revocation of the PMI's license.

Page 92.1

- (c) It is the responsibility of the establishment management and the licensed PMI to make arrangements in the work schedule to attend the annual maintenance training.
- (d) Owners and managers shall be responsible for attending at least one scheduled departmental PMI training seminar or orientation on humane handling and slaughter of poultry procedures, as specified in paragraph (a) of this section.

NOTE: Authority cited: Section 19501.5, Food and Agricultural Code. Reference: Sections 19501 and 19501.5, Food and Agricultural Code.

HISTORY

1. New section filed 10–11–94; operative 11–10–94 (Register 94, No. 41).

§ 1245.15. Tagging of Equipment, Cages, Pens or Compartments to Prevent Inhumane Slaughter or Handling in Connection With Slaughter.

- (a) When a PMI or Department inspector observes an incident of inhumane slaughter or handling in connection with slaughter, they shall notify the poultry slaughter establishment management, or his or her designated representative, of the incident and request immediate corrective action. If the establishment management fails to promptly take corrective action, the inspector shall follow the procedures specified in paragraph (b), (c), or (d) of this section, as appropriate.
- (b) If the cause of inhumane treatment is the result of facility deficiencies, disrepair, or equipment breakdown, the inspector shall discontinue slaughter operations until the deficiencies have been corrected. The inspector shall attach a tag rejecting the equipment (California Rejected Tag) thereto. No equipment, cage, pen or compartment so tagged shall be used until such equipment is made acceptable to the PMI or Department inspector. All poultry slaughtered prior to such tagging may be dressed, processed, or prepared under inspection. Upon correcting the deficiency, the establishment may request reinspection of the equipment for release. If corrected deficiencies are satisfactory to the inspector, slaughter operations shall be commenced. If release is denied on reinspection, the poultry slaughter establishment may appeal to the Chief, Meat and Poultry Inspection, for resolution of the matter.
- (c) If the cause of inhumane treatment is the result of establishment employee actions in the handling or moving of poultry, the PMI or Department inspector shall attach a "California Rejected Tag" to the cage or cages in the stunning or killing area. After tagging, no more poultry shall be stunned or killed until the problem has been corrected. Establishment management shall be informed immediately by the PMI or Department inspector. The tag shall not be removed by anyone other than a PMI or Department inspector. All corrective actions shall be immediate. All poultry slaughtered prior to the tagging may be dressed, processed, or prepared under inspection.
- (d) If the cause of inhumane treatment is the result of improper stunning, the PMI or Department inspector shall attach a "California Rejected Tag" to the stunning area. All slaughter operations shall be discontinued until the appropriate corrective actions have been taken. Upon satisfactory completion of corrective actions, the PMI or Department inspector shall commence operations. Management is responsible for ensuring that such infractions do not recur. The tag shall not be removed by anyone other than a PMI or Department inspector. All poultry slaughtered prior to such tagging may be dressed, processed, or prepared under inspection. Upon correcting the deficiency, the establishment may request reinspection of the equipment for release. If release is denied on reinspection, the poultry slaughter establishment may appeal to the Chief, Meat and Poultry Inspection, for resolution of the matter.
- (e) Failure to comply with these regulations shall provide grounds for suspension, revocation of the PMI license, or suspension, or revocation of plant license and withdrawal of inspection by the Secretary of Food and Agriculture or his representative after notice and opportunity for hearing.

NOTE: Authority cited: Section 19501.5, Food and Agricultural Code. Reference: Sections 19501 and 19501.5, Food and Agricultural Code.

HISTORY

1. New section filed 10-11-94; operative 11-10-94 (Register 94, No. 41).

§ 1245.16. Ritualistic Slaughter.

- (a) Where a method of slaughter is prescribed by Kosher or other rules of the Jewish faith, Islamic and other faiths and causes the poultry to lose consciousness through anemia of the brain resulting from the simultaneous severance of both carotid arteries with a sharp instrument, it shall be considered a humane method of slaughter.
- (b) Exemptions for other methods of ritualistic slaughter of poultry may be obtained upon approval by the Chief, Meat and Poultry Inspection Branch while effectuating the purpose of these regulations.

 NOTE: Authority cited: Section 19501.5, Food and Agricultural Code. Reference:

Sections 19501 and 19501.5, Food and Agricultural Code.

- HISTORY
 1. New section filed 10–11–94; operative 11–10–94 (Register 94, No. 41).
- Change without regulatory effect repealing subsection (b) and relettering subsections filed 1-8-98 pursuant to section 100, title 1, California Code of Regulations (Register 98, No. 2).

Article 16. Post Mortem Inspection

§ 1246. Extent and Time of Post-Mortem Inspection.

- (a) A careful post—mortem examination and inspection shall be made of the carcasses and parts thereof of all poultry slaughtered at official plants. Such inspection and examination shall be made within 24 hours of the time of slaughter, except when special permission is obtained from the chief of the bureau.
- (b) Conveyors shall be operated at such speeds as will permit a sanitary eviscerating operation and will permit adequate inspection for condition and wholesomeness.
- (c) In order to facilitate the work of the inspector and keep the line speed at its optimum, the inspector may be furnished a trimmer or helper.
- (d) Each carcass, including all parts thereof, in which there are any lesions of disease, or other condition which might render such carcass or any part thereof unfit for human food, and upon which for that reason a final decision cannot be made by the inspector, shall be retained for further inspection by a qualified bureau employee. The identity of each such carcass, including all parts thereof, shall be maintained until a final examination has been completed by affixing a "RETAINED" tag. These tags shall not be removed except by a poultry meat inspector or bureau employee.
- (e) Such devices, i.e., (racks) and methods as may be approved by the chief of the bureau may be used for the temporary retention of carcasses, parts, or organs in need of reprocessing or further inspections.
- (f) Carcasses and parts found to be sound, healthful, wholesome, and fit for human food shall be passed as wholesome and marked as provided in these regulations.

§ 1247. Abdominal and Thoracic Viscera and Giblets to Be Removed.

- (a) Each carcass to be eviscerated shall be opened so as to expose the organs and the body cavity for proper examination by the inspector and shall be prepared immediately after inspection as ready—to—cook poultry.
- (b) In all instances the opening cut must be made in such a way as will permit thorough inspection of the abdominal and thoracic cavities, and will permit the removal of viscera in a sanitary manner.
- (c) The use of acceptable skin straps suitable for trussing the legs after carcasses have been eviscerated are permitted. A transverse cut through the abdominal wall, commonly known as the "bar cut" is not permitted, except on turkeys, capons, and old hens, providing that such operations are performed in such a manner that contamination of the inner surface of the skin strap does not occur.
- (d) The giblets shall be separated from the inedible viscera immediately after removal from the body cavity, and shall be immediately cleaned, trimmed, and washed under a continuous flow or spray of water.
- (e) Confucian exemption may be requested by the clerical official or the responsible leader of the Chinese Benevolent Association.

Page 92.2 Register 98, No. 2; 1-9-98

HISTORY

1. Change without regulatory effect adding subsection (e) filed 1–8–98 pursuant to section 100, title 1, California Code of Regulations (Register 98, No. 2).

§ 1248. Technique of Inspection.

The technique of the post–mortem inspection must conform to the following basic procedure:

- (a) Right Hand Operation
- (1) Grasp one leg, run hand down leg to determine bone disease.
- (2) Open body cavity to view internal surfaces.
- (3) Turn body to view outside of bird (including head) for disease, abnormalities and dressing imperfections.
 - (b) Left Hand Operation
- (1) Place hand over liver to feel for consistency, texture and lesions, viewing simultaneously.
- (2) Slip fingers around liver lobe and grasp spleen between thumb and finger, rolling spleen to determine texture and presence of abnormal growth. In case of fryers and broilers it is not necessary to roll the spleen. Simultaneously view other viscera while checking spleen.

For those who find it more convenient, the left hand can be used for operations under (a) and the right hand for operations under (b), however; hand motions must be consistent.

§ 1249. Disposal of Diseased Carcasses and Parts.

The carcasses or parts of carcasses of all poultry inspected at an official plant and found at the time of post—mortem inspection, or at any subsequent inspection to be affected with any of the diseases or conditions named in other sections of this regulation shall be disposed of according to the section pertaining to the disease or condition. Owing to the fact that it is impracticable to formulate rules covering every case and to designate at just what stage a process becomes loathsome or a disease noxious, the decision as to the disposal of all carcasses, parts, or organs not specifically covered by these regulations shall be left to the poultry meat inspector or bureau employee.

§ 1250. Diseases and Conditions Requiring Condemnation of Affected Carcasses.

- (a) Carcasses of poultry affected with or showing lesions of any of the following-named diseases or conditions shall be condemned:
 - (1) Acute ornithosis.
 - (2) Tuberculosis.
 - (3) Erysipelothrix septicemia.
 - (4) Salmonellosis septicemia.
 - (5) Tularemia.
 - (6) Anthrax.
 - (7) Hemorrhage septicemia.
 - (8) Pyemia.
 - (9) Leukemia.
 - (10) Sarcoatosis.
 - (11) Metritis.
 - (12) Necro-bacillosis (Smorl's disease).
 - (13) Emaciation in rabbits.
 - (14) Septicemia.

- (15) Toxemia.
- (16) Viremia.
- (b) The lesions of septicemia, viremia and toxemia include cyanosis, hyperemia, anemia, edema, dehydration, hypertrophy, atrophy, and hemorrhagic or necrotic manifestations in any of the body structures. It must be understood that many of these processes may be reactions to local injury and do not alone necessitate condemnation of the carcasses. However, systemic reactions which result in dark dehydrated musculature, doughy skin and flesh, or markedly anemic (pale) musculature shall be condemned, even though other lesions are not apparent at the time of post–mortem examination.
- (c) Fowl and rabbits from pathological laboratories shall not be brought onto any official plant premise.

§ 1251. Diseases Requiring Condemnation of Carcasses or Parts, Exceptions.

- (a) Carcasses of poultry affected with any of the following diseases shall be condemned, excepting that when recovery has occurred, even though localized lesions persist, or when the lesions are of such character or extent that there is no apparent systemic disturbance, the carcass may be passed for food, after removal and condemnation of affected parts:
 - (1) Avian monocytosis.
 - (2) Mycotic infections.
 - (3) Fowl cholera.
 - (4) Fowl typhoid.
 - (5) Pullorum disease.
 - (6) Infectious coryza.
 - (7) Pseudotuberculosis.
 - (8) Infectious laryngotracheitis.
 - (9) Fowl pox.
 - (10) Trichomoniasi.
 - (11) Enterohepatitis.
 - (12) Coccidiosis.
 - (13) Newcastle disease.
 - (14) Infectious bronchitis.
 - (15) Airsac disease or chronic respiratory disease.
- (b) Carcasses of poultry affected with avian leukosis complex shall be condemned.
- (c) Any individual organ or part of a carcass affected by a tumor shall be condemned. When there is evidence of metastasis, or that the general condition of the carcass has been affected by the size, position, or nature of the tumor, the whole carcass shall be condemned.
- (d) Carcasses of poultry showing any disease such as generalized melanosis, pseudoleukemia, and the like, which affects the system of the animal, shall be condemned.
- (e) Any organ or part of a carcass which is badly bruised or which is affected by an abscess, or a suppurating sore, shall be condemned; and when the lesions are of such character or extent as to affect the whole carcass, the whole carcass shall be condemned. Parts of a carcass which show only slight reddening from a bruise, may be passed as wholesome. Parts of carcasses which are contaminated by pus shall be condemned.

[The next page is 93.]

- (f) (1) Any organ or part of a carcass which is affected by an inflammatory process shall be condemned.
- (2) All carcasses of poultry so infected that consumption of the products thereof may give rise to food poisoning shall be condemned. This includes all carcasses showing signs of:
- (A) Acute inflammation of the lungs, pleura, pericardium or peritoneum.
 - (B) Gangrenous or severe hemorrhagic enteritis or gastritis.
 - (C) Polyarthritis and acute nephritis.
 - (D) Tenovaginitis.
- (E) Abscess or suppurating sore if associated with general systemic disturbance.
 - (F) Infectious synovitis.
- (g) Carcasses showing any degree of icterus with a parenchymatous degeneration of organs, the result of infection or intoxication, and those which, as a result of a pathological condition, show an intense yellow or greenish—yellow discoloration without evidence of infection or intoxication shall be condemned.
- (h) Carcasses of poultry (rabbits) affected with mange or scab in advanced stages, or showing emaciation or extension of the inflammation to the flesh shall be condemned. When the diseased condition is slight, the carcass may be passed as wholesome after removal and condemnation of the affected portion.
- (i) Edible organs or parts of carcasses of poultry which are found to be infested with parasites, or which show lesions of such infestation shall be condemned.
- (j) In the disposal of carcasses and parts of carcasses of rabbits showing evidence of infestation with parasites not transmissible to man, the following general rules shall govern:
- (1) If the lesions are localized in such a manner and are of such character that the parasites and the lesions caused by them may be radically removed, the nonaffected portion of the carcass, or part of the carcass may be passed as wholesome after removal and condemnation of the affected portions. Where a part of a carcass shows numerous lesions caused by parasites, or the character of the infestation is such that complete extirpation of the parasites and lesions is difficult and uncertainly accomplished, or if the parasitic infestation or invasion renders the organ or part in any way unfit for food, the affected organ or part shall be condemned. Where parasites are found to be distributed in a carcass in such a manner, or to be of such a character that their removal and the removal of the lesions caused by them are impracticable, no part of the carcass shall be passed for food.
- (2) Carcasses infested with hydatid cysts (Echinococcus granulosis) shall in all cases be condemned regardless of the degree of infestation.
- (k) Carcasses of poultry too emaciated or anemic to produce wholesome meat, and carcasses which show a slimy degeneration of the fat or a serous infiltration of the muscles shall be condemned. Mere leanness should not be classed as emaciation.
- (l) Carcasses of poultry affected with gout shall be disposed of as follows:
- (1) The whole carcass shall be condemned if marked deposits of urates are found in the organs or tissues, or if there is evidence of general systemic disturbance.
- (2) When slight deposits of urates are found in the organs or tissues and there is no apparent systemic disturbance the carcass may be passed as wholesome, after removal and condemnation of the affected parts.

NOTE: Authority cited: Sections 407 and 24561, Food and Agricultural Code. Reference: Sections 24996, 24997, 25091–25094 and 25095, Food and Agricultural Code.

HISTORY

1. Amendment of subsection (b) filed 6-4-85; effective thirtieth day thereafter (Register 85, No. 23).

§ 1252. Conditions Affecting Soundness, Requiring Condemnation of Carcasses or Parts.

- (a) Carcasses or parts of poultry contaminated by volatile oils, paints, poisons, gases, or other substances which affect the wholesomeness of the carcass shall be condemned.
- (b) Any organ or part of a carcass which has been contaminated following mutilation shall be condemned, and if the whole carcass is affected, the whole carcass shall be condemned.
- (d) Carcasses of poultry deleteriously affected by post-mortem changes shall be disposed of as follows:
- (1) Carcasses which have reached a state of putrefaction or stinking fermentation shall be condemned.
- (2) Any part of a carcass which is "green struck" shall be condemned and if the carcass is so extensively affected that removal of the affected parts is impracticable, the whole carcass shall be condemned.
- (3) Carcasses affected by types of post–mortem change which are superficial in nature may be passed as wholesome after removal and condemnation of the affected parts.
- (e) All poultry which have been suffocated in any way, and poultry which has entered the scalding vat alive, shall be condemned.
- (f) Carcasses of poultry showing evidence of having died from causes other than slaughter shall be condemned.
- (g) Carcasses of poultry which have been overscalded, resulting in cooked appearance of the flesh, shall be condemned.
- (h) All rabbit carcasses to be passed s ready—to—cook shall have the entire skin, feet, head and viscera removed. The kidneys, liver and heart may be left attached to the dressed carcass provided they are thoroughly cleaned.

HISTORY

1. Repealer of subsection (c) filed 1–23–61; effective thirtieth day thereafter (Register 61, No. 2)

§ 1253. Livers Affected with Abnormal Conditions: Disposal.

- (a) Livers showing any of the following pathological processes or abnormal conditions shall be condemned:
 - (1) Fatty degeneration resulting in visible, well-defined light spots.
- (2) Petechial or larger areas of hemorrhages. (The typical paint brushed appearance is not to be considered significant.)
 - (3) Petechial or larger areas of necrosis.
 - (4) Inflammatory processes including abscessation.
 - (5) Neoplastic tissue.
 - (6) Cirrhosis.
 - (7) Atrophy.
 - (8) Cysts.
- (9) Discoloration due to chemical toxins, bile duct or gall bladder disorders, and/or post-mortem changes. (Parts of livers showing bile stains should be trimmed off and the affected parts condemned.)
 - (10) Specific disease lesions such as enterohepatitis, leukemia, etc.
- (11) Mutilated livers which have been contaminated with intestinal content in rough or careless handling in the evisceration operation or otherwise contaminated by or with extraneous substances or materials.

Article 17. Denaturing and Disposing of Condemned Carcasses and Products

§ 1254. Disposition of Condemned Poultry Meat or Product.

(a) Any carcass or part or product condemned at an official plant shall be denatured with crude carbolic acid, kerosene, cresylic disinfectant or other prescribed agent, approved by the chief of the bureau, or be de-

Page 93 (4-1-90)

stroyed by incineration under the supervision of an inspector or bureau employee.

(b) Official plants not equipped for the proper disposition of condemned carcasses or products by incineration may dispose of such parts or products through reduction or rendering plants or by other means that shall not endanger human, poultry, or livestock health, after obtaining a written permit from the Director of Agriculture. When applying for such permit, the applicant shall designate the name and location of such reduction or rendering plant or other method of disposal whereupon, if the designated plant or method of disposal conforms with the requirements, a permit will be granted by the Director of Agriculture. Such permit may be revoked at any time when it is found that said reduction or rendering plant, or other method of disposal is not conducted in accordance with these regulations.

Article 18. Marking and Identifying Poultry Meat and Products

§ 1255. Approval of Abbreviations and Marks of Inspection.

- (a) The director may approve and authorize the use of abbreviations of marks of inspection under these regulations. Such abbreviations shall have the same force and effect as the respective marks for which they are so authorized to be used.
- (b) Except for the purpose of submitting a sample or samples of the same to the director for approval, no person shall make or prepare, or cause to be made or prepared, labels, inserts, brands, tags, or other marking devices bearing the inspection mark or any abbreviation, copy or representation thereof, for use on any poultry meat or product, without the written authority thereof of the director given in advance.
- (c) Official plants shall furnish such devices for marking products as the chief of the bureau may require. The mark of inspection on such a device shall be a facsimile of the official mark of inspection in the form shown herewith, using the size best suited for the purpose intended:



In advance of manufacture, complete and accurate descriptions and designs of the same shall be submitted to and approved by the director.

- (d) No person shall remove or cause to be removed from an official plant any article which these regulations required to be marked in any way unless the same is clearly and legibly marked in compliance with these regulations.
- (e) All marks of inspection shall be carefully applied and securely affixed.

HISTORY

1. Repealer of subsection (f) filed 1–23–61; effective thirtieth day thereafter (Register 61, No. 2).

Article 19. Labeling

§ 1256. Marking and Labeling Inspected Products.

- (a) The inspection mark or approved abbreviation thereof, as the case may be, shall be applied to the inspected and passed edible product or to the immediate container of such product. The inspection mark, or the approved abbreviation thereof, shall, when used on packaging material, be printed on such material or on a label to be affixed to the packaging material, and the name and address of the packer or distributor of such product must be legibly printed on the packaging material or label, as the case may be. Notwithstanding the foregoing, the name and address of the packer or distributor, if appropriately shown elsewhere on the labeling material, may be omitted from insert labels and giblet wrappers which bear an official identification, provided, the applicable plant number is shown.
- (b) No label shall be used on any immediate or shipping container until it has been approved in its final form by the director. For the convenience of the plants, sketches or proofs of new labels may be submitted in duplicate for approval and the preparation of finished labels deferred until such approval is obtained. All finished labels shall be submitted in quadruplicate to the bureau for approval.
- (c) Each trade label approved for use pursuant to Articles 18 and 19 of these regulations with respect to any inspected and passed product shall bear the following information:
 - (1) The common or usual name of the edible product;
- (2) The name and address of the packer or distributor, and when the name of the distributor is shown, it shall be qualified by such terms as "packed for," "distributed by" or "distributors";
 - (3) A statement of the net weight of the product;
 - (4) The inspection mark;
- (5) The plant number of the official plant in which the product was inspected and passed; and
- (6) A statement of ingredients, if the edible product is made up to two or more ingredients; such ingredients shall be listed by their common or usual names in the order of descending proportion.
- (d) A product fabricated from two or more ingredients shall bear a list of the ingredients, giving the common or usual names of the ingredients arranged in order to their predominance, except that spices may be designated as "spices" or "flavorings" and flavorings (including essential oils, oleoresins, and other spice extractives) may be designated as "flavorings" without naming each.
- (e) Copies of each trade label submitted for approval pursuant to Articles 18 and 19 of these regulations shall, when the chief of the bureau requires, be accompanied by a statement showing the kinds and percentages of the ingredients comprising the edible product with respect to which the label is used. Approximate percentages may be given in cases where the percentages of ingredients may vary from time to time, if the limits of variation are stated.
- (f) Any trade label which is to be affixed to a container of any food product containing poultry product which is packed under the supervision of a poultry meat inspector in any official plant must bear the phrase: "The poultry product contained herein has been inspected for wholesomeness at a plant where California State supervised inspection is maintained." Each such trade label shall also be subject to the applicable provision of Articles 18 and 19 of these regulations.
 - (g) Labeling chicken parts
- (1) When labels are approved for chicken parts, there is a definite way that the chicken must be cut up in order that the approved labels will be appropriate for the various parts. Chicken legs are to be thighs and drumsticks in equal numbers. The meat on the pelvic bones (so-called oysters) must remain on the pelvic bones, if the product is to be labeled as chicken backs. The pelvic bones are not to be included with the chicken legs or chicken thighs. Chicken breasts are to have only the sternal ribs attached. This is accomplished by separating the breasts from the backs at the shoulder joint and by cutting downward and backward along the junction

Page 94 (4-1-90)

of the vertebral and sternal ribs. The vertebral ribs and pelvic bones would then remain to be labeled as chicken backs.

- (2) Poultry packaged with a leg or wing, etc., removed from the carcass must have an insert stating "parts missing."
- (h) All inserts used in conjunction with approved labeling must be submitted to the bureau office for approval before using.
- (i) No official identification or any abbreviation, copy or representation thereof may be affixed to or placed on or caused to be affixed to or placed on any product or container thereof except by a poultry meat inspector or bureau employee or under the supervision of a poultry meat inspector or bureau employee. All such products shall have been inspected and passed, and at the time of filling, shall have been sound, wholesome, and fit for human food. The inspector or bureau employee shall have supervision over the use and handling of all material bearing any official identification.
- (j) No inspector shall authorize the use of official identification for any inspected product unless he has on file evidence that such official identification or packaging material bearing such official identification has been approved in accordance with the provisions of Articles 18 and 19 of these regulations.
- (k) Trade labels approved for use pursuant to Articles 18 and 19 of these regulations shall be used only for the product for which approved.

 HISTORY
- 1. Amendment filed 1–23–61; effective thirtieth day thereafter (Register 61, No. 2).

§ 1257. Removal of Official Identification.

Official plants which receive inspected poultry in containers which bear any official identification shall remove or deface such official identification upon removal of such poultry from the containers.

§ 1258. Relabeling Product—Requirements Regarding.

When it is claimed by an official plant that some of its labeled product which has been transported to a location other than an official plant is in need of relabeling on account of the labels having become mutilated or otherwise damaged, the request for relabeling the product shall be sent to the bureau and accompanied by a statement of the reasons therefor. Labeling material intended for relabeling inspected and passed product shall not be transported from an official plant until permission has been received from the bureau. The relabeling of inspected and passed product with official labels shall be done under the supervision of a poultry meat inspector or bureau employee.

§ 1259. Rescindment of Label Approvals.

Once a year, or oftener if necessary, each official plant should submit to the chief of the bureau, in quadruplicate, a list of approvals for labels that have become obsolete, accompanied with a statement that such approvals are no longer desired. The approvals shall be identified by the number, the date of approval, and the name of product or other designation showing the class of materials.

Article 20. Reinspection and Preparation of Products

§ 1260. Reinspection of Products.

(a) Only inspected and passed poultry product may be brought into an official plant and then only if the container of such product is marked for identification in the manner prescribed in Section 1256 (c) and the product is reinspected by a poultry meat inspector at the time it is brought into such plant. Upon reinspection, if any such product or portion thereof is found to be unsound, unwholesome, or otherwise unfit for human food, such product or portion thereof, shall be condemned and shall receive such treatment as that provided in Section 1254.

- (b) Any product which is prepared under inspection in an official plant shall be inspected in such plant as often as the inspector or bureau employee deems it necessary in order to ascertain whether such product is sound, wholesome, and fit for human food at the time such product leaves such plant. Upon any such inspection, if any such product or portion thereof is found to be unsound, unwholesome, or otherwise unfit for human food, such product or portion thereof shall be condemned and shall receive such treatment as that provided in Section 1254. When a plant operator indicates that he wishes to salvage or endeavor to salvage portions of such product, part of which is condemnable, the poultry meat inspector or bureau employee shall attach a "retained" tag thereto, notify the plant operator of such tagging and make necessary arrangements with the plant operator so that an inspector or bureau employee may be present when the product so tagged is to be processed for salvage or otherwise handled. No tagged product or product in containers so tagged shall be reprocessed or removed from the plant or containers until the "retained" tag is removed by a person authorized to do so and the tag shall indicate the name and retained tags shall not be removed or destroyed other than by persons authorized by a bureau employee.
- (c) All substances and ingredients used in the manufacture or preparation of any product shall be clean, sound, wholesome, and fit for human food.

HISTORY

1. Amendment filed 1–23–61; effective thirtieth day thereafter (Register 61, No. 2)

§ 1260.1. Standards for Poultry Meat Food Products.

(Section 377.5 Agricultural Code).

- (a) Meat Content of Poultry Pies. Poultry pies, or pot pies, which are prepared from cooked meat shall contain a minimum of 14 percent (1 1/8 ounces per 8—ounce pie) of cooked deboned poultry meat. Poultry pies, or pot pies, prepared with raw meat shall contain a minimum of 25 percent (2 ounces per 8—ounce pie) of raw deboned poultry meat. Both percentages shall be exclusive of any skin, giblets, or fat which may be included in the product.
- (b) Canned Boned Chicken or Turkey. Canned boned chicken or turkey which is prepared from cooked deboned meat shall not contain more than 10 percent added moisture. The product shall consist of deboned white and dark meat in natural proportions and may contain skin and fat not in excess of natural proportions.
- (1) Canned boned poultry meat which is prepared from raw boned meat in combination with cooked boned meat may have moisture added not to exceed 10 percent of the weight of cooked meat used in the product.
- (2) Boned chicken or turkey prepared from raw boned meat shall have no moisture added during the preparation and canning processes.
- (3) If moisture is added in excess of amounts specified in this paragraph (b), the ingredient statement on the label shall contain a statement indicating the addition of moisture, and the name of the product shall be qualified to indicate the added moisture.

NOTE: Authority cited: Sections 16 and 377.5, Agricultural Code.

HISTORY

1. New section filed 7–10–58; effective thirtieth day thereafter (Register 58, No. 12).

Article 21. Samples for Laboratory Examination

§ 1261. Samples of Products, Water, etc., May Be Taken for Examinations.

Samples of products, water, chemicals, spices, or other articles in any official plant may be taken, without cost to the bureau, for examination as often as may be deemed necessary for the efficient conduct of the inspection.

Page 95 (4-1-90)

Article 22. Canning

§ 1262. Poultry Meat Food Products for Canning.

Only inspected and passed products may be canned in an official plant; and such products shall be processed and handled in compliance with the following requirements:

- (a) Immediate containers (whether of metal, glass or other material) shall be cleaned thoroughly by washing in an inverted position with running water of a temperature of at least 180 degrees F., or by other means acceptable to the chief of the bureau, immediately prior to filling with products; and precautions shall be taken to avoid any subsequent spoilage of the inner surfaces of such containers.
- (b) Only perfect closure is acceptable for hermetically sealed containers; and heat processing of the products in such containers shall follow immediately after closing.
- (1) Except as provided in paragraph (e) of this section, such products shall be so processed at such temperature and for such period of time as will insure preservation of the products under usual conditions of storage and transportation.
- (2) Immediately after closing, and again after the containers have cooled sufficiently for handling after heat processing, careful examination shall be made by competent plant employees of all containers to ascertain whether such containers are perfectly sealed. The products in such containers as are defectively closed or sealed shall, as promptly as practicable, be filled into other containers, hermetically sealed, and heat processed unless the containers are promptly placed in a cooler at a temperature not exceeding 36 degrees F. under conditions that will promptly and effectively chill them. Such chilled containers of products shall be opened and the contents removed and reprocessed immediately after removal from the cooler:

Provided, that if such containers remained in the cooler for a period of 24 hours or longer, the contents shall be inspected by an inspector prior to the reprocessing thereof. Failure to comply with the provisions of this paragraph shall subject the products to condemnation.

- (c) After heat processing, and after the containers have cooled sufficiently for handling, the containers shall be examined by competent plant employees and shall not be passed unless showing the external characteristics of sound containers, that is, there is no bulging or slack or loose tin.
- (d) After heat processing, any containers of products showing characteristics of short vacuum or over–stuffed containers shall, when an inspector deems it necessary in order to determine whether spoilage of the product has taken place, be incubated under the supervision of an inspector, after which the containers shall be opened and sound products passed for food and spoiled products condemned.
- (e) Products may, when authorized by the chief of the bureau, and under such conditions as he may prescribe and approve, be canned without steam–pressure cooking, and such products, if frozen, shall be labeled "keep frozen," and if they are not frozen, they shall be labeled "perishable, keep under refrigeration."
- (f) Each lot of canned products shall be identified, during the handling preparatory to heat processing, by tagging the baskets, cases, or containers with a tag which will change color on going through the heat processing, or by other effective means which will positively prevent failure to heat process.
- (g) Facilities shall be provided to incubate at least representative samples of fully processed canned products. The incubation shall consist of holding the samples at least 10 days at about 98 degrees F. The extent to which incubation tests shall be required will depend on conditions such as efficiency of the plant in conducting canning operations, the kind of equipment used, and the degree of efficiency at which such equipment is maintained.
- (1) In the event the official plant fails to provide suitable facilities for incubation of test samples of any lot of fully processed canned products,

the inspector or bureau employee may require holding of the entire lot under such conditions and for such period of time as will, in this discretion, be necessary to ascertain the stability of the product.

- (2) The inspector or bureau employee may, prior to completion of any required incubation of a representative sample, permit lots of fully processed canned products to be shipped from the official plant when he has no reason to suspect unsoundness of such products; however, such shipments shall be made under circumstances which will assure the return of the products to the plant for reinspection should such action be indicated by the incubation results.
- (h) All canned products, excepting those in glass, shall be plainly and permanently marked, by code or otherwise on the containers, with the identity of the contents and date of canning. If the marking is by code, its meaning shall be on record in the files of the inspector.

Article 23. Preparation of Uninspected Articles

§ 1263. Preparation of Animal Food or Similar Uninspected Articles in an Official Plant.

- (a) When an article (including, but not being limited to, animal food) that will not be prepared for use as human food is prepared in any room or compartment in an official plant where products are prepared or handled (such rooms or compartments being herein referred to as "edible products department"), there shall be sufficient space allotted and adequate equipment provided, so that the preparation of the article in no way interferes with the preparation or handling of the products. Where necessary, separate equipment shall be provided for the preparation of the article. To assure the maintenance of the requisite sanitary conditions in the edible products department, the operations incident to the preparation of the article shall be subject to the same sanitary requirements as apply to the edible products department. Preparation of the article shall be limited to those hours during which the official plant operates under the supervision of an inspector. The ingredients used in the preparation of the article shall, unless otherwise approved by the chief of the bureau, be such as may be used in the preparation of an edible product. The article may be stored in, and distributed from, the edible products department if the article is properly identified.
- (b) When any article (including, but not being limited to animal food) that will not be prepared for use as human food, is prepared in any part of an official plant other than an edible products department (such part of the plant being herein referred to as "inedible products department"), the area in which such article is prepared shall be distinctly separated from all edible products departments. Products and inedible products may be brought from any edible products department into any inedible products department, but no product or inedible product from an inedible products department may be brought into an edible products department except under such conditions as may be prescribed or approved by the chief of the bureau. Any such articles as are in sealed containers or handled in the manner prescribed or approved by the chief of the bureau may be brought into an edible products department. Diseased carcasses or diseased parts of any carcass shall not be used in the preparation of any animal food. Trucks or containers used for the transportation of products or inedible products into an inedible products department shall be cleaned before being returned to or brought into an edible products department. Sufficient space shall be allotted and adequate equipment and facilities provided so that the preparation of the article does not interfere with the preparation of products in the plant or the maintenance of the requisite sanitary conditions in the official plant. The preparation of any article shall be subject to supervision by a poultry meat inspector or bureau em-
- (c) The immediate container of any such article that is prepared in an official plant shall be conspicuously labeled so as to distinguish it from human food.

Page 96 (4-1-90)

Article 24. Tagging Chemicals, etc., "Retained"

§ 1264. Tagging Chemicals, Cereals, Spices, etc., "Retained."

When any chemical, cereal, spice, or other substance is presented for use in an official plant, it shall be examined by a poultry meat inspector or bureau employee, and if found to be unfit or otherwise unacceptable for the use intended, or if final decision regarding acceptance is deferred pending laboratory or other examination, the inspector or bureau employee shall attach a "Retained" tag to the substance or container thereof. The substance so tagged shall be kept separate from other substances as the inspector may require, shall not be used until the tag is removed, and such removal shall be only by a poultry meat inspector or bureau employee after a finding that the substance can be accepted, or, in the case of an unacceptable substance, when it is removed from the plant.

Article 25. Products for Other Uses

§ 1265. Product for Educational Uses, Laboratory Examination, and Other Purposes.

When authorized by the chief of the bureau, product of special type or kind may be shipped or transported from official plants for educational uses, laboratory examination, and other purposes.

Article 26. Reports

§ 1266. Reports Required.

(Sections 375.5, 377.5, Agricultural Code.)

- (a) Poultry meat inspectors, employed as such, shall keep daily reports on B.P.I. forms 4 (Rev.) and 5 (Rev.) and such other forms as the chief of the bureau may direct.
 - (b) Reports required
 - (1) B.P.I. Form 4 (Rev.).
- (A) Official Daily Record of Poultry Post-mortem Examinations by Class. The inspector will list each carcass condemned under the appropriate cause. The inspector shall complete this record in full. The ready-to-cook weight shall be secured from the management and shall include that which is chilled and/or that which is frozen. If under ordinary circumstances a plant received ready-to-cook poultry products for repackaging only, the poultry meat inspector shall not report these weights as certified weights on B.P.I. Form 4 (Rev., since these weights have already been reported at the plant of origin. He must report in memorandum form in duplicate on any day of such operations and forward the original at the end of the month as directed by the chief of the bureau and retain one copy in the inspector's file.
- (B) Poultry Plant Operation Log. The report required on plant sanitation shall be completed in full before the start of each working day, then again before the start of the afternoon work period. B.P.I. Form 4 (Rev.) shall be kept on file for one year.
- (2) B.P.I. Form 5 (Rev.), Monthly Summary of Post-mortem Examination of Poultry for Condition and Wholesomeness by Class. A separate B.P.I. Form 5 (Rev.) will be completed for each "class" of poultry as listed in subparagraph (3) below. In plants with more than one eviscerating line, the condemnation records will be compiled on one B.P.I. Form 5 (Rev.) for each class at the end of the day. The inspector shall post the figures from B.P.I. Forms 4 (Rev.) to B.P.I. Form 5 (Rev.) daily. At the end of the month the inspector will prepare the monthly summaries, B.P.I. Forms 5 (Rev.), in duplicate. The inspector shall check each monthly summary with his original copies to be sure the copies are correct and mail the original as directed by the chief of the bureau. The inspector's copy shall be placed in the inspector's file and there held for one

year. The monthly summary shall be mailed not later than the third day after the end of the month.

- (3) The following is a list of classes for which separate reports (B.P.I. Form 5 (Rev.)) will be made:
 - (A) Chickens.
 - (B) Turkeys.
 - (C) Rabbits.
 - (D) Other classes (guineas, squabs, pigeons, ducks, geese).
- (c) All forms and instructions that the poultry meat inspector may receive from the bureau shall be kept under lock and key and made immediately available for examination by all bureau employees making plant visits.

HISTORY

1. Amendment filed 3–17–58; effective thirtieth day thereafter (Register 58, No. 5).

§ 1267. Plants to Furnish Information for Reports.

Each official plant shall furnish to the inspector accurate information as to all matters needed by him for making his reports pursuant to Section 1266.

§ 1268. Appeals from Poultry Meat Inspection Actions.

When the action of an inspector in condemning any poultry meat or product is questioned, appeal may be made to the immediate supervisor, and from his decision appeal may be made to the chief of the bureau, whose decision shall be final.

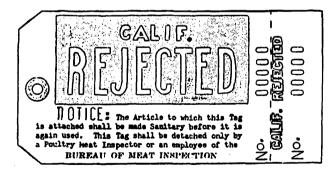
Article 28. State Food and Drug Laws

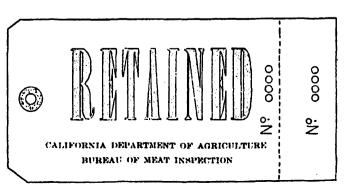
§ 1269. Food and Drug Acts.

Inspected and passed poultry meat and products shall comply with the provisions of the California Pure Food Act in every respect.

§ 1270. Facsimile of Tags to Be Used by Poultry Meat Inspector.

(Sections 375.5, 377.2, 377.5 Agricultural Code.) The following sample tags are facsimiles of tags to be supplied by the bureau for the use of poultry meat inspectors and bureau employees in tagging rooms, compartments, places, equipment, utensils, and products rejected; and products, chemicals, cereals, spices, etc., retained.





HISTORY

- 1. Amendment filed 3–17–58; effective thirtieth day thereafter (Register 58, No. 5).
- 2. Amendment filed 1-9-70; effective thirtieth day thereafter (Register 70, No. 2).

Article 30. New York Dressed Fowl

§ 1271. New York Dressed Fowl.

HISTORY

- 1. Amendment filed 1–23–61; effective thirtieth day thereafter (Register 61, No. 2).
- 2. Expired by own terms (Register 72, No. 51).

Subchapter 2. State-Federal Cooperative Inspection

HISTORY

- 1. Repealer of Group 2 (§§ 1272–1274.12) filed 10–8–70 as an emergency; effective upon filing (Register 70, No. 41). For prior history, see Registers 69, Nos. 46, and 70, No. 2.
- Certificate of Compliance Section 11422.1, Gov. Code, filed 12–15–70 (Register 70, No. 51).

Chapter 6. Drugging of Horses

§ 1280. Purpose of Subchapter.

NOTE: Authority cited for Subchapter 6 (Sections 1280 through 1280.11): Sections 407, 24007 and 24008, Food and Agricultural Code.

HISTORY

- 1. New Subchapter 6 (Sections 1280 through 1280.11) filed 1–12–72 as an emergency; effective upon filing (Register 72, No. 3).
- New Subchapter 6 (Sections 1280 through 1280.11) filed 5–19–72 as an emergency; effective upon filing (Register 72, No. 22). Certificate of Compliance included
- 3. Order of Repeal filed 6-3-85 by OAL pursuant to Government Code Section 11349.7; effective thirtieth day thereafter (Register 85, No. 26).

§ 1280.1. Registration.

NOTE: Authority cited: Sections 407 and 24013, Food and Agricultural Code. Reference: Sections 24012 and 24015, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 6–13–85; effective thirtieth day thereafter (Register 85, No. 24).
- 2. Repealer filed 6-22-95; operative 7-22-95 (Register 95, No. 25).

§ 1280.2. Fees.

Beginning January 1, 2005, the applicable fee is \$5.00 per horse entered per event, except where a horse is entered in simultaneous multiple events held as single performances, the total applicable fee per horse shall be \$5.00.

NOTE: Authority cited: Sections 407, 24012 and 24013, Food and Agricultural Code. Reference: Sections 24012, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 6–24–81 as an emergency; designated effective 7–1–81. Certificate of Compliance included (Register 81, No. 26).
- Amendment filed 6-13-85; effective thirtieth day thereafter (Register 85, No. 24).
- 3. Amendment of subsection (b) filed 4–15–87; operative 4–15–87 (Register 87, No. 16).
- 4. Repealer and new section filed 6–22–95; operative 7–22–95 (Register 95, No. 25).
- 5. Amendment filed 5–10–2000; operative 5–10–2000 pursuant to Government Code section 11343.4(d) (Register 2000, No. 19).
- Change without regulatory effect amending section filed 5–23–2000 pursuant to section 100, title 1, California Code of Regulations (Register 2000, No. 21).
- Designation of existing section as subsection (a) and new subsection (b) filed 10–4–2004; operative 11–3–2004 (Register 2004, No. 41).
- 8. Change without regulatory effect repealing subsection (a) and subsection (b) designator filed 2–24–2005 pursuant to section 100, title 1, California Code of Regulations (Register 2005, No. 8).

§ 1280.3. Testing of Horses.

NOTE: Authority cited: Sections 407, 24007 and 24008, Food and Agricultural Code. Reference: Sections 24000–24018, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 3–22–73; effective thirtieth day thereafter (Register 73, No. 12).
- 2. Amendment filed 6-24-81 as an emergency; designated effective 7-1-81. Certificate of Compliance included (Register 81, No. 26).
- 3. Editorial correction filed 4-29-82 (Register 82, No. 18)
- 4. Repealer filed 6-22-95; operative 7-22-95 (Register 95, No. 25).

§ 1280.4. Testing of Samples.

HISTORY

1. Repealer filed 6-22-95; operative 7-22-95 (Register 95, No. 25).

§ 1280.5. Prohibited Medications and Drugs.

NOTE: Authority cited: Sections 407, 24003, 24008 and 24013, Food and Agricultural Code. Reference: Sections 24000–24018, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 3–22–73; effective thirtieth day thereafter (Register 73, No. 12).
- 2. New subsection (g) filed 2-26-82; effective thirtieth day thereafter (Register 82, No. 9).
- 3. Amendment of subsections (a), (b) and (g) filed 10–5–84; effective thirtieth day thereafter (Register 84, No. 40).
- 4. Repealer filed 6-22-95; operative 7-22-95 (Register 95, No. 25).

§ 1280.6. Medications.

NOTE: Authority cited: Sections 407, 24003 and 24008, Food and Agricultural Code. Reference: Sections 24000–24018, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 6-24-81 as an emergency; designated effective 7-1-81. Certificate of Compliance included (Register 81, No. 26).
- 2. Repealer filed 6-22-95; operative 7-22-95 (Register 95, No. 25).

§ 1280.7. Random Testing.

The Director will require random testing of horses exhibited or entered in any public horse show, horse competition, or public horse sale and shall designate the frequency and method of such testing by providing instructions to department personnel, contracting veterinarians, and to laboratories performing analyses.

NOTE: Authority cited: Sections 407, 24003 and 24008, Food and Agricultural Code. Reference: Sections 24000–24018, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 3–22–73; effective thirtieth day thereafter (Register 73, No. 12).
- 2. Repealer of Section 1280.7 and renumbering of Section 1280.8 to Section 1280.7 filed 6-24-81 as an emergency; designated effective 7-1-81. Certificate of Compliance included (Register 81, No. 26).

§ 1280.8. Request for Testing.

NOTE: Authority cited: Sections 407, 24003 and 24008, Food and Agricultural Code. Reference: Sections 24000–24018, Food and Agricultural Code.

HISTORY

- 1. Renumbering and amendment of Section 1280.9 to Section 1280.8 and renumbering of former Section 1280.8 to Section 1280.7 filed 6–24–81 as an emergency; designated effective 7–1–81. Certificate of Compliance included (Register 81, No. 26).
- 2. Repealer filed 6-22-95; operative 7-22-95 (Register 95, No. 25).

§ 1280.9. Procedure upon Allegation of Violation.

NOTE: Authority cited: Sections 407, 24003 and 24008, Food and Agricultural Code. Reference: Sections 24000–24018, Food and Agricultural Code.

HISTORY

- 1. Renumbering and amendment of Section 1280.11 to Section 1280.9 and renumbering and amendment of former Section 1280.9 to Section 1280.8 filed 6–24–81 as an emergency; designated effective 7–1–81. Certificate of Compliance included (Register 81, No. 26).
- 2. Repealer filed 6-22-95; operative 7-22-95 (Register 95, No. 25).

§ 1280.10. Penalties.

NOTE: Authority cited: Sections 407, 24003 and 24008, Food and Agricultural Code. Reference: Sections 24000–24018, Food and Agricultural Code.

HISTORY

1. Repealer filed 6-24-81 as an emergency; designated effective 7-1-81. Certificate of Compliance included (Register 81, No. 26).

§ 1280.11. Procedure upon Allegation of Violation.

NOTE: Authority cited: Sections 407, 24003 and 24008, Food and Agricultural Code. Reference: Sections 24000–24018, Food and Agricultural Code.

HISTORY

 Renumbering and amendment of Section 1280.11 to Section 1280.9 filed 6-24-81 as an emergency; designated effective 7-1-81. Certificate of Compliance included (Register 81, No. 26).

Chapter 7. Control of Diseased Animals

Article 1. Permits for Transportation and Sale of Diseased Animals to Slaughterers, Salesyards and Stockyards

§ 1300.

- (a) (Reserved)
- (b) Federal Regulations. These articles have been adopted after consultation with the United States Secretary of Agriculture. The requirements of these articles are supplementary to those of the Secretary in Title 9, Code of Federal Regulations, Part 71. Whenever any permit is required by these articles, such requirements may be satisfied by filing with the Director a copy of a permit or comparable documents issued by the Secretary and containing substantially the same information and requirements.

NOTE: Authority cited for new Subchapter 6: Sections 407, 9572, 18735, 19380, Agricultural Code.

HISTORY

- 1. New Subchapter 6 (Sections 1300 through 1300.15, not consecutive) filed 1–4–72 as an emergency; effective upon filing (Register 72, No. 2).
- 2. Renumbering of Subchapter 6 (Sections 1300 through 1300.15, not consecutive) to Subchapter 7 (Sections 1300 through 1300.15, not consecutive) filed 1–19–72 as an emergency; effective upon filing (Register 72, No. 4).
- 3. Certificate of Compliance, as to 1–4–72 filing, filed 2–18–72 (Register 72, No. 8)
- Order of Repeal of subsection (a) filed 6–3–85 by OAL pursuant to Government Code Section 11349.7; effective thirtieth day thereafter (Register 85, No. 26).

§ 1300.1. Permit for Transportation of Diseased Animals into California.

- (a) No person shall transport into the State, any livestock as defined in Section 18663 of the Agricultural Code, known to have any of the following conditions or diseases or manifesting any of the following diseased conditions except under permit of the Director:
 - (1) Inability to walk normally or stand
 - (2) Abnormal temperature (high or low)
 - (3) Difficult breathing
 - (4) Abnormal swellings
 - (5) Foul odor and running sores
 - (6) Tumors or cancer growths
 - (7) Gangrene of the udder (blue bag)
 - (8) Water belly or swollen brisket
- (9) Infections of the region of eye (epithelioma–eye cancer in which the eye is destroyed or covered with a tissue mass showing infection, suppuration, and necrosis, usually accompanied with a foul odor).
- (b) Applications for permits required under subsection (a) shall be made to the CA Department of Agriculture, Division of Animal Industry, Bureau of Animal Health, 1220 N Street, Sacramento, CA 95814, and shall include the name and address of both the consignor and consignee, and the number, breed, and type of livestock.

The consignor, as a condition for the issuance of the permit, shall agree to comply with requirements thereof, which may include

- (1) Description and marking, or individual identification of the live-
- (2) Designation of the carrier and the time and place of destination;
- (3) Segregation and holding of the livestock for inspection at destination by the consignor; and

(4) Obtaining a certificate signed by a Federal or State veterinary inspector, or an accredited veterinarian, that the livestock to be shipped have been examined and none of the animals appears or is known to be affected with a contagious disease.

The consignee, as a condition for the issuance of the permit, shall agree to comply with the requirements thereof which shall include the requirements of Section 1300.11.

- (c) Each permit granted pursuant to subsection (a) shall state the destination of each shipment, without diversion, as
- (1) A slaughter establishment under inspection by the Director or the Secretary of Agriculture;
- (2) An establishment licensed by the Director as a pet food and horse slaughterer or renderer;
 - (3) A named livestock saleyard or public stockyard; or
- (4) An institution conducting research into animal diseases, employing a professional staff for such purpose.

§ 1300.2. Verification of Shipments Under Permit.

A copy of the required permit specified in Section 1300.1 shall accompany each shipment. It shall be exhibited to inspectors of the Department, the Secretary, or other law enforcement officers upon request.

§ 1300.3. Violations.

Any livestock manifesting disease as specified in Section 1300.1 and transported in violation of the requirements of that section are a public nuisance. The Director may require the owner or person in possession of such livestock to dispose of them at his own expense and in a manner suitable under the circumstances for accomplishing the purposes of this chapter.

§ 1300.4. Revocation of Permit.

The Director may revoke any permit issued under this article for violation of any of the conditions specified therein, and may suspend such permit when he deems it necessary for the purposes of this chapter. Any person aggrieved by the actions of the Director may, within 30 days of such action, appeal to the Director for a hearing thereon. Such hearing shall be held, in so far as practicable, under the provisions of the Administrative Procedure Act (Government Code, Title 2, Division 3, Part 1, Chapter 5), provided, however, the filing of the appeal shall not stay the suspension or revocation.

Article 2. Disposition of Animals Manifesting Disease

§ 1300.11. Receipt of Shipment.

(a) This article applies to livestock shipped into California pursuant to Article 1 and also to livestock from within this State shipped to a consignee stated in Section 1300.1(c).

Each person receiving any livestock which may be manifesting any disease condition specified in subsection (a) of Section 1300.1, or which were transported into California pursuant to a permit required by Section 1300.1, or which were required to be shipped pursuant to a permit specified in Section 1300.12 of this subchapter, shall:

- (1) Notify the Director of the arrival of the shipment;
- (2) Segregate the animals in specifically marked pens or enclosures;
- (3) Hold the animals for inspection when required by this article, or specifically required by the permit;
- (4) Dispose of such animals by sale or otherwise only in accordance with this article; and
- (5) Prepare and maintain records of the transaction involving the animals showing compliance with such requirements.
- (b) The provisions of this section are not intended to apply to livestock not required to be transported under permit which were apparently normal and healthy when received for transportation to a premises where livestock are commercially held for feeding (feed lot) in preparation for slaughter.

HISTORY

- 1. Amendment filed 1–19–72 as an emergency; effective upon filing (Register 72, No. 4).
- 2. Certificate of Compliance filed 3–10–72 (Register 72, No. 11).

§ 1300.12. Sale or Disposal.

Livestock received under the provisions of Section 1300.11 shall be sold, transferred, transported, or otherwise disposed of only as follows:

(a) If the receiving consignee is a person operating a slaughter establishment under inspection by the Director or Secretary, the livestock may be presented for inspection and disposition as provided pursuant to Sections 18721 and 18722 of the Agricultural Code and comparable provisions of the Federal Meat Inspection Act. The animals shall be slaughtered only at times specified by the Director, for an establishment under State inspection, or by the Secretary for a Federally inspected establishment. Such livestock need not be held for other inspections unless specifically required by the Director or Secretary; provided, however, records shall be prepared and maintained as required herein and such animals

may not be sold, transferred, or transported to another person unless authorized by permit pursuant to this article;

- (b) If the receiving consignee is a person licensed by the Director as a pet food and horse slaughterer, the livestock may be used for food purposes in accordance with the limitations of the license after passing inspection by the Director at the establishment. Records shall be prepared and maintained as required herein and such animals shall not be sold, transferred, or transported to another person unless authorized by permit;
- (c) If the receiving consignee is a renderer licensed by the Director, the livestock may be killed and rendered without holding such animals for inspection unless specifically required by the permit or other order of the Director. Records shall be prepared and maintained as provided herein and such animals shall not be sold, transferred, or transported to another person unless authorized by permit pursuant to this article;
- (d) If the receiving consignee is a saleyard or public stockyard, the livestock shall be held for inspection and proof of its identity furnished to the Director. Such animals may not be sold, transferred, or transported to another person except under permit of the Director. Records shall be prepared and maintained as provided herein.

(e) If the receiving consignee is a person engaged in the business of buying or transporting animals the livestock may be disposed of only in accordance with this regulation to a slaughter establishment under inspection by the Director or Secretary, to a licensed pet food and horse slaughterer, to a licensed renderer or to a salesyard or public stockyard. Records shall be prepared and maintained as required herein and such animals shall not be sold, transferred or transported to another person or destination unless authorized by permit.

§ 1300.13. Permit for Transfer or Sale of Livestock Manifesting Disease.

- (a) Livestock which are received by a consignee operating a saleyard or public stockyard, may be sold, transferred or transported to another person specified in Section 1300.12 (a), (b) or (c) when authorized by a general permit of the Director. Such permit shall not require a separate approval for each transaction.
- (b) Livestock which are received by a consignee operating a saleyard or public stockyard may be sold, transferred or transported to another person not specified in Section 1300.12 (a), (b) or (c) when authorized by a special permit of the Director. Such permit shall be signed by both the transferor and transferee and shall provide for the identification and segregation of the animals, a statement of intended use of the animals, notification to the Director of the movement and location of such animals, and the preparing and maintaining of pertinent records.

§ 1300.14. Retention of Documents.

Records required by this subchapter to be prepared and maintained shall be maintained for a period of six months after the date of receipt of the animals and shall be exhibited on the demand of any peace officer or any agent of the Department.

§ 1300.15. Violations.

Any livestock sold, transferred, or transported in violation of the permit requirement of Section 1300.12, are a public nuisance. The Director may require the owner or person in possession of such animals to dispose of them at his own expense and in a manner suitable under the circumstances for accomplishing the purposes of this chapter.

Article 3. Quarantine

§ 1301. Definitions.

- (a) "Animal" means any animal, livestock, or domestic animal, including poultry and fish, which is kept, maintained, held, or raised in captivity.
- (b) "Poultry" means any domesticated fowl and any wild fowl or bird which is kept, maintained, held, or raised in captivity.
- (c) "Population of animals" means any quantity of animals, including one animal
- (d) "Animal Product" means any edible or inedible product or products made from, by, or with an animal, any part of an animal, or animal by-product.
- (e) "Condition" means any illness, disease, infection, pathogen, contagion, toxin, bacteria, virus, prion, or any other material or factors affecting a population of animals or animal product.
- (f) "State Veterinarian" means the State Veterinarian or his designated representative.
- (g) "Hold" means to prevent or restrict movement of a population of animals or animal product from the premises where it is located.
- (h) "Move" means to relocate a population of animals or animal product from the premises where it is located, including the recall of an animal product already shipped.
- (i) "Segregate" means to separate, and maintain separately, a population of animals or animal product from another population of animals or animal product.
- (j) "Isolate" means to confine a population of animals or animal product in an area away from other populations of animals or animal products.

- (k) "Treat" means to test, clean, decontaminate, disinfect, dip, medicate, vaccinate, or destroy a population of animals, animal product, and/or premises, equipment, and other materials that may have been contaminated by the condition affecting the population of animals or animal product.
- (*l*) "Destroy" means to kill a population of animals or destroy or otherwise render an animal product inedible or unusable by a method deemed appropriate for the condition as determined by the State Veterinarian.
- (m) "Quarantine" means the designation of host and/or at-risk population(s) of animals, humans, and/or animal products, wherever located, for appropriate action as determined by the State Veterinarian, pursuant to this Article.
- (n) "Notice of Required Action" or "Notice" means a written notice by the State Veterinarian directing an owner to hold, move, prohibit entry into this State, segregate, isolate, treat, or destroy a population of animals or animal product.
- (o) "Owner" means the legal owner of a population of animals or animal product, the legal owner's authorized representative, any person with immediate control of a population of animals or animal product, or any person with immediate control over premises where a population of animals or animal product is or has been located.
- (p) "Epidemiology" means the study of the causes, distribution, and control of diseases in a population of animals or animal product.
- (q) "Standard epidemiological practice" means practices accepted as standard in veterinary medicine, including but not limited to official screening tests or the professional judgment of the State Veterinarian.
- (r) "Credible scientific research" means research published in a peerreviewed publication and not refuted by subsequent experiment or evidence
- (s) "Epidemiological investigation" means an investigation to determine the risks or presence of a condition affecting a population of animals or animal product, conducted using recognized or standard epidemiological practices, including but not limited to sample collection and laboratory testing.
- (t) "Plan of Action" means any procedure or procedures to control or eliminate a condition, or risks of a condition, affecting a population of animals or animal product, or to protect the health and safety of the citizens or animals of this State.
- (u) "Sample" means any specimen or portion necessary to establish a finding of fact in any circumstance subject to an application of this Article. The size and nature of the sample shall be determined by current standard epidemiological practice for the condition being investigated.
 - (v) "Presumptive diagnosis" means a preliminary diagnosis.
- (w) "Confirmatory diagnosis" means a diagnosis confirmed by confirmatory test results or other diagnostic criteria.
- (x) "Eradication program" means a prescribed course of action, set forth in State or Federal statute or regulation, for the purpose of eliminating or controlling a particular condition.
- (y) "Hearing Officer" means any person designated as a Hearing Officer by the State Veterinarian.
- (z) "May Carry", as referenced in Food and Agricultural Code section 9562, subdivision (a), means, in the exercise of the State Veterinarian's professional judgment, "susceptible to" or a belief that a population of animals or animal product has a condition pending epidemiological investigation.

NOTE: Authority cited: Sections 407, 9562 and 9570, Food and Agricultural Code. Reference: Sections 9502, 9503 and 9562, Food and Agricultural Code.

HISTORY

- 1. New article 3 (sections 1301–1301.9) and section filed 6–15–2001 as an emergency; operative 6–15–2001 (Register 2001, No. 24). A Certificate of Compliance must be transmitted to OAL by 10–15–2001 or emergency language will be repealed by operation of law on the following day.
- 2. Repealed by operation of Government Code section 11346.1(g) (Register 2001, No. 43).
- 3. New article 3 (sections 1301–1301.9) and section filed 10–24–2001 as an emergency; operative 10–24–2001 (Register 2001, No. 43). A Certificate of Com-

pliance must be transmitted to OAL by 2-21-2002 or emergency language will be repealed by operation of law on the following day.

- 4. Certificate of Compliance as to 10–24–2001 order transmitted to OAL 10–23–2001 and filed 12–5–2001 (Register 2001, No. 49).
- 5. New subsection (z) and amendment of NOTE filed 4-2-2007; operative 5-2-2007 (Register 2007, No. 14).

§ 1301.1. Notice of Required Action.

- (a) If the State Veterinarian imposes a Quarantine pursuant to Food and Agricultural Code section 9562, he shall issue a Notice of Required Action.
- (b) The Notice of Required Action shall be in writing and shall be personally served upon the owner. If an owner cannot be contacted within an epidemiologically appropriate period of time as determined by the State Veterinarian, the Department may carry out the action required by the Notice.
- (c) The Notice of Required Action shall contain the following information:
- (1) Notice that a Quarantine has been imposed and the reasons for the Quarantine.
 - (2) Date and time of issuance of the Notice.
- (3) Name of the owner of the population of animals or animal product subject to the Quarantine and the Notice.
- (4) Description of the population of animals or animal product subject to the Quarantine and the Notice.
- (5) Description and/or address of the premises where the population of animals or animal product is located.
 - (6) The action required by the Notice.
 - (7) The procedure to appeal the imposition of the Quarantine.
 - (8) The signature and title of the person serving the Notice.
- (9) A location for the signature of the owner acknowledging receipt of the Notice.
- (d) Absence of a signature by the owner acknowledging receipt does not invalidate the Notice.
- (e) If the action required by the Notice is to hold a population of animals or animal product, the owner is prohibited from moving the population of animals or animal product from the premises.
- (f) If the action required by the Notice is to move a population of animals or animal product, including but not limited to relocation to another site or recall to the owner's premises of a population of animals or animal product already shipped, the owner shall move, to a location specified by the State Veterinarian, the population of animals or animal product no later than a date and time and by a method deemed appropriate for the condition as determined by the State Veterinarian. The location to which the population of animals or animal product is to be moved, and the date and time and method by which the population of animals or animal product is to be moved shall be specified on the Notice.
- (g) If the action required by the Notice is to segregate or isolate a population of animals or animal product, the owner shall segregate or isolate the population of animals or animal product no later than a date and time and by a method deemed appropriate for the condition as determined by the State Veterinarian. The date and time and method by which the population of animals or animal product is to be segregated or isolated shall be specified on the Notice.
- (h) If the action required by the Notice is to treat (other than to destroy) a population of animals or animal product, the owner shall treat the population of animals or animal product no later than a date and time and by a method deemed appropriate for the condition as determined by the State Veterinarian. The date and time and method by which the treatment is to be completed shall be specified on the Notice.
- (i) If the action required by the Notice is to destroy a population of animals or animal product, the owner shall cooperate with the State Veterinarian to destroy and dispose of the remains of the population of animals or animal product no later than a date and time and by a method deemed appropriate for the condition as determined by the State Veterinarian.

The date and time and method for destruction and disposal shall be specified on the Notice.

- (1) The action may be carried out before compensation is tendered pursuant to section 1301.9.
- (2) If the owner destroys or disposes of the population of animals or animal product, the owner shall submit by mail to the State Veterinarian a written declaration confirming that the population of animals or animal product was destroyed and the method of destruction and disposal no later than two (2) calendar days after the action is completed.
- (j) If the action required by the Notice is to cease efforts to cause a population of animals or animal product to enter the State, the owner is prohibited from bringing, or causing to be brought, the population of animals or animal product into this State.
- (k) The State Veterinarian may issue a subsequent Notice at any time, modifying any or all of the provisions of an earlier Notice; provided however that:
- (1) if an informal hearing has already been conducted and the imposition of Quarantine has been upheld, the owner may not appeal and request another informal hearing based on the subsequent Notice.
- (2) if an informal hearing was not requested based on any earlier Notice, the owner may appeal and request an informal hearing based on the subsequent Notice, but only if the subsequent Notice requires that a population of animals or animal product be destroyed and the previous Notice required a different action to be taken.
- (1) The State Veterinarian may inspect a population of animals or animal product which are subject to a Quarantine, or the premises where they are or have been present, in order to ascertain compliance with the Notice of Required Action or for any other purpose related to the Quarantine.
- (m) If an owner fails to comply with a Notice of Required Action or is otherwise in violation of the Quarantine, the Department may take such action as is required to effect the action required in the Notice, including but not limited to taking custody and/or control of the population of animals or animal product and causing the action ordered in the Notice to occur.
- (n) If the Quarantine imposed by the State Veterinarian designates a geographic region containing multiple owners which shall be subject to the Quarantine, service of the Notice of Required Action may be effected by publication in a newspaper of general circulation in or near the designated area, instead of by personal service on each owner. If service of the Notice is effected by publication, the contents of the published Notice shall omit the matters specified in subsections (c)(3), (c)(8), and (c)(9) above.
- (o) The Quarantine shall remain in effect until a Release of Quarantine is issued by the State Veterinarian.

NOTE: Authority cited: Sections 407, 9562 and 9570, Food and Agricultural Code. Reference: Sections 263, 9502, 9503, 9531, 9561, 9562, 9570, 9563, 9565, 9566, 10061, 10102, 10324, 10326, 10327, 10386, 10404,10781, 10921, 32731, 32741, 32742, 32743, 32761, 32765, 32766, 32767 and 35928, Food and Agricultural Code; and Sections 11425.50 and 11445.10, Government Code.

HISTORY

- 1. New section filed 6–15–2001 as an emergency; operative 6–15–2001 (Register 2001, No. 24). A Certificate of Compliance must be transmitted to OAL by 10–15–2001 or emergency language will be repealed by operation of law on the following day.
- Repealed by operation of Government Code section 11346.1(g) (Register 2001, No. 43).
- 3. New section filed 10–24–2001 as an emergency; operative 10–24–2001 (Register 2001, No. 43). A Certificate of Compliance must be transmitted to OAL by 2–21–2002 or emergency language will be repealed by operation of law on the following day.
- 4. Certificate of Compliance as to 10–24–2001 order transmitted to OAL 10–23–2001 and filed 12–5–2001 (Register 2001, No. 49).

§ 1301.2. Appeal of Imposition of Quarantine.

(a) The owner may appeal the imposition of the Quarantine and request an informal hearing by contacting Animal Health and Food Safety Services, California Department of Food and Agriculture, within 72 hours from the time the Notice of Required Action is served, or within

Page 102 Register 2007, No. 14; 4-6-2007

- a shortened time period deemed appropriate for the condition as determined by the State Veterinarian and as specified on the Notice. If the appeal is not timely submitted, the Department shall deny the request for hearing.
- (b) If the action required by the Notice is to hold, cease efforts to cause entry into the State, segregate, isolate, or treat (other than destroy) a population of animals or animal product, the Notice shall remain in effect during the appeal period and pending the outcome of the informal hearing.
- (c) If the action required by the Notice to move a population of animals or animal product, the State Veterinarian, in his sole discretion, may stay the Notice pending the outcome of the informal hearing; provided however that, if the Notice requires treatment also, that portion of the Notice shall remain in effect, unless expressly stayed by the State Veterinarian. The direction of the State Veterinarian to hold or move or treat pending the outcome of the informal hearing is not appealable.
- (d) If the action required by the Notice is to destroy a population of animals or animal product, the Notice shall be stayed pending the outcome of the informal hearing, but the population of animals or animal product must be held or moved, as directed by the State Veterinarian, during the stay. The direction of the State Veterinarian to hold or move pending the outcome of the informal hearing is not appealable.

NOTE: Authority cited: Sections 407, 9562 and 9570, Food and Agricultural Code. Reference: Sections 9561, 10324, 10493, 10781, 10921 and 32767, Food and Agricultural Code; and Sections 11425.50 and 11445.10, Government Code.

HISTORY

- 1. New section filed 6–15–2001 as an emergency; operative 6–15–2001 (Register 2001, No. 24). A Certificate of Compliance must be transmitted to OAL by 10–15–2001 or emergency language will be repealed by operation of law on the following day.
- 2. Repealed by operation of Government Code section 11346.1(g) (Register 2001, No. 43).
- 3. New section filed 10–24–2001 as an emergency; operative 10–24–2001 (Register 2001, No. 43). A Certificate of Compliance must be transmitted to OAL by 2–21–2002 or emergency language will be repealed by operation of law on the following day.
- 4. Certificate of Compliance as to 10-24-2001 order transmitted to OAL 10-23-2001 and filed 12-5-2001 (Register 2001, No. 49).

§ 1301.3. Hearing Procedures.

- (a) If an appeal is received pursuant to the conditions set forth in section 1301.2, the hearing shall be held within 48 hours of receipt of the appeal.
- (b) Hearings shall be presided over and conducted by a Hearing Officer designated by the State Veterinarian.
- (c) The standard of proof to be applied by the Hearing Officer shall be the preponderance of the evidence.
 - (d) The burden of proof shall be on the owner.
- (e) The only issue before the Hearing Officer shall be whether, when the State Veterinarian imposed the Quarantine, there was reason to believe, upon any basis reasonably supportable by standard epidemiological practice or credible scientific research, that a population of domestic animals or food product from animals had contracted, may carry, or is at risk from a condition that, without intervention, could transmit an illness that could kill or seriously damage other animals or humans, including, in addition to the original condition, those clinically plausible secondary illnesses, infections, pathogens, contagions, toxins, or conditions arising from the effects of the original. The appropriateness of the action(s) (including its time and place and method) required by the Notice is not before the Hearing Officer, but only whether or not there was an adequate basis for imposition of the Quarantine.
- (f) Hearings may be conducted by telephone, at the discretion of the Hearing Officer.
- (g) The decision of the Hearing Officer shall be in writing. The decision shall be in minute order form, containing only a brief statement of the conclusion and findings to support the conclusion. It may be handwritten.

- (h) The decision shall be issued within 24 hours after the conclusion of the hearing and may be issued orally at the conclusion of the hearing subject to written confirmation.
- (i) The written decision shall be served on the owner either by personal service or, if available, by facsimile transmission.
- (j) The Hearing Officer's decision shall be effective immediately upon first articulation under either subsection (g) or (h) above and shall be final and not appealable to the Secretary or any other officer of the Department
- (k) The owner may challenge the Hearing Officer's decision by filing a writ of administrative mandamus in the appropriate court pursuant to Code of Civil Procedure section 1094.5.
 - (1) Hearings shall be recorded by audio tape.

NOTE: Authority cited: Sections 407, 9562 and 9570, Food and Agricultural Code. Reference: Sections 9561, 10324, 10493, 10781, 10921 and 32767, Food and Agricultural Code; and Sections 11425.50 and 11445.10, Government Code.

HISTORY

- 1. New section filed 6–15–2001 as an emergency; operative 6–15–2001 (Register 2001, No. 24). A Certificate of Compliance must be transmitted to OAL by 10–15–2001 or emergency language will be repealed by operation of law on the following day.
- 2. Repealed by operation of Government Code section 11346.1(g) (Register 2001, No. 43).
- 3. New section filed 10–24–2001 as an emergency; operative 10–24–2001 (Register 2001, No. 43). A Certificate of Compliance must be transmitted to OAL by 2–21–2002 or emergency language will be repealed by operation of law on the following day.
- 4. Certificate of Compliance as to 10-24-2001 order transmitted to OAL 10-23-2001 and filed 12-5-2001 (Register 2001, No. 49).

§ 1301.4. Epidemiological Investigation.

- (a) An epidemiological investigation shall be conducted by the State Veterinarian after he has imposed a Quarantine, except as specified in subsection (e). The State Veterinarian may use the findings of a federal investigation as the basis for any decision with regard to a Quarantine, Notice of Required Action, and/or plan of action.
 - (b) The investigation shall seek to determine the following:
- (1) the condition affecting the population of animals or animal product.
 - (2) the origin of the condition.
 - (3) the extent of the exposure to the condition.
- (4) an appropriate plan of action, including but not limited to a subsequent Notice of Required Action.
- (c) All laboratory tests conducted under this Article shall be conducted in laboratories of the California Department of Food and Agriculture, University of California School of Veterinary Medicine, the United States Department of Agriculture, an approved County Veterinarian's laboratory, or by other such persons authorized by the State Veterinarian to conduct the particular tests needed.
- (d) Upon reasonable belief that any sample taken may have been contaminated, spoiled, collected inappropriately, or is otherwise insufficient for a valid laboratory result, the State Veterinarian may take such action as he deems appropriate, including but not limited to requiring the submission of another sample for laboratory testing.
- (e) If the action required by the Notice is to cease efforts to cause a population of animals or animal product to enter the State and the owner ceases efforts to cause the entry into this State of that population of animals or animal product, the State Veterinarian may, but is not required to, conduct an epidemiological investigation.

NOTE: Authority cited: Sections 407, 9562 and 9570, Food and Agricultural Code. Reference: Sections 9531, 9561, 10151, 10324, 10326, 10354, 10384, 10493, 10781, 10921, 32731, 32761.5 and 35928, Food and Agricultural Code.

HISTORY

- 1. New section filed 6–15–2001 as an emergency; operative 6–15–2001 (Register 2001, No. 24). A Certificate of Compliance must be transmitted to OAL by 10–15–2001 or emergency language will be repealed by operation of law on the following day.
- Repealed by operation of Government Code section 11346.1(g) (Register 2001, No. 43).
- 3. New section filed 10–24–2001 as an emergency; operative 10–24–2001 (Register 2001, No. 43). A Certificate of Compliance must be transmitted to OAL by

- 2–21–2002 or emergency language will be repealed by operation of law on the following day.
- 4. Certificate of Compliance as to 10–24–2001 order transmitted to OAL 10–23–2001 and filed 12–5–2001 (Register 2001, No. 49).

§ 1301.5. Sample Collection.

- (a) All samples for laboratory testing shall be collected by designated representatives from federal, state or county governments, or other persons authorized by the State Veterinarian to collect samples for testing purposes under this Article.
- (b) The State Veterinarian shall determine what samples shall be collected, including but not limited to the type, number, amount, and size or volume.
- (c) A duplicate of each sample may be taken and, if taken, shall be collected at the same time as the official sample.
- (1) If taken, a duplicate of each sample shall be left with the owner, except as specified in subsections (g) and (h).
- (2) The owner's signature shall be requested on a form acknowledging receipt or refusal of duplicate samples.
- (3) If the owner refuses to sign the form, the Department's representative shall note on the form whether the duplicate sample was accepted or refused, that the owner refused to sign the form, and the Department's representative shall sign the form.
- (d) Each sample collected shall be appropriately identified with the identification number of the animal or animal product, if any, the date and time collected, the person collecting the sample, and the premises address where collected. If an identification number of the animal or animal product is not available, then a detailed description of the animal or animal product and its location on the premises, which is adequate to accurately identify the specific animal(s) or animal product, shall be used.
- (e) Sample integrity and usefulness shall be safeguarded by sealing and packaging individual samples in containers appropriate for the type of sample collected, preventing direct contact with contaminants such as refrigerants or other samples, and sealing the container in which the individual samples are transported.
- (f) A Sample Submission and Chain of Custody form shall accompany each sample throughout the shipping and laboratory testing process.
- (g) Subsequent testing pursuant to an existing eradication program shall not require a duplicate of each sample to be left with the owner unless the eradication program so requires.
- (h) A duplicate of each sample shall not be left with the owner if, in the State Veterinarian's judgment, the suspected condition is so contagious or potentially dangerous that possible mishandling of the sample may expose a population of animals, animal product, or citizens of the State to the contagious or potentially dangerous condition.

Note: Authority cited: Sections 407, 9562 and 9570, Food and Agricultural Code. Reference: Sections 9531, 9561, 10151, 10324, 10326, 10354, 10384, 10493, 10781, 10921, 32731, 32732, 32733, 32761.5 and 35928, Food and Agricultural Code.

HISTORY

- 1. New section filed 6-15-2001 as an emergency; operative 6-15-2001 (Register 2001, No. 24). A Certificate of Compliance must be transmitted to OAL by 10-15-2001 or emergency language will be repealed by operation of law on the following day.
- 2. Repealed by operation of Government Code section 11346.1(g) (Register 2001, No. 43).
- 3. New section filed 10–24–2001 as an emergency; operative 10–24–2001 (Register 2001, No. 43). A Certificate of Compliance must be transmitted to OAL by 2–21–2002 or emergency language will be repealed by operation of law on the following day.
- 4. Certificate of Compliance as to 10-24-2001 order transmitted to OAL 10-23-2001 and filed 12-5-2001 (Register 2001, No. 49).

§ 1301.6. Release of Quarantine.

The State Veterinarian shall issue a Release of Quarantine under either of the following circumstances:

(a) The confirmatory laboratory testing of samples collected from the suspected host population disproves the presumptive diagnosis, and no other condition is identified.

(b) The host population of animals or animal product tests negative upon re–testing, and the State Veterinarian determines that the condition is controlled or eradicated and that the host population of animals or animal product no longer poses a threat to the animals and/or citizens of the State of California.

NOTE: Authority cited: Sections 407, 9562 and 9570, Food and Agricultural Code. Reference: Sections 9531, 9561, 9563, 9567, 10102, 10324, 10324, 10781, 10921 and 35928, Food and Agricultural Code.

HISTORY

- 1. New section filed 6–15–2001 as an emergency; operative 6–15–2001 (Register 2001, No. 24). A Certificate of Compliance must be transmitted to OAL by 10–15–2001 or emergency language will be repealed by operation of law on the following day.
- Repealed by operation of Government Code section 11346.1(g) (Register 2001, No. 43).
- 3. New section filed 10–24–2001 as an emergency; operative 10–24–2001 (Register 2001, No. 43). A Certificate of Compliance must be transmitted to OAL by 2–21–2002 or emergency language will be repealed by operation of law on the following day.
- .4. Certificate of Compliance as to 10–24–2001 order transmitted to OAL 10–23–2001 and filed 12–5–2001 (Register 2001, No. 49).

§ 1301.7. Reportable Conditions

- (a) Licensed veterinarians, any persons operating an animal disease diagnostic laboratory, or their authorized agents, shall comply with Food and Agricultural Code section 9101 and shall report any of the diseases set forth in Title 3, California Code of Regulations, section 796, as required by that section.
- (b) If the Department determines that a reportable condition was known or discoverable using standard tests, but not reported as required, the Department shall report this failure to the appropriate government agency.
- (c) Failure to comply by any person is a basis for imposition of penalties pursuant to this Article.

NOTE: Authority cited: Sections 407, 9562 and 9570, Food and Agricultural Code. Reference: Sections 263, 9101, 9561, 9574, 9591, 9595, 10324, 10781 and 10921, Food and Agricultural Code.

HISTORY

- 1. New section filed 6-15-2001 as an emergency; operative 6-15-2001 (Register 2001, No. 24). A Certificate of Compliance must be transmitted to OAL by 10-15-2001 or emergency language will be repealed by operation of law on the following day.
- 2. Repealed by operation of Government Code section 11346.1(g) (Register 2001, No. 43).
- 3. New section filed 10–24–2001 as an emergency; operative 10–24–2001 (Register 2001, No. 43). A Certificate of Compliance must be transmitted to OAL by 2–21–2002 or emergency language will be repealed by operation of law on the following day.
- 4. Certificate of Compliance as to 10-24-2001 order transmitted to OAL 10-23-2001 and filed 12-5-2001 (Register 2001, No. 49).

§ 1301.8. Violations.

- (a) It is a violation of this Article if:
- (1) The owner fails to comply with any Notice of Required Action served upon him, or interferes with the State Veterinarian in connection with the Quarantine.
- (2) The owner refuses to permit or interferes with an inspection by the State Veterinarian of a population of animals or animal product, or the premises where they are or have been present, in order for the State Veterinarian to ascertain compliance with a Notice of Required Action or for any other purpose related to the Quarantine. Such refusal shall constitute a violation of the Quarantine.
- (3) The owner fails to cooperate with, or otherwise interferes with, the State Veterinarian in conducting the epidemiological investigation.
- (4) The owner fails to complete, or cooperate with, the epidemiological investigation, plan of action, or eradication program determined by the State Veterinarian to control or eliminate the condition, or otherwise interferes with the State Veterinarian in completing the plan of action or eradication program.
- (5) A licensed veterinarian, any person operating an animal disease diagnostic laboratory, or their authorized agents, fails to report any of the diseases set forth in Title 3, California Code of Regulations, section 796 as required by that section.

- (b) Violation of this Article constitutes a basis for the Department to pursue existing remedies. Pursuing any one remedy does not preclude the Department from pursuing any of the remaining remedies concurrently or at a later date unless otherwise prohibited by law.
 - (c) Existing remedies include but are not limited to:
- Denial, suspension, or revocation of a license, registration, certificate, permit, exception, or other indicia of authority issued by the Department;
 - (2) Civil or administrative penalties; and
- (3) Referral to the appropriate District Attorney or the Attorney General for criminal prosecution or other appropriate remedy.
- (4) Reimbursement of the Department for any cost incurred while acting pursuant to section 1301.1(m) above or due to any other violation of this Article.

NOTE: Authority cited: Sections 407, 9562 and 9570, Food and Agricultural Code. Reference: Sections 9561, 9563, 9566, 9574, 9591, 9595, 9691, 9692, 9693, 9694, 9695, 9696, 9698, 9700, 10105, 10324, 10387, 10781, 10921 and 32742, Food and Agricultural Code.

HISTORY

- New section filed 6-15-2001 as an emergency; operative 6-15-2001 (Register 2001, No. 24). A Certificate of Compliance must be transmitted to OAL by 10-15-2001 or emergency language will be repealed by operation of law on the following day.
- Repealed by operation of Government Code section 11346.1(g) (Register 2001, No. 43).
- New section filed 10-24-2001 as an emergency; operative 10-24-2001 (Register 2001, No. 43). A Certificate of Compliance must be transmitted to OAL by

- 2–21–2002 or emergency language will be repealed by operation of law on the following day.
- 4. Certificate of Compliance as to 10-24-2001 order transmitted to OAL 10-23-2001 and filed 12-5-2001 (Register 2001, No. 49).

§ 1301.9. Compensation.

Any compensation of the owner of a population of animals or animal product destroyed pursuant to Food and Agricultural Code section 9562 shall be made pursuant to Food and Agricultural Code section 9592, subject to the limitation of section 9595. Contribution by the State of California toward payment of compensation shall be calculated pursuant to Food and Agricultural Code section 9593 but shall be subject to reasonable availability of resources to pay.

NOTE: Authority cited: Sections 407, 9562, 9591 and 9592, Food and Agricultural Code. Reference: Sections 9561, 9563, 9566, 9595, 9691, 9692, 9693, 9694, 9695, 9696, 9698, 9700, 10105, 10324, 10387, 10781, 10921 and 32742, Food and Agricultural Code.

HISTORY

- 1. New section and quarantine forms filed 6–15–2001 as an emergency; operative 6–15–2001 (Register 2001, No. 24). A Certificate of Compliance must be transmitted to OAL by 10–15–2001 or emergency language will be repealed by operation of law on the following day.
- Repealed by operation of Government Code section 11346.1(g) (Register 2001, No. 43).
- 3. New section filed 10–24–2001 as an emergency; operative 10–24–2001 (Register 2001, No. 43). A Certificate of Compliance must be transmitted to OAL by 2–21–2002 or emergency language will be repealed by operation of law on the following day.
- 4. Certificate of Compliance as to 10-24-2001 order transmitted to OAL 10-23-2001 and filed 12-5-2001 (Register 2001, No. 49).

California Department of Food and Agriculture Animal Health and Food Safety Services

1220 N Street, Room A-114 Sacramento, California 95814 Telephone: (916) 654-0881 Facsimile: (916) 653-4249

RELEASE OF QUARANTINE

(Food and Agricultural Code Section 9562 and Title 3, California Code of Regulations Section 1301 et seq.)

Owner:					
ou are hereby notified that the population of animals or animal product described below that were placed nder Quarantine on is released from Quarantine.					
Description of Population of Animals or Animal Product:					
Present Location:			·		
Notice issued by:	Title	Date	Time		
Notice served by:	Title	Date	Time		
Notice received by:	Title	Date	Time		

Note: Other populations of animals or animal product not described above that are subject to the Quarantine remain subject to the Quarantine until you receive written notice releasing them from Quarantine.

STATE OF CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE

ANIMAL HEALTH AND FOOD SAFETY SERVICES

DATE SAMPLED	DATE SAMPLED COMBINED LABORATORY ANALYSIS REQUEST CHAIN-OF-CUSTODY REPORT					INDEN	TIFICAT	TION NO.		
OWNER - PRODUCER - M	OWNER - PRODUCER - MANUFACTURER - DISTRIBUTOR - RETAILER VETERÍNARIAN / INSPECTOR REMARKS									
ADDRESS	ADDRESS									
CITY					STATE		ZIP			
					REPORT OF OFFICIAL SAMPI	E ANAI V	/SIS	l		
SAMPLE NO. AND	1	L		2	I	3			4	
DESCRIPTION	DES	CRIBED AS:		DES	SCRIBED AS:	DES	CRIBED AS:		DES	CRIBED AS:
CONDITION				ļ			γ		_	
BRUCELLOSIS			· · · · · · · · · · · · · · · · · · ·	<u> </u>						
FOOT AND MOUTH						_ _				
TUBERCULOSIS										
			· · · · ·							
				177,8					2.33	
FAT %				<u> </u>				···	L	
TOTAL SOLIDS %										
SOLIDS NOT FAT %										
FAT IN WATER FREE SUBSTANCE %										
MOISTURE %					·					
BACTERIA	ans)	200				19 737			1977	
STANDARD PLAT COUNT										
COLIFORM				_					_	
YEAST				<u> </u>						
MOLD										
I CERTIFY THAT THE ABOVE D TAKEN IN A MANNER PRESCR					OWLEDGE RECEIPT OF A DUPLICATE SAI DESCRIBED SAMPLE(S) TAKEN IN MY PR			ANALYST(S)		
ACCEPTABLE TO THE OWNER MATERIAL(S) SAMPLED.					R ACCEPTABLE TO ME.	ESCHOE OF		MICROBIOLOGIST		
SIGNEDAUTHORIZED RE	PRESE	NTATIVE		SIGNED	OWNER (AS DEFINED IN FOOD & AGRIC	ULTURAL CO	ODE § 9562)			
					CHAIN-OF-CUSTOL	γ				
RELINQUISHED BY:					DATE/TIME:				PURPO	OSE - COMMENTS - DISPOSITION:
RECEIVED BY: DATE/TIME:				PURPO	ISE - COMMENTS - DISPOSITION:					
	_									
RELINQUISHED BY:					DATE/TIME:		· · · · · · · · · · · · · · · · · · ·		_PURPC	OSE - COMMENTS - DISPOSITION:
RECEIVED BY:					DATE/TIME:				PURPO	SE - COMMENTS - DISPOSITION:

ADDITIONAL TRANSFER(S) USE CHAIN-OF-CUSTODY CONTINUATION

Distribution: ORIGINAL - remains with sample(s) / YELLOW - owner / PINK - Regional Office / BLUE - Sampler or Division Office

PAGE _____ OF ___

Form x0000x (Est. 6-01)

STATE OF CALIFORNIA **DEPARTMENT OF FOOD AND AGRICULTURE**

ANIMAL HEALTH AND FOOD SAFETY SERVICES CHAIN-OF-CUSTODY CONTINUATION _____ DATE/TIME: _ _ PURPOSE-COMMENTS-DISPOSITION: ___ DATE/TIME: ___ ____ PURPOSE-COMMENTS-DISPOSITION: _____ DATE/TIME: ____ ____ PURPOSE-COMMENTS-DISPOSITION: _____ DATE/TIME: ____ DATE/TIME: ___ ___ DATE/TIME: __ PURPOSE-COMMENTS-DISPOSITION: _____ DATE/TIME: ___ _____DATE/TIME: _____DATE/TIMÉ: ____ DATE/TIME: ______PURPOSE-COMMENTS-DISPOSITION:

Distribution: ORIGINAL-remains with sample(s)/YELLOW-party in interest/PINK-Regional Office/BLUE-Sampler OSP 99 26011



PAGE _____ OF __

California Department of Food and Agriculture Animal Health and Food Safety Services

1220 N Street, Room A-114 Sacramento, California 95814 Telephone: (916) 654-0881 Facsimile: (916) 653-4249

NOTICE OF REQUIRED ACTION PURSUANT TO QUARANTINE Owner: _ You are hereby notified that the State Veterinarian has imposed a Quarantine pursuant to Food and Agricultural Code section 9562. The Quarantine includes the following population of animals or animal product: Description of Population of Animals or Animal Product: Present location: Pursuant to Food and Agricultural Code section 9562 and Title 3, California Code of Regulations, section 1301 et seq., you are required by the State Veterinarian to (check all that apply): Hold the population of animals or animal product described above on the premises where it is now located. ☐ Move the population of animals or animal product described above from the present location to _ __ no later than ___ a.m. / p.m. on The method of movement shall be ☐ Cease all efforts to cause the population of animals or animal product described above to enter the State of California. ☐ Segregate the population of animals or animal product described above from other animals or food products no later than a.m. / p.m. on _. The method of segregation shall be __ Isolate the population of animals or animal product described above no later than The method of isolation shall be ☐ Treat the population of animals or animal product described above no later than ____ The method of treatment shall be ☐ Destroy and dispose of the population of animals or animal product described above no later than a.m. / p.m. on The method of destruction shall be __ The method of disposal after destruction shall be ___ and disposal shall be completed no later than _ a.m. / p.m. on _ The Quarantine is imposed by the State Veterinarian because the population of animals or animal product described above may be infected or infested, has been exposed to a condition that could transmit an illness that could kill or seriously damage other animals or humans, or may be at risk for such exposure. An epidemiological investigation will be conducted pursuant to Food and Agricultural Code section 9562, and Title 3 of the California Code of Regulations, section 1301 et seq. to determine the condition affecting the population of animals or animal product. The Quarantine is imposed by the State Veterinarian in the circumstances of natural disaster, whether occurring or imminent, or a The State Veterinarian may modify the action(s) required in this Notice, if warranted by circumstances or assessment. Failure to comply with this Notice of Required Action is a violation of Title 3, California Code of Regulations, section 1301.8 and will result in the Department of Food and Agriculture pursuing appropriate remedies, including but not limited to law enforcement involvement, and may interfere with your receiving indemnity payments to which you might be entitled. Notice issued by: Title Date Time Notice served by: Time Date Notice received by: YOUR APPEAL RIGHTS You may appeal the imposition of the Quarantine in an informal hearing process, pursuant to Chapter 4.5

You may appeal the imposition of the Quarantine in an informal hearing process, pursuant to Chapter 4.5 (commencing with Section 11400) of Division 3 of Title 2 of the Government Code and Title 3, California Code of Regulations, section 1301.3, by contacting the Division of Animal Health and Food Safety Services, 1220 N Street, Room A-114, Sacramento, California 95814, telephone (916) 654-0881, facsimile (916) 653-4249, and requesting an informal hearing.

- Q YOUR REQUEST FOR A HEARING MUST BE RECEIVED WITHIN 72 HOURS OF THE SERVICE OF THIS NOTICE.
- ☐ YOUR REQUEST FOR A HEARING MUST BE RECEIVED NO LATER THAN _____ A.M. / P.M. ON _____

Chapter 8. Animal Biologics

Article 1. Definitions

§ 1305.00. Definitions.

Unless otherwise apparent from the context, the following definitions shall apply to this subchapter:

- (a) "Animal" means all vertebrates and other species, other than man to which biologics may be administered.
- (b) "Expiration Date." The end of the period in which the biological product properly stored and handled can, with reasonable certainty, yield the result expected.
- (c) "Serial." The total quantity of biological product, in its final composition, which has been thoroughly mixed in a single container and permanently identified by a serial number.
- (d) "Subserial." Each of two or more portions of a serial identified by serial number and letters, which are filled into final containers at different times, further processed at different times, or further processed under different conditions.

NOTE: Authority cited: Sections 407 and 9251, Food and Agricultural Code. Reference: Section 9201, Food and Agricultural Code.

HISTORY

1. New Subchapter 8 (Sections 1305.00–1305.12) filed 8–15–75; effective thirtieth day thereafter (Register 75, No. 33).

Article 2. Licenses

§ 1305.01. Issuance of License.

(a) Each establishment applying for a license to produce biologics, as required by Section 9211 of the Food and Agricultural Code, shall be inspected and approved by the Secretary prior to the approval of a license. Approval shall be based on compliance at the specific location, with current applicable standards for the production of biologics established in Chapter 1, Title 9 of the Code of Federal Regulations pertaining to Virus, Serum, Toxins, and Analogous products. Exceptions for individual standards at specific locations may be granted by the Secretary upon application and demonstration by the applicant of conditions warranting such exception and appropriate license restrictions.

(b) The license is not transferable as to location or ownership. Change in equity ownership, directly or by sale or transfer of a controlling stock interest or change in location, requires a new license.

HISTORY

Change without regulatory effect amending subsection (a) filed 7-30-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 31).

§ 1305.02. Cancellation or Suspension of License.

- (a) The Secretary may suspend or cancel the license of any establishment not in compliance with Section 9212 of the Food and Agricultural Code or producing a product not in compliance with Section 9242 of the Food and Agricultural Code. License cancellation or suspension shall be in accord with Section 9261 of the Food and Agricultural Code.
- (b) If the Secretary finds the continued operation of an establishment constitutes an immediate hazard to persons or animals, he may, after notice, suspend the license pending a hearing and final decision.
- (c) Each applicant for license shall accept the above as a condition of licensure.

HISTORY

1. Change without regulatory effect amending subsections (a) and (b) filed 7–30–96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 31).

Article 3. License Fees

§ 1305.03. Application Fee.

The application and license fee for the period July 1, 1975 to June 30, 1976, or portion thereof, is \$125.00 for each establishment. Thereafter, the application and license fee shall be \$250.00 for each establishment for the fiscal year, or portion thereof, ending June 30 of each year.

§ 1305.04. Renewal Fee.

An annual renewal fee of \$250.00 shall be paid on or before the first day of July of each year. To any fee which is not paid when due, there shall be added a penalty of \$25.00.

Article 4. Animals

§ 1305.05. Use of Animals.

HISTORY

1. Order of Repeal filed 6-3-85 by OAL pursuant to Government Code Section 11349.7; effective thirtieth day thereafter (Register 85, No. 26).

Article 5. Product Registration

§ 1305.06. Separate Registration.

Separate registration is required for:

- (a) Each biologic produced in an establishment licensed by the Secretary.
- (b) Each biologic product produced by an owner or operator for animals owned by him, except products produced by a veterinarian for treatment of disease in animals which are under his care for therapy and are administered by him only to such animals.
- (c) Each experimental biologic product produced in an establishment licensed by the United States Department of Agriculture or biologic product issued a special license by the USDA prior to use in California.
- (d) The Secretary, upon notice, may require registration of any biologic product which is licensed by the United States Department of Agriculture when he determines it necessary to prevent the spread or introduction of infection or disease and to assure its safe and effective use in California. The Secretary will maintain a current index of such products.

HISTORY

1. Change without regulatory effect amending subsections (a) and (d) filed 7–30–96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 31).

§ 1305.07. Application for Registration.

Each application for registration of a biologic shall include:

- (a) A protocol of production and methods to be followed to include:
- (1) Source and type of biologic material used to produce the product.
- (2) Methods used to determine efficacy, potency, purity, and safety of the product during manufacture and distribution.
- (b) A sample of the label to be attached to the product, including restrictions to use by a licensed veterinarian in appropriate cases or other restrictions such as specifying a special registration subject to precautions
- (c) Such other information as required by the Secretary to determine if a product may be hazardous to animal or human health. The Secretary may require demonstration by the registrant of the safety and efficacy of the product prior to registration.

HISTORY

Change without regulatory effect amending subsection (c) filed 7–30–96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 31).

§ 1305.08. Registration.

- (a) (Reserved.)
- (b) No change in composition, protocol of production or labeling of a biologic registered by the Secretary shall be made without prior approval of the Secretary.

(c) The registration of a biologic shall specify the conditions of use and period for which registration is granted.

HISTOR

- Order of Repeal of subsection (a) filed 6–3–85 by OAL pursuant to Government Code Section 11349.7; effective thirtieth day thereafter (Register 85, No. 26).
- Change without regulatory effect amending subsection (b) filed 7–30–96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 31).

§ 1305.09. Cancellation or Suspension of Registration.

- (a) The Secretary may suspend or cancel the registration of any biologic if it is advertised or represented by the registrant or its agents in any false or misleading manner.
- (b) The Secretary may suspend or cancel the registration of any registered biologic which he finds is hazardous or does not correspond to the registration or does not produce effective results in accordance with the registration.
- (c) When the Secretary determines summary action is necessary for the immediate protection of public health, or health of animals, he may suspend registration pending hearing and prohibit the production, shipment, or use of biologics pending hearing, and may require the recall, secure custody, or destruction of biologics presenting an immediate hazard to human or animal health. Each registration shall be accepted subject to the above requirement.

HISTORY

1. Change without regulatory effect amending subsections (a), (b) and (c) filed 7–30–96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 31).

§ 1305.10. Records and Samples.

- (a) Each establishment licensed by the Secretary shall maintain, as to each registered biologic, records of the source of stock cultures, methods of preparation, results of tests for purity, safety, and potency of each serial of biologics produced and the sale, shipment, or other disposition of the above.
- (b) A representative sample of each serial and subserials of biologic produced in a licensed establishment shall be stored under conditions specified on the label for six months after the expiration date of the biologic. A Department inspector will sign and date each product label and attach a Department serial number or otherwise identify the sample for the Secretary with instructions to the licensee. The Secretary may require additional sampling or storage in particular cases. Failure to comply with such requests shall be grounds for summary suspension of registration.

HISTORY

1. Change without regulatory effect amending subsections (a) and (b) filed 7–30–96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 31).

§ 1305.11. Inspections.

- (a) Authorized representatives of the Secretary shall be permitted to enter an establishment producing registered biologics at any reasonable hour and inspect without previous notification, the entire premises of such establishment and all records maintained relative to condition of animals maintained, biologic production, spoilage, and distribution, as well as any other premises where the registrant may have placed any such products, records, or animals.
- (b) The licensed manufacturer shall provide upon request and without cost to the Secretary samples of stock cultures, other material, or serial or subserial of finished product from his establishment and any firm or person storing or selling the manufacturer's registered biologics; and shall also provide in contracts with distributors that the Secretary may take such samples without charge to the Secretary.

HISTORY

1. Change without regulatory effect amending subsections (a) and (b) filed 7–30–96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 31).

Article 6. Product Registration Fees

§ 1305.12. Registration Fee.

No additional product registration fee, in addition to the manufacturing establishment license fee, shall be payable for registrations which are determined by the Secretary to be routine and do not require special handling, tests, inspections or other special procedures. For registrations requiring such special consideration, the Secretary may require the applicant to pay a fee based on the estimated costs of processing the application to cover the Department's costs beyond the cost of a routine registration. The Secretary may later require such additional fees as necessary to cover such costs.

HISTORY

1. Change without regulatory effect amendment of section filed 7–30–96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 31).

Chapter 9. Informal Hearings

Article 1. Informal Hearing Requirements

§ 1310. Scope of Coverage.

- (a) Any person, or his or her duly authorized representative, may contest a notice of adverse determination and request an informal hearing as outlined in this article. The informal hearing proceedings pertain to a violation of any of the following sections of the Food and Agricultural Code:
- (1) Importation requirements for horses or other Equidae pursuant to section 9641.5.
- (2) Brucellosis vaccination requirements pursuant to sections 10341, 10342 and Article 4 (commencing with section 10351), Chapter 3, Part 2, Division 5.
 - (3) Importation requirements for cattle pursuant to section 10610.
 - (4) Importation requirements for swine pursuant to section 10721.
- (5) Approved processing or disposal of garbage aboard any vessel or aircraft in the state pursuant to sections 16101, 16151, 16152, 16153 and 16154.
- (6) Control of performance and disposition enhancing medications for horses in public horse shows, events, competitions, or sales pursuant to Chapter 8 (commencing with section 24000), Division 11.
- (7) Inspection and sampling of milk, milk products, and products resembling milk pursuant to Article 2 (commencing with section 32731), Chapter 2, Part 1, Division 15.
- (8) Testing of milk and milk products for the presence of drug residues pursuant to Article 4 (commencing with section 32761), Chapter 2, Part 1, Division 15.

NOTE: Authority cited: Section 407, Food and Agricultural Code; and Section 11400.20, Government Code. Reference: Sections 9641.5, 10341, 10342, 10610, 10721, 16101, 16151, 16152, 16153 and 16154, Food and Agricultural Code; Article 4 (commencing with section 10351), Chapter 3, Part 2, Division 5, Food and Agricultural Code; Chapter 8 (commencing with section 24000), Division 11, Food and Agricultural Code; Article 2 (commencing with section 32731), Chapter 2, Part 1, Division 15, Food and Agricultural Code.

HISTORY

- 1. New chapter 9, article 1 (sections 1310–1310.3) and section filed 5–5–2003 as an emergency; operative 5–5–2003 (Register 2003, No. 19). A Certificate of Compliance must be transmitted to OAL by 9–2–2003 or emergency language will be repealed by operation of law on the following day.
- 2. Editorial correction of NOTE (Register 2003, No. 35).
- 3. Certificate of Compliance as to 5–5–2003 order transmitted to OAL 7–16–2003 and filed 8–26–2003 (Register 2003, No. 35).

§ 1310.1. Filing Deadlines and Procedures.

(a) The respondent may contest a notice of adverse determination for any violation specified in section 1310 and may request an informal hearing by written correspondence to the Department of Food and Agriculture, 1220 "N" Street, Room A–107, Sacramento, California 95814.

- (b) The respondent must submit a request for an informal hearing to the Department in writing within 30 days from the date of the notice of adverse determination. If the notice of adverse determination requires the holding of animals or animal products at a site specified, the respondent must submit the request by mail, facsimile, or by telephone within 72 hours of the date of the notice of adverse determination.
- (c) The respondent may request a formal hearing in lieu of an informal one. The respondent must do so within the filing deadlines for requesting an informal hearing set forth in subsection (b). Any request must be accompanied by a written statement in support of it. The hearing officer shall determine whether to proceed with an informal hearing or whether a formal hearing or other appropriate administrative proceeding may be required by statute pursuant to Chapter 5 (commencing with section 11500), Part 1, Division 3, Title 2 of the Government Code. The respondent will be expected to waive the time constraints of this article on the record if any administrative proceeding other than an informal hearing is requested by respondent or required by the Department.
- (d) Failure to present a timely request for a hearing constitutes a waiver of the respondent's right to contest the notice of an adverse determination. Untimely requests for a hearing shall be denied by the Department.
- (e) If the notice of adverse determination places a hold on a product or animal, or requires a person to cease operations, the notice of adverse determination shall remain in effect pending the outcome of the informal hearing.

NOTE: Authority cited: Section 407, Food and Agricultural Code; and Section 11400.20, Government Code. Reference: Chapter 4.5 (commencing with section 11400), Part 1, Division 3, Title 2, Government Code; and Chapter 5 (commencing with section 11500), Part 1, Division 3, Title 2, Government Code.

HISTORY

- 1. New section filed 5-5-2003 as an emergency; operative 5-5-2003 (Register 2003, No. 19). A Certificate of Compliance must be transmitted to OAL by 9-2-2003 or emergency language will be repealed by operation of law on the following day.
- 2. Certificate of Compliance as to 5–5–2003 order transmitted to OAL 7–16–2003 and filed 8–26–2003 (Register 2003, No. 35).

§ 1310.2. Hearing Schedule and Notification.

- (a) Supplemental to any procedures set forth in Chapter 4.5 (commencing with section 11400), Part 1, Division 3, Title 2, Government Code, the Department shall schedule an informal hearing within 30 days from the receipt of the request from the respondent. If the notice of adverse determination requires the holding of animals or animal products at a site specified, the Department shall schedule the hearing within 72 hours of the receipt of the request for an informal hearing.
- (b) Formal hearings shall be scheduled by the Department consistent with the provisions of Chapter 5 (commencing with section 11500), Part 1, Division 3, Title 2 of the Government Code, and any applicable regulations enacted pursuant to these provisions.
- (c) The Department shall provide a notice of the informal hearing to the respondent containing the following information:
 - (1) Date, location, and time of the informal hearing;
- (2) Departmental contact information including applicable telephone and facsimile numbers;
 - (3) Subject matter of the adverse determination; and,
- (4) Any other information or documentation relative to the adverse determination.

NOTE: Authority cited: Section 407, Food and Agricultural Code; and Section 11400.20, Government Code. Reference: Chapter 4.5 (commencing with section 11400), Part 1, Division 3, Title 2, Government Code; and Chapter 5 (commencing with section 11500), Part 1, Division 3, Title 2, Government Code.

HISTORY

- 1. New section filed 5–5–2003 as an emergency; operative 5–5–2003 (Register 2003, No. 19). A Certificate of Compliance must be transmitted to OAL by 9–2–2003 or emergency language will be repealed by operation of law on the following day.
- 2. Certificate of Compliance as to 5–5–2003 order transmitted to OAL 7–16–2003 and filed 8–26–2003 (Register 2003, No. 35).

§ 1310.3. Conduct of Hearings.

- (a) If a formal hearing is requested by the respondent or otherwise required by statute or regulation, it shall be conducted consistent with the provisions of Chapter 5 (commencing with section 11500), Part 1, Division 3, Title 2 of the Government Code.
- (b) Informal hearings shall be conducted pursuant to Chapter 4.5 (commencing with section 11400), Part 1, Division 3, Title 2 of the Government Code and shall be conducted as follows:
- (1) The informal hearing shall be presided over and conducted by a hearing officer designated by the Department.
- (2) The standard of proof to be applied by the hearing officer shall be preponderance of the evidence unless statutes or regulations applicable to the determination provide a higher standard.
- (3) Hearings may be conducted by telephone at the discretion of the hearing officer subject to Government Code section 11440.30.
- (4) Subject to the provisions of Government Code section 11425.50, the decision of the hearing officer shall be in writing with a brief statement of the conclusion and findings to support the conclusion. The decision may be handwritten.
- (5) The decision shall be issued within 14 days after the conclusion of the hearing and may be issued orally at the conclusion of the hearing subject to written confirmation.
- (6) The decision shall be served on the respondent either by personal service or, if available, by facsimile transmission.
- (7) The hearing officer's decision shall be effective immediately upon first articulation under subsection (b)(4) or (b)(5) above, and shall be final.
- (8) The respondent may appeal the hearing officer's decision by filing a petition for a writ of administrative mandamus in accordance with the provisions of the Code of Civil Procedure subject to the statutes relating to the Department.
- (9) The Department shall provide a copy of the decision to any interested party upon written request.

NOTE: Authority cited: Section 407, Food and Agricultural Code; and Section 11400.20, Government Code. Reference: Chapter 4.5 (commencing with section 11400), Part 1, Division 3, Title 2, Government Code; and Chapter 5 (commencing with section 11500), Part 1, Division 3, Title 2, Government Code.

HISTORY

- 1. New section filed 5-5-2003 as an emergency; operative 5-5-2003 (Register 2003, No. 19). A Certificate of Compliance must be transmitted to OAL by 9-2-2003 or emergency language will be repealed by operation of law on the following day.
- 2. Certificate of Compliance as to 5–5–2003 order transmitted to OAL 7–16–2003 and filed 8–26–2003 (Register 2003, No. 35).

* * *

Barclays Official

CALIFORNIA CODE OF REGULATIONS

Title 3. Food and Agriculture

Division 3. Economics

Vol. 4



Division 3. Economics

TABLE OF CONTENTS

		rage		rage
Chapter 1.	Fruit and Vegetable		§ 1351.8.	Definition of Terms Descriptive of
•	Standardization	103	§ 1352.	the Yolk. California Standards of Quality for
Subabantar 1	Conning Tomatoes	102	g 1332.	Individual Shell Eggs.
Subchapter 1.	Canning Tomatoes	103	§ 1352.2.	Exempt Eggs.
§ 1330.	Inspection Fees.		§ 1353.	Grade Tolerances.
§ 1330.			§ 1353.2.	Summary of Grades for Shell Eggs.
§ 1331.	Field Identification Tag.		§ 1353.4.	Size Standards for Individual Shell
§ 1332.	Color Determination.			Eggs.
§ 1332.0			§ 1353.6.	Egg Sample Schedule.
	Manufactured Tomato-Cor	itaining	§ 1354.	Marking Requirements.
8 1222	Products.		§ 1354.2.	Markings Not Required.
§ 1332. § 1332.			§ 1355.	Seized and Held Lots.
§ 1332 § 1332			§ 1356.	Special Requirements.
§ 1332.4 § 1332.4		togo	§ 1356.2.	Restricted Eggs.
§ 1332. § 1333.	Certification of Non–Rejec		§ 1357.	Registered Brands.
8 1333.	Categories.	table	§ 1358.	Inspection Fees.
§ 1333.			§ 1358.2.	Fee Exemption.
§ 1333.		formation	§ 1358.4.	Records/Invoices.
y 1555	Purposes.	ormation	§ 1358.5.	Eggs, Procedures to Ascertain
§ 1334.	Delivery and Acceptance o	f		Ambient Air Temperature.
3 1334.	Tomatoes.	1	Subchapter 4.	Fresh Fruits, Nuts and
§ 1335.	Sampling.		_	Vegetables
§ 1336.	Delivery of Tomatoes onto			vegetables
3 70001	Mechanized Grading Table		Article 1.	Markings 112
§ 1336.5			§ 1359.	General Provisions for Markings on
0	Grading Tables.		§ 1339.	Containers.
§ 1337.	Regrade.		§ 1359.1.	Time Table for Marking Provisions.
§ 1338.	Percentage Chart.		§ 1360.	Location.
§ 1339.	Adequate Facilities.		§ 1361.	Package and Container: Definitions
§ 1339.	 Minimum Load and Yard 		, 1301.	for Fresh Fruits, Nuts, and
	Requirements.			Vegetables.
§ 1339.2	Office and Inspection Area	Floor	§ 1362.	Abbreviations.
	Space.		§ 1363.	Minimum Height of Numbers and
§ 1339.3			ů	Letters for Quantity and Grade
§ 1339.4				Declarations.
§ 1339.5			§ 1365.	General Provisions for Markings on
§ 1339.6				Containers.
§ 1339.7		fter	§ 1365.1.	Master Container Marking
8 1240	1986.			Exceptions.
§ 1340.	Station Deliveries.		§ 1365.2.	California Address Requirement.
§ 1340.1 § 1340.2	2	tion.	§ 1365.3.	Artificial Coloring of Fruits and
§ 1340.3 § 1340.3		nota	0.1065.4	Vegetables.
χ 13 4 0	Locations.	iaic	§ 1365.4.	Obliteration of Grade Markings
§ 1340.4			\$ 1265.5	Which Do Not Apply.
§ 1341.	Authority.		§ 1365.5. § 1365.6.	Consumer Booksgoo in Moster
§ 1341.1	-	itv	§ 1303.0.	Consumer Packages in Master Container.
0	Procedures.		§ 1365.7.	Markings When Produce Is in
§ 1341.2			§ 1505.7.	Sacks.
§ 1341.3		ity	§ 1365.8.	Marking Exceptions.
v	Information.	•	§ 1365.9.	Containers Marked Standard or
§ 1341.4	 Soluble Solids Information. 		3 1300.7.	Standard Containers.
			§ 1365.10.	
Subchapter 2.	Dried Fruits and Nuts	107	-	
	_		Article 1.1.	Standardization Assessment
Subchapter 3.	Eggs	107		Rates 113
§ 1351.	Definitions—General Term		§ 1366.	Standardization Assessment Rates
§ 1351.2	Definition of Terms Description	ptive of	0	for Fresh Fruits and Vegetables
	the Shell.			(Commodities).
§ 1351.4		ptive of	A 1 - 0	
	Air Cell.		Article 2.	Inspection Procedures
§ 1351.6		ptive of	§ 1370.	Standardization Inspection and
	the White.			Certification by Commissioners.

	Page		Page
§ 1370.1.	Procedure for Acceptance of	§ 1380.6.	Permit Quantity (No Previous
	Standardization Inspection		Shipments).
. 1270.2	Certificates in Lieu of Inspection.	§ 1380.7.	Experimental Type Container.
§ 1370.2.	Appeal Inspections Not Required.	§ 1380.8.	Permit Number Marking.
§ 1370.3. § 1370.4.	Federal–State Certificates. Disposition at Inspection Stations of	§ 1380.9. § 1380.10.	Permit Record. Experimental Packs.
§ 1570.4.	Lots or Loads Which Fail to	§ 1380.10. § 1380.11.	Pack Permit Application.
	Comply.	§ 1380.12.	Experimental Pack Time Limit.
§ 1370.5.	Delivery of Substandard Produce	§ 1380.13.	Quantity of Experimental Packs.
*	Direct to Broker.	§ 1380.14.	Experimental Pack Definition.
§ 1370.6.	Interpretation of Disposal Order at Destination.	§ 1380.15.	General Provisions for Standard Containers and Standard Packs.
§ 1370.7.	Permit for By-Products Form.	§ 1380.16.	Imported Fruits, Nuts, or
§ 1370.8.	Representative Sample, General Application.	§ 1380.17.	Vegetables. Imported Containers.
§ 1370.9.	Sampling Loads at Highway	§ 1380.18.	Standard Containers—Provisions.
•	Inspection Stations.	§ 1380.19.	Standard Containers.
§ 1370.10.		§ 1380.20.	Standard Containers "Permissive."
§ 1370.11.	Individual Fruits and Vegetables. Shrinkage (42946) Not for Size	§ 1380.21.	Determining Inside Dimensions of Fiberboard Cartons.
g 1570.11.	Requirements.	§ 1380.22.	Mullen Bursting Test, Fibreboard
§ 1370.12.		# 1000 22	Containers.
§ 1370.13.	U.S. Grades Certified Lots, or Lots Marked U.S. Grade.	§ 1380.23.	Citrus Field Picking Box Measurements.
§ 1370.14.	Inspection of Fruits and Vegetables	§ 1380.24.	Citrus Field Picking Box
§ 1370.15.	Delivered to State Institutions. Fruits or Vegetables Being	§ 1380.25.	Requirements. Citrus Field Picking Boxes Variation
§ 1570.13.	Transported from One Packing Plant	,	Tolerances.
	to Another for Prepackaging into	§ 1380.26.	Citrus Field Picking Boxes Contract
§ 1370.16.	Consumer Packages. Alkali Solutions, Procedure for	§ 1380.27.	Basis. Consumer Packages of Fresh Fruits,
u	Testing.		Nuts, or Vegetables.
Article 2.1.	Administrative Civil Penalty	§ 1380.28.	General Provisions for Consumer
Afficie 2.1.	•		Packages.
	Guidelines	Article 5.	Emergency Standards for
§ 1371.	Notice of Proposed Action and		0 1. 1 4 1.
2 12/11			Quality and Appeals 124.1
	Disposition.	Article 6.	- •
§ 1371.1. § 1371.2.		Article 6.	Exempt Fruits, Nuts and
§ 1371.1.	Disposition. Penalty Guidelines.	Article 6. § 1390.	Exempt Fruits, Nuts and Vegetables
§ 1371.1.	Disposition. Penalty Guidelines. Administrative Civil Penalties for	§ 1390.	Exempt Fruits, Nuts and Vegetables
§ 1371.1. § 1371.2. Article 3.	Disposition. Penalty Guidelines. Administrative Civil Penalties for Food and Agriculture Violations. Definitions		Exempt Fruits, Nuts and Vegetables
§ 1371.1. § 1371.2.	Disposition. Penalty Guidelines. Administrative Civil Penalties for Food and Agriculture Violations.	§ 1390. · § 1390.1.	Exempt Fruits, Nuts and Vegetables
\$ 1371.1. \$ 1371.2. Article 3. \$ 1375.	Disposition. Penalty Guidelines. Administrative Civil Penalties for Food and Agriculture Violations. Definitions	§ 1390.§ 1390.1.§ 1390.2.	Exempt Fruits, Nuts and Vegetables
\$ 1371.1. \$ 1371.2. Article 3. \$ 1375. \$ 1375.1. \$ 1375.2. \$ 1375.3.	Disposition. Penalty Guidelines. Administrative Civil Penalties for Food and Agriculture Violations. Definitions	§ 1390.§ 1390.1.§ 1390.2.§ 1390.3.	Exempt Fruits, Nuts and Vegetables
\$ 1371.1. \$ 1371.2. Article 3. \$ 1375. \$ 1375.1. \$ 1375.2. \$ 1375.3. \$ 1375.4.	Disposition. Penalty Guidelines. Administrative Civil Penalties for Food and Agriculture Violations. Definitions	§ 1390.§ 1390.1.§ 1390.2.	Exempt Fruits, Nuts and Vegetables
\$ 1371.1. \$ 1371.2. Article 3. \$ 1375. \$ 1375.1. \$ 1375.2. \$ 1375.3. \$ 1375.4. \$ 1375.5.	Disposition. Penalty Guidelines. Administrative Civil Penalties for Food and Agriculture Violations. Definitions	\$ 1390. \$ 1390.1. \$ 1390.2. \$ 1390.3. \$ 1390.4. \$ 1390.5. \$ 1390.6.	Exempt Fruits, Nuts and Vegetables
\$ 1371.1. \$ 1371.2. Article 3. \$ 1375. \$ 1375.1. \$ 1375.2. \$ 1375.3. \$ 1375.4. \$ 1375.5.	Disposition. Penalty Guidelines. Administrative Civil Penalties for Food and Agriculture Violations. Definitions	\$ 1390. \$ 1390.1. \$ 1390.2. \$ 1390.3. \$ 1390.4. \$ 1390.5. \$ 1390.6. \$ 1390.7.	Exempt Fruits, Nuts and Vegetables
\$ 1371.1. \$ 1371.2. Article 3. \$ 1375. \$ 1375.1. \$ 1375.2. \$ 1375.3. \$ 1375.4. \$ 1375.5.	Disposition. Penalty Guidelines. Administrative Civil Penalties for Food and Agriculture Violations. Definitions	\$ 1390. \$ 1390.1. \$ 1390.2. \$ 1390.3. \$ 1390.4. \$ 1390.5. \$ 1390.6. \$ 1390.7. \$ 1390.8.	Exempt Fruits, Nuts and Vegetables
\$ 1371.1. \$ 1371.2. Article 3. \$ 1375. \$ 1375.1. \$ 1375.2. \$ 1375.3. \$ 1375.4. \$ 1375.5.	Disposition. Penalty Guidelines. Administrative Civil Penalties for Food and Agriculture Violations. Definitions	\$ 1390. \$ 1390.1. \$ 1390.2. \$ 1390.3. \$ 1390.4. \$ 1390.5. \$ 1390.6. \$ 1390.7. \$ 1390.8. \$ 1390.9.	Exempt Fruits, Nuts and Vegetables
\$ 1371.1. \$ 1371.2. Article 3. \$ 1375. \$ 1375.1. \$ 1375.2. \$ 1375.3. \$ 1375.4. \$ 1375.5. \$ 1375.6. \$ 1375.7.	Disposition. Penalty Guidelines. Administrative Civil Penalties for Food and Agriculture Violations. Definitions	\$ 1390. \$ 1390.1. \$ 1390.2. \$ 1390.3. \$ 1390.4. \$ 1390.5. \$ 1390.6. \$ 1390.7. \$ 1390.8.	Exempt Fruits, Nuts and Vegetables
\$ 1371.1. \$ 1371.2. Article 3. \$ 1375. \$ 1375.1. \$ 1375.2. \$ 1375.3. \$ 1375.4. \$ 1375.5. \$ 1375.7.	Disposition. Penalty Guidelines. Administrative Civil Penalties for Food and Agriculture Violations. Definitions	\$ 1390. \$ 1390.1. \$ 1390.2. \$ 1390.3. \$ 1390.4. \$ 1390.5. \$ 1390.6. \$ 1390.7. \$ 1390.8. \$ 1390.9.	Exempt Fruits, Nuts and Vegetables
\$ 1371.1. \$ 1371.2. Article 3. \$ 1375. \$ 1375.1. \$ 1375.2. \$ 1375.3. \$ 1375.4. \$ 1375.5. \$ 1375.6. \$ 1375.7. \$ 1375.8. \$ 1375.9.	Disposition. Penalty Guidelines. Administrative Civil Penalties for Food and Agriculture Violations. Definitions	\$ 1390. \$ 1390.1. \$ 1390.2. \$ 1390.3. \$ 1390.4. \$ 1390.5. \$ 1390.6. \$ 1390.7. \$ 1390.8. \$ 1390.9. \$ 1390.10.	Exempt Fruits, Nuts and Vegetables
\$ 1371.1. \$ 1371.2. Article 3. \$ 1375. \$ 1375.1. \$ 1375.2. \$ 1375.3. \$ 1375.5. \$ 1375.6. \$ 1375.6. \$ 1375.7. \$ 1375.7. \$ 1375.8. \$ 1375.9. \$ 1375.10	Disposition. Penalty Guidelines. Administrative Civil Penalties for Food and Agriculture Violations. Definitions	\$ 1390. \$ 1390.1. \$ 1390.2. \$ 1390.3. \$ 1390.4. \$ 1390.6. \$ 1390.7. \$ 1390.8. \$ 1390.9. \$ 1390.10. \$ 1390.11. \$ 1390.12. \$ 1390.13.	Exempt Fruits, Nuts and Vegetables
\$ 1371.1. \$ 1371.2. Article 3. \$ 1375. \$ 1375.1. \$ 1375.2. \$ 1375.3. \$ 1375.4. \$ 1375.6. \$ 1375.7. \$ 1375.7. \$ 1375.7.	Disposition. Penalty Guidelines. Administrative Civil Penalties for Food and Agriculture Violations. Definitions	\$ 1390. \$ 1390.1. \$ 1390.2. \$ 1390.3. \$ 1390.4. \$ 1390.5. \$ 1390.6. \$ 1390.7. \$ 1390.8. \$ 1390.9. \$ 1390.10.	Exempt Fruits, Nuts and Vegetables
\$ 1371.1. \$ 1371.2. Article 3. \$ 1375. \$ 1375.1. \$ 1375.2. \$ 1375.3. \$ 1375.4. \$ 1375.5. \$ 1375.6. \$ 1375.7. \$ 1375.7. \$ 1375.8. \$ 1375.9. \$ 1375.10 \$ 1375.12 \$ 1375.12	Disposition. Penalty Guidelines. Administrative Civil Penalties for Food and Agriculture Violations. Definitions	\$ 1390. \$ 1390.1. \$ 1390.2. \$ 1390.3. \$ 1390.4. \$ 1390.5. \$ 1390.7. \$ 1390.8. \$ 1390.9. \$ 1390.10. \$ 1390.11. \$ 1390.12. \$ 1390.13. \$ 1390.14.	Exempt Fruits, Nuts and Vegetables
\$ 1371.1. \$ 1371.2. Article 3. \$ 1375. \$ 1375.1. \$ 1375.2. \$ 1375.3. \$ 1375.4. \$ 1375.5. \$ 1375.6. \$ 1375.7. \$ 1375.7. \$ 1375.9. \$ 1375.10 \$ 1375.11 \$ 1375.12 \$ 1375.12	Disposition. Penalty Guidelines. Administrative Civil Penalties for Food and Agriculture Violations. Definitions	\$ 1390. \$ 1390.1. \$ 1390.2. \$ 1390.3. \$ 1390.4. \$ 1390.5. \$ 1390.6. \$ 1390.7. \$ 1390.8. \$ 1390.9. \$ 1390.10. \$ 1390.11. \$ 1390.12. \$ 1390.14. \$ 1390.14.	Exempt Fruits, Nuts and Vegetables
\$ 1371.1. \$ 1371.2. Article 3. \$ 1375. \$ 1375.1. \$ 1375.2. \$ 1375.4. \$ 1375.5. \$ 1375.6. \$ 1375.7. \$ 1375.8. \$ 1375.9. \$ 1375.10 \$ 1375.12 \$ 1375.12	Disposition. Penalty Guidelines. Administrative Civil Penalties for Food and Agriculture Violations. Definitions	\$ 1390. \$ 1390.1. \$ 1390.2. \$ 1390.3. \$ 1390.4. \$ 1390.5. \$ 1390.6. \$ 1390.7. \$ 1390.8. \$ 1390.9. \$ 1390.10. \$ 1390.11. \$ 1390.12. \$ 1390.13. \$ 1390.14.	Exempt Fruits, Nuts and Vegetables
\$ 1371.1. \$ 1371.2. Article 3. \$ 1375. \$ 1375.1. \$ 1375.2. \$ 1375.3. \$ 1375.4. \$ 1375.5. \$ 1375.6. \$ 1375.7. \$ 1375.8. \$ 1375.9. \$ 1375.10 \$ 1375.11 \$ 1375.12 \$ 1375.13 \$ 1375.14	Disposition. Penalty Guidelines. Administrative Civil Penalties for Food and Agriculture Violations. Definitions	\$ 1390. \$ 1390.1. \$ 1390.2. \$ 1390.3. \$ 1390.4. \$ 1390.5. \$ 1390.7. \$ 1390.8. \$ 1390.9. \$ 1390.10. \$ 1390.11. \$ 1390.12. \$ 1390.13. \$ 1390.14.	Exempt Fruits, Nuts and Vegetables
\$ 1371.1. \$ 1371.2. Article 3. \$ 1375. \$ 1375.1. \$ 1375.2. \$ 1375.3. \$ 1375.5. \$ 1375.6. \$ 1375.7. \$ 1375.7. \$ 1375.8. \$ 1375.9. \$ 1375.10 \$ 1375.12 \$ 1375.12 \$ 1375.13 \$ 1375.14 \$ 1375.15 \$ 1375.16	Disposition. Penalty Guidelines. Administrative Civil Penalties for Food and Agriculture Violations. Definitions	\$ 1390. \$ 1390.1. \$ 1390.2. \$ 1390.3. \$ 1390.4. \$ 1390.5. \$ 1390.6. \$ 1390.7. \$ 1390.8. \$ 1390.9. \$ 1390.10. \$ 1390.11. \$ 1390.12. \$ 1390.13. \$ 1390.14.	Exempt Fruits, Nuts and Vegetables
\$ 1371.1. \$ 1371.2. Article 3. \$ 1375. \$ 1375.1. \$ 1375.2. \$ 1375.3. \$ 1375.5. \$ 1375.6. \$ 1375.6. \$ 1375.7. \$ 1375.8. \$ 1375.9. \$ 1375.10 \$ 1375.11 \$ 1375.12 \$ 1375.13 \$ 1375.14 \$ 1375.15 \$ 1375.16 \$ 1375.16	Disposition. Penalty Guidelines. Administrative Civil Penalties for Food and Agriculture Violations. Definitions	\$ 1390. \$ 1390.1. \$ 1390.2. \$ 1390.3. \$ 1390.4. \$ 1390.5. \$ 1390.7. \$ 1390.8. \$ 1390.9. \$ 1390.10. \$ 1390.11. \$ 1390.12. \$ 1390.13. \$ 1390.14.	Exempt Fruits, Nuts and Vegetables
\$ 1371.1. \$ 1371.2. Article 3. \$ 1375. \$ 1375.1. \$ 1375.2. \$ 1375.3. \$ 1375.4. \$ 1375.5. \$ 1375.6. \$ 1375.7. \$ 1375.8. \$ 1375.9. \$ 1375.10 \$ 1375.12 \$ 1375.13 \$ 1375.14 \$ 1375.15 \$ 1375.15 \$ 1375.17 \$ 1375.18	Disposition. Penalty Guidelines. Administrative Civil Penalties for Food and Agriculture Violations. Definitions	\$ 1390. \$ 1390.1. \$ 1390.2. \$ 1390.3. \$ 1390.4. \$ 1390.5. \$ 1390.7. \$ 1390.8. \$ 1390.9. \$ 1390.10. \$ 1390.11. \$ 1390.12. \$ 1390.13. \$ 1390.14.	Exempt Fruits, Nuts and Vegetables
\$ 1371.1. \$ 1371.2. Article 3. \$ 1375. \$ 1375.1. \$ 1375.2. \$ 1375.3. \$ 1375.4. \$ 1375.5. \$ 1375.6. \$ 1375.7. \$ 1375.8. \$ 1375.9. \$ 1375.10 \$ 1375.12 \$ 1375.13 \$ 1375.14 \$ 1375.15 \$ 1375.16 \$ 1375.16 \$ 1375.17 \$ 1375.18	Disposition. Penalty Guidelines. Administrative Civil Penalties for Food and Agriculture Violations. Definitions	\$ 1390. \$ 1390.1. \$ 1390.2. \$ 1390.3. \$ 1390.4. \$ 1390.5. \$ 1390.6. \$ 1390.7. \$ 1390.8. \$ 1390.10. \$ 1390.11. \$ 1390.12. \$ 1390.13. \$ 1390.14. \$ 1390.15. \$ 1390.16. \$ 1390.17. Article 6.1.	Exempt Fruits, Nuts and Vegetables
\$ 1371.1. \$ 1371.2. Article 3. \$ 1375. \$ 1375.1. \$ 1375.2. \$ 1375.3. \$ 1375.4. \$ 1375.5. \$ 1375.6. \$ 1375.7. \$ 1375.8. \$ 1375.9. \$ 1375.10 \$ 1375.12 \$ 1375.13 \$ 1375.14 \$ 1375.15 \$ 1375.15 \$ 1375.17 \$ 1375.18	Disposition. Penalty Guidelines. Administrative Civil Penalties for Food and Agriculture Violations. Definitions	\$ 1390. \$ 1390.1. \$ 1390.2. \$ 1390.3. \$ 1390.4. \$ 1390.5. \$ 1390.6. \$ 1390.7. \$ 1390.8. \$ 1390.9. \$ 1390.10. \$ 1390.11. \$ 1390.12. \$ 1390.13. \$ 1390.14. \$ 1390.15. \$ 1390.15. \$ 1390.16. \$ 1390.17. Article 6.1.	Exempt Fruits, Nuts and Vegetables
\$ 1371.1. \$ 1371.2. Article 3. \$ 1375. \$ 1375.1. \$ 1375.2. \$ 1375.3. \$ 1375.4. \$ 1375.6. \$ 1375.6. \$ 1375.7. \$ 1375.8. \$ 1375.10 \$ 1375.12 \$ 1375.12 \$ 1375.13 \$ 1375.14 \$ 1375.14 \$ 1375.15 \$ 1375.16 \$ 1375.17 \$ 1375.18 \$ 1375.19 \$ 1375.19	Disposition. Penalty Guidelines. Administrative Civil Penalties for Food and Agriculture Violations. Definitions	\$ 1390. \$ 1390.1. \$ 1390.2. \$ 1390.3. \$ 1390.4. \$ 1390.5. \$ 1390.6. \$ 1390.7. \$ 1390.8. \$ 1390.10. \$ 1390.11. \$ 1390.12. \$ 1390.13. \$ 1390.14. \$ 1390.15. \$ 1390.16. \$ 1390.17. Article 6.1.	Exempt Fruits, Nuts and Vegetables
\$ 1371.1. \$ 1371.2. Article 3. \$ 1375. \$ 1375.1. \$ 1375.2. \$ 1375.3. \$ 1375.5. \$ 1375.6. \$ 1375.6. \$ 1375.7. \$ 1375.8. \$ 1375.9. \$ 1375.10 \$ 1375.12 \$ 1375.13 \$ 1375.14 \$ 1375.15 \$ 1375.15 \$ 1375.16 \$ 1375.17 \$ 1375.18 \$ 1375.19 Article 4.	Disposition. Penalty Guidelines. Administrative Civil Penalties for Food and Agriculture Violations. Definitions	\$ 1390. \$ 1390.1. \$ 1390.2. \$ 1390.3. \$ 1390.4. \$ 1390.5. \$ 1390.6. \$ 1390.7. \$ 1390.8. \$ 1390.9. \$ 1390.10. \$ 1390.11. \$ 1390.12. \$ 1390.13. \$ 1390.14. \$ 1390.15. \$ 1390.15. \$ 1390.16. \$ 1390.17. Article 6.1.	Exempt Fruits, Nuts and Vegetables
\$ 1371.1. \$ 1371.2. Article 3. \$ 1375. \$ 1375.1. \$ 1375.2. \$ 1375.3. \$ 1375.4. \$ 1375.6. \$ 1375.7. \$ 1375.8. \$ 1375.7. \$ 1375.10 \$ 1375.12 \$ 1375.12 \$ 1375.13 \$ 1375.14 \$ 1375.14 \$ 1375.15 \$ 1375.16 \$ 1375.17 \$ 1375.18	Disposition. Penalty Guidelines. Administrative Civil Penalties for Food and Agriculture Violations. Definitions	\$ 1390. \$ 1390.1. \$ 1390.2. \$ 1390.3. \$ 1390.4. \$ 1390.5. \$ 1390.6. \$ 1390.7. \$ 1390.8. \$ 1390.9. \$ 1390.10. \$ 1390.11. \$ 1390.12. \$ 1390.13. \$ 1390.14. \$ 1390.15. \$ 1390.15. \$ 1390.16. \$ 1390.17. Article 6.1.	Exempt Fruits, Nuts and Vegetables
\$ 1371.1. \$ 1371.2. Article 3. \$ 1375. \$ 1375.1. \$ 1375.2. \$ 1375.3. \$ 1375.4. \$ 1375.6. \$ 1375.6. \$ 1375.7. \$ 1375.8. \$ 1375.10 \$ 1375.12 \$ 1375.12 \$ 1375.13 \$ 1375.14 \$ 1375.15 \$ 1375.16 \$ 1375.17 \$ 1375.18 \$ 1375.19 Article 4. \$ 1380. \$ 1380.	Disposition. Penalty Guidelines. Administrative Civil Penalties for Food and Agriculture Violations. Definitions	\$ 1390. \$ 1390.1. \$ 1390.2. \$ 1390.3. \$ 1390.4. \$ 1390.5. \$ 1390.6. \$ 1390.7. \$ 1390.8. \$ 1390.9. \$ 1390.10. \$ 1390.11. \$ 1390.12. \$ 1390.13. \$ 1390.14. \$ 1390.15. \$ 1390.15. \$ 1390.16. \$ 1390.17. Article 6.1. \$ 1391.1.	Exempt Fruits, Nuts and Vegetables
\$ 1371.1. \$ 1371.2. Article 3. \$ 1375. \$ 1375.1. \$ 1375.2. \$ 1375.3. \$ 1375.4. \$ 1375.5. \$ 1375.7. \$ 1375.8. \$ 1375.7. \$ 1375.10 \$ 1375.11 \$ 1375.12 \$ 1375.13 \$ 1375.14 \$ 1375.15 \$ 1375.16 \$ 1375.17 \$ 1375.19 Article 4. \$ 1380. \$ 1380. \$ 1380. \$ 1380. \$ 1380. \$ 1380.	Disposition. Penalty Guidelines. Administrative Civil Penalties for Food and Agriculture Violations. Definitions	\$ 1390. \$ 1390.1. \$ 1390.2. \$ 1390.3. \$ 1390.4. \$ 1390.5. \$ 1390.6. \$ 1390.7. \$ 1390.8. \$ 1390.9. \$ 1390.10. \$ 1390.11. \$ 1390.12. \$ 1390.13. \$ 1390.14. \$ 1390.15. \$ 1390.15. \$ 1390.16. \$ 1390.17. Article 6.1. \$ 1391.1.	Exempt Fruits, Nuts and Vegetables
\$ 1371.1. \$ 1371.2. Article 3. \$ 1375. \$ 1375.1. \$ 1375.2. \$ 1375.3. \$ 1375.4. \$ 1375.6. \$ 1375.6. \$ 1375.7. \$ 1375.8. \$ 1375.10 \$ 1375.12 \$ 1375.12 \$ 1375.13 \$ 1375.14 \$ 1375.15 \$ 1375.16 \$ 1375.16 \$ 1375.17 \$ 1375.18 \$ 1375.19 Article 4. \$ 1380. \$ 1380.	Disposition. Penalty Guidelines. Administrative Civil Penalties for Food and Agriculture Violations. Definitions	\$ 1390. \$ 1390.1. \$ 1390.2. \$ 1390.3. \$ 1390.4. \$ 1390.5. \$ 1390.6. \$ 1390.7. \$ 1390.8. \$ 1390.10. \$ 1390.11. \$ 1390.12. \$ 1390.12. \$ 1390.13. \$ 1390.14. \$ 1390.15. \$ 1390.15. \$ 1390.16. \$ 1390.17. Article 6.1. \$ 1391. Article 6.5. \$ 1392. \$ 1392.1.	Exempt Fruits, Nuts and Vegetables
\$ 1371.1. \$ 1371.2. Article 3. \$ 1375. \$ 1375.1. \$ 1375.2. \$ 1375.3. \$ 1375.4. \$ 1375.5. \$ 1375.6. \$ 1375.7. \$ 1375.8. \$ 1375.10 \$ 1375.11 \$ 1375.12 \$ 1375.13 \$ 1375.14 \$ 1375.15 \$ 1375.16 \$ 1375.17 \$ 1375.19 Article 4. \$ 1380. \$ 1380. \$ 1380. \$ 1380. \$ 1380. \$ 1380. \$ 1380.	Disposition. Penalty Guidelines. Administrative Civil Penalties for Food and Agriculture Violations. Definitions	\$ 1390. \$ 1390.1. \$ 1390.2. \$ 1390.3. \$ 1390.4. \$ 1390.5. \$ 1390.6. \$ 1390.7. \$ 1390.8. \$ 1390.9. \$ 1390.10. \$ 1390.11. \$ 1390.12. \$ 1390.13. \$ 1390.14. \$ 1390.15. \$ 1390.15. \$ 1390.16. \$ 1390.17. Article 6.1. \$ 1391.1.	Exempt Fruits, Nuts and Vegetables

Page ii (7-25-2008)

		Page			Page
		. ugo			. ugo
§ 1392.5.	Producer Certification Procedures.		§ 1400.39.	Apples, USDA Grades in Lieu of	
§ 1392.6.	Certification Requirements of a Certified Farmers' Market.		§ 1400.40.	California Grades. Apples, Controlled Atmosphere.	
§ 1392.7.	Certificates Issued.		§ 1400.41.	Apples, Controlled Atmosphere	
§ 1392.8.	Fees.		0	Requirements.	
§ 1392.8.1.			§ 1400.42.	Apples, Controlled Atmosphere	
§ 1392.9.	Direct Marketing, Compliance Requirements for the Operator of a		§ 1400.43.	Registration. Apples, Controlled Atmosphere	
	Certified Farmers' Market.		§ 1400.45.	from Out-of-State.	
§ 1392.9.1.			§ 1400.44.	Apples, Consumer-Type Package.	
	Partnerships, Sharecropping		§ 1400.45.	Apples, Wrapped.	
	Agreements, and Similar		§ 1400.46.	Apples, Place Packed.	
§ 1392.9.2.	Contractual Agreements. Direct Marketing, Requirements for		§ 1400.47. § 1400.48.	Apples, Well Packed. Apples, Tolerances.	
g 1372.7.2.	Farm Leases.		§ 1400.49.	Apples, Combination Grade.	
§ 1392.10.	Penalties.		§ 1400.50.	Apples, Tolerances for Minimum	
§ 1392.11.	Appeals.			Size or Uniform in Size.	
§ 1392.12.	Emergency Declaration.		§ 1400.51.	Apples, Marking Requirements	
Article 7.	Apples	130.2		Master Container, Gift Pack, Consumer and Nonconsumer	
§ 1400.	Apples, Standards.			Package.	
§ 1400.1.	Apples, Exceptions for By–Product		§ 1400.52.	Apples, Use of Terms Other Than	
§ 1400.2.	Use. Apples, Permit By–Product Use.		0 1400 53	Standard Grades and Abbreviations.	
§ 1400.2. § 1400.3.	Apples, Exceptions.		§ 1400.53. § 1400.54.	Apples, Count Variation. Apples, Gift Pack Exemptions.	
§ 1400.4.	Apples, Properly Matured Defined.		§ 1400.54. § 1400.55.	Apples, Gift Pack Exemptions. Apples, Gift Pack Deception and	
§ 1400.5.	Apples, Minimum Maturity		3 1 1001201	Mislabeling.	
\$ 1400.6	Standards.		§ 1400.56.	Apples, Container Regulations.	
§ 1400.6. § 1400.7.	Apples, Maturity Exemptions. Apples, Overripe Defined.		§ 1400.57.	Apples, Gift Pack Containers.	
§ 1400.8.	Apples, Maturity Standards for		§ 1400.58. § 1400.59.	Apples, Gift Pack Apples. Apples, Gift Pack, Container	
•	Gravensteins.		§ 1400.39,	Marking Requirements.	
§ 1400.9.	Apples, Maturity Standards for		§ 1400.60.	Apples, Consumer–Type Package	
§ 1400.9.1.	Designated Varieties. Apples, Granny Smith Maturity,			Marking Requirements.	
§ 1400.3.1.	Sampling and Testing Procedures.		§ 1400.61.	Apples, Master Containers, Marking	5
§ 1400.10.	Apples, Maturity: Release Dates		§ 1400.62.	Requirements. Lady and Crab Apple Grade	
	Established by Commissioners.		3 1 100.02.	Marking Exemption.	
§ 1400.10.1	I. Apples, Certification Prior to Release Date.		§ 1400.63.	Apples, USDA Grades in Lieu of	
§ 1400.11.	Apples, Maturity Testing Prior to		\$ 1400.64	California Grades.	
3 1 .00.11.	and After Maturity Release Dates.		§ 1400.64.	Apples, Abbreviations for Minimum Diameter.	1
§ 1400.12.	Apples, Mature While Transported		§ 1400.65.	Apple Markings, Consumer	
\$ 1400.12	to Another County.			Packages.	
§ 1400.13. § 1400.14.	Apples, Standard Grades. Apples, Extra Fancy Grade.		§ 1400.66.	Apples, Tray Pack and Cell Pack,	
§ 1400.15.	Apples, Fancy Grade.			Sections 1400.47 and 1400.22 of the California Administrative Code.	•
§ 1400.16.	Apples, Appreciable Damage		§ 1400.67.	Apples, Packing Requirements.	
e 1400 17	Defined.		§ 1400.68.	Apples, Controlled Atmosphere	
§ 1400.17. § 1400.18.	Apples, "C" Grade. Apples, Serious Damage Defined.		8 1400 (0	Regulations.	
§ 1400.19.	Apples, Color Requirements for		§ 1400.69.	Apples, Controlled Atmosphere Requirements.	
·	California Extra Fancy and Fancy		§ 1400.70.	Apples, Controlled Atmosphere.	
\$ 1400.20	Grades.		Article 8.	• • • • • • • • • • • • • • • • • • • •	126
§ 1400.20. § 1400.21.	Apples, Hand Picked Defined. Apples, Fairly Well Formed		§ 1402.	Apricots	130
5 . 400.21.	Defined.		§ 1402. § 1402.1.	Apricots, Exceptions. Apricots, Verification for Permit.	
§ 1400.22.	Apples, Bruises.		§ 1402.2.	Apricots, Maturity.	
§ 1400.23.	Apples, Insect Pests.		§ 1402.3.	Apricots, Standards.	
§ 1400.24. § 1400.25.	Apples, Healed Stings. Apples, Broken Skin.		§ 1402.4. § 1402.5.	Apricots, Serious Damage. Apricots, Pit-Burn.	
§ 1400.26.	Apples, Hail Marks.		§ 1402.5. § 1402.6.	Apricots, Tolerances.	
§ 1400.27.	Apples, Minimum Size		§ 1402.7.	Apricots, Marking Requirements.	
0.1400.00	Requirement.		§ 1402.8.	Apricots, Size Markings.	
§ 1400.28. § 1400.29.	Apples, Uniform in Size Defined. Apples, Packing Requirements.		§ 1402.9.	Apricots, Row Count.	
§ 1400.29. § 1400.30.	Apples, Well Packed Defined.		§ 1402.10. § 1402.11.	Apricot, Count Variation. Apricots, Size Variation and	
§ 1400.31.	Apples, Place Packed Defined.		χ 1 10 2.11.	Tolerance.	
§ 1400.32.	Apples, Wrapped Defined.		§ 1402.12.	Apricots, Standard Container	
§ 1400.33.	Apples, Consumer Package			Requirements.	
§ 1400.34.	Defined. Apples, Gift Pack.		Article 9.	Artichokes	138
§ 1400.34. § 1400.35.	Apples, Gift Pack Containers.		§ 1404.	Artichokes, Standards.	
§ 1400.36.	Apples, Tolerances.		§ 1404.1.	Artichokes, Tolerances.	
§ 1400.37.	Apples, Marking Requirements.		§ 1404.2.	Artichokes, Markings on	
§ 1400.38.	Apples, Use of Terms Other Than Standard Grades and Abbreviations.		8 1404 2	Containers.	
	Standard Grades and Appreviations.		§ 1404.3.	Artichokes, Special Container.	

Page iii (7-25-2008)

	Page		Page
§ 1404.4.	Artichokes, General Provisions for	§ 1408.15.	Weight Requirement for Loose
	Standard Containers and Packs.		Avocados in 9D or 9E Containers.
§ 1404.5.	Artichokes, Standard Container	§ 1408.16.	Avocados, Net Weight Tolerance.
8 1404 6	Requirements.	§ 1408.17.	Avocados, Sampling Procedure for
§ 1404.6.	Artichokes, Standard Containers Numbers.	§ 1408.18.	Weight Requirement. Avocados, Reinspection.
§ 1404.7.	Artichokes, Standard Container	§ 1408.18.1 § 1408.18.1	
3 2 10 11/1	Number 21, Weight Requirement.	3 1 1001201	Written Order.
§ 1404.8.	Artichokes, Standard Packs,	§ 1408.19.	Avocados, Fee Payment.
	Container Number 21.	§ 1408.20.	Normal Inspection Hours.
§ 1404.9.	Artichokes, Standard Packs,	§ 1408.21.	Voluntary Request for Inspection.
§ 1404.10.	Container Number 22. Artichokes, Standard Packs.	§ 1408.22.	Avocados, Fruit Drop Caused by Extreme Winds.
§ 1404.11.		§ 1408.23.	Avocados, Field Pack Operation.
§ 1404.12.		Article 12.	_
		§ 1410.	Bell Peppers
Article 10.	Asparagus	g 1410.	Damage Defined.
§ 1406.	Asparagus, Exception for	Amtiala 12	
4.104.	By-Products Use.	Article 13.	Berries
§ 1406.1.	Asparagus, Standards.	§ 1412. § 1412.1.	Berries, Standards.
§ 1406.2. § 1406.3.	Asparagus, Tolerance. Asparagus, Badly Crooked.	§ 1412.1. § 1412.2.	Berries, Tolerances. Strawberries, Maturity.
§ 1406.3. § 1406.4.	Asparagus, White Stalks.	§ 1412.3.	Berries, Standard Containers.
§ 1406.5.	Asparagus, Descriptive Terms	Article 14.	Broccoli
v	Defined.		
§ 1406.6.	Asparagus, Definition of the Term	§ 1414. § 1414.1.	Broccoli, Standards. Broccoli, Damage Defined.
2 1 10 5 =	"White."	§ 1414.1. § 1414.2.	Broccoli, Tolerances.
§ 1406.7.	Asparagus, Bunch Pack, Defined.	§ 1414.3.	Broccoli, Markings on Containers.
§ 1406.8. § 1406.9.	Asparagus, Bunch Designations. Asparagus, Crooks.	Article 15.	
§ 1406.30.			Brussels Sprouts 146.1
§ 1406.11		§ 1416. § 1416.1.	Brussels Sprouts, Standards. Brussels Sprouts, Soft or Spongy.
v	Amount of White.	§ 1416.1. § 1416.2.	Brussels Sprouts, Tolerances.
§ 1406.12	1 6	§ 1416.3.	Brussels Sprouts, Markings on
§ 1406.13		Ç	Containers.
§ 1406.14 § 1406.15		Article 16.	Cabbage 147
§ 1406.15 § 1406.16		§ 1418.	Cabbage, Exceptions.
3 - 100110	Exemption.	§ 1418.1.	Cabbage Standards.
§ 1406.17	. Asparagus, Exception to Size of	§ 1418.2.	Cabbage Requirements.
	Markings.	§ 1418.3.	Cabbage, Quality Requirements.
§ 1406.18		§ 1418.4.	Cabbage, Container Markings.
§ 1406.19	Standard Containers and Packs. Asparagus, Packing Requirements.	§ 1418.5.	Cabbage, Standard Containers.
§ 1406.20		Article 17.	Cantaloupes
§ 1406.21		§ 1420.	Cantaloupes, Exemption, Section
			1420.10, California Administrative Code.
Article 11.	Avocados	§ 1420.1.	Cantaloupes, Mature.
§ 1408.	Avocados, By-Products.	§ 1420.2.	Cantaloupes, Soluble Solids
§ 1408.1.	Avocados, Identification of		Determined.
§ 1408.2.	Avocados in Noncomplying Lots. Avocados: Maturity, Sample Size	§ 1420.3.	Cantaloupes, Standards.
g 1400.2.	and Sampling Procedures.	§ 1420.4. § 1420.5.	Cantaloupes, Defects Defined. Cantaloupes, Tolerances.
§ 1408.3.	Avocados, Determination of Dry	§ 1420.5. § 1420.6.	Cantaloupes, Markings on
	Matter.	3 - 120101	Containers.
§ 1408.4.	Avocados, Defects.	§ 1420.7.	Cantaloupes, Standard Containers
§ 1408.5.	Avocados, Tolerances.		and Packs.
§ 1408.6. § 1408.6.1	Avocados, Maturity. Avocados, Maturity Determination	§ 1420.8.	Cantaloupes, Standard Pack and
ş 1400.0.1	of Dry Matter Testing Results.	§ 1420.9.	Counts. Cantaloupes, Closed Container.
§ 1408.6.2		§ 1420.9. § 1420.10.	Cantaloupes, Closed Containers Cantaloupes, Standard Containers
	Standards (Fixed Levels).	3 1 1201101	and Pack Requirements.
§ 1408.6.3		§ 1420.11.	Cantaloupe, Consumer Definition.
§ 1408.7.	Avocados, Freezing Injury.	§ 1420.12.	Cantaloupes, Packing Exceptions.
§ 1408.8.	Avocados, Number of Avocados to Select to Inspect for Frost Damage.	§ 1420.13.	
§ 1408.9.	Avocados, Marking Requirements.		Size and Count.
§ 1408.10	. Avocados, Marking Requirements	Article 18.	Carrots
	for Irregular Containers.	§ 1422.	Carrots, Exceptions to Quality
§ 1408.11		0 1 400 1	Standards.
8 1408 12	Package. Avocados, Containers Without	§ 1422.1. 8 1422.2	Carrots, Regulations for Issuance. Carrots, Standards.
§ 1408.12	Certification Stamp.	§ 1422.2. § 1422.3.	Carrots, Standards. Carrots, Serious Damage.
§ 1408.13	•	§ 1422.3. § 1422.4.	Carrots, Dirt Damage.
0	Standard Container Requirements.	§ 1422.5.	Carrots, Discoloration Damage.
§ 1408.14	. Avocados, Weight Requirements for	§ 1422.6.	Carrots, Objectionable Flavor or
	Packed Containers.		Odor Damage.

Page iv (7-25-2008)

	Page		Page
§ 1422.7.	Carrots, Insect Damage.	§ 1428.5.	Cherries, Internal Discoloration.
§ 1422.8.	Carrots, Root Galls and Secondary	§ 1428.6.	Cherries, Tolerance.
8 1 100 0	Rootlet Damage.	§ 1428.7.	Cherries—Extra Tolerance for
§ 1422.9. § 1422.10.	Carrots, Galls and Rootlet. Carrots, Bunched.	§ 1428.8.	Immaturity. Cherries, Markings on Containers.
§ 1422.11.	Carrots, Prepare.	§ 1428.9.	Cherries, Mixed Varieties.
§ 1422.12.	Carrots, Bunch Requirements.	§ 1428.10.	Cherries, Packed Row Size.
§ 1422.13.	Carrots, Tolerance for Damaged	§ 1428.11.	Cherries Loose in a Container Marked with Row Size.
§ 1422.14.	Tops. Carrots, Tops Damage Due to Decay	§ 1428.12.	Cherries, Loose; Marking and Size
§ 1422.15.	or Blight. Carrots, Tolerances.	§ 1428.13.	Requirements. Cherries. Loose; Row Size or
§ 1422.16.	Carrots, Marking Requirements.	3	Minimum Diameter.
§ 1422.17.	Carrots, Standard Containers.	§ 1428.14.	Cherries, Diameter.
§ 1422.18.	Carrots, General Provisions for	§ 1428.15.	Cherries, Application of Size
§ 1422.19.	Standard Containers and Packs. Carrots, Packing Requirements.	§ 1428.16.	Tolerances. Cherries, Sample to Determine Size
§ 1422.17. § 1422.20.	Carrots, Varietal Types.	8 1426.10.	and Quality.
Article 19.	Cauliflower 150	§ 1428.17.	Cherries, Standard Container Requirements.
§ 1424.	Cauliflower, Standards.	§ 1428.18.	Cherries, Standard Container Nos.
§ 1424.1.	Cauliflower, Aphis Damage.	0	12A and 12C.
§ 1424.2.	Cauliflower, Tolerances.	§ 1428.19.	Cherries, Tolerance for Doubles.
§ 1424.3.	Cauliflower, Container Marketing	§ 1428.20.	Cherries, Deceptive Pack
§ 1424.4.	Requirements. Cauliflower, Container		(Doubles).
ξ 1727.7.	Requirements.	Article 22.	Citrus
§ 1424.5.	Cauliflower, Standard Containers.	§ 1430.	Citrus, Permit for By–Products Processing.
§ 1424.6.	Cauliflower, Standard Containers and Packs.	§ 1430.1.	Citrus, Permit for Transport to
§ 1424.7. § 1424.8.	Cauliflower, Curd Measurement. Cauliflower, Properly Trimmed.	§ 1430.2.	Repackaging Plant. Citrus, Permits, Proof of
§ 1424.8. § 1424.9.	Cauliflower, Wrapping and Packing	Ü	Compliance.
§ 1424.10.	Requirements. Cauliflower, Sizing Tolerances, 16	§ 1430.3.	Citrus, Permit Refusal, Suspension, or Revocation.
§ 1424.10.	Heads or Less.	§ 1430.4.	Citrus, Permit Appeal.
§ 1424.11.	Cauliflower, Sizing, Tolerance, 20	§ 1430.5.	Citrus, Maturity, Juice Extraction.
4 .: 1 .00	Heads.	§ 1430.6.	Citrus, Maturity, Determining the Soluble Solids to Acid Ratio.
Article 20.	Celery 151	§ 1430.7.	Citrus, Defects.
§ 1426.	Celery, Standards.	§ 1430.8. § 1430.9.	Citrus, Mix or Blend. Citrus, Official Sample to
§ 1426.1. § 1426.2.	Celery, Serious Damage. Celery, Stalk.	8 1430.9.	Determine Defects.
§ 1426.3.	Celery, Pithy Condition.	§ 1430.9.1.	Volume Cut Method, Defined.
§ 1426.4.	Celery, Defects Defined.	§ 1430.10.	Citrus, Uniform Size Requirement.
§ 1426.5.	Celery, Tolerances.	§ 1430.11.	Citrus, Official Sample to
§ 1426.6.	Celery, Additional Tolerance.		Determine Average Diameter and
§ 1426.7.	Celery, Seed Stems.	8 1420 12	Size.
§ 1426.8. § 1426.9.	Celery, Consumer Definition. Celery, Consumer Packages	§ 1430.12.	Citrus, Packing Requirements for Standard Containers No. 58, 59, 61,
§ 1420.7.	Definition.		63, 65, 66, or 67.
§ 1426.10.	Celery, Marking Requirements.	§ 1430.13.	Citrus, Marking Requirements.
§ 1426.11.	Celery, Count and Dozen Size	§ 1430.14.	Oranges, Lemons, and Royal
§ 1426.12.	Markings. Celery, Count Tolerance.	§ 1430.15.	Mandarins, Standard Containers. Citrus, Packing Exemptions.
§ 1426.12. § 1426.13.	Celery, Hearts Removed.	§ 1430.16.	Reinspection of Citrus Held Under a
§ 1426.14.	Celery, General Provisions for	3 1 1001201	Noncompliance Notice.
_	Standard Containers and Packs.	§ 1430.17.	Grapefruit, Desert Areas.
§ 1426.15.	Celery, Standard Containers.	§ 1430.18.	Grapefruit, Citrus Districts.
§ 1426.16.	Celery, Definition of "Closed" or	§ 1430.19.	Grapefruit, Mature.
§ 1426.17.	"Lidded." Celery, Standard Container	§ 1430.20. § 1430.21.	Grapefruit, Maturity, Desert Areas. Grapefruit, Maturity for Grapefruit
	Exceptions.		Produced Out of State.
§ 1426.18.	Celery Container, Slight Bulge.	§ 1430.22.	Grapefruit, Maturity Sample Size.
§ 1426.19. § 1426.20.	Celery, "Irregular Container." Celery, Packing and Sizing	§ 1430.23. § 1430.24.	Grapefruit, Serious Damage. Grapefruit, Drying Defined.
8 1420.20.	Requirements.	§ 1430.25.	Grapefruit, Tolerances.
§ 1426.21.	Celery, Uniform Sizing Tolerance.	§ 1430.26.	Grapefruit, Count and Average
§ 1426.22.	Celery, Irregular Sizes.	2 1420 07	Diameter.
Article 21.	Cherries	§ 1430.27. § 1430.28.	Grapefruit, Standard Container. Grapefruit, Master Container.
§ 1428.	Cherries, Permit for Transporting.	§ 1430.28. § 1430.29.	Lemons, Maturity.
§ 1428.1.	Cherries, Permit.	§ 1430.30.	Lemons, Serious Damage.
§ 1428.2.	Cherries, Compliance.	§ 1430.31.	Lemons, Tolerances.
§ 1428.3.	Cherries, Mature, Red or Black	§ 1430.32.	Lemons, Count and Average
§ 1428.4.	Variety. Cherries, Standards.	§ 1430.33.	Diameter. Limes, Serious Damage.
5 1 120.7.	Citotitos, Cantautos.	3 1 150.55.	

Page v (7-25-2008)

Page

		Page	
§ 1430.34.	Limes, Tolerances.	§ 1430.85.	Oranges, Damage on the Segment
§ 1430.35.	Oranges, Color Determination and	8 1 120 07	Walls.
§ 1430.36.	Ratio. Oranges, Maturity.	§ 1430.86. § 1430.87.	Oranges, Requirements. Oranges, Maturity.
§ 1430.37.	Oranges, Acceleration of Color.	§ 1430.87. § 1430.88.	Oranges, Decay.
§ 1430.38.	Oranges, Maturity and Sample Size.	§ 1430.89.	Oranges, Serious Damage.
§ 1430.39.	Oranges, Serious Damage.	3 1 150.05.	Freezing.
§ 1430.40.	Oranges, Freezing Damage Determination.	§ 1430.90.	Oranges, Serious Damage Due to Drying.
§ 1430.41.	Oranges, Determination of Damage	§ 1430.91.	Oranges, Damage by Splits, Bruises, or Punctures.
§ 1430.42.	by Freezing, Imported Fruit. Oranges, Examinations During	§ 1430.92.	Oranges, Freezing Damage
§ 1430.43.	Specified Periods. Oranges, Delayed Evidence of	§ 1430.93.	Determination. Oranges, Determination of Damage
§ 1430.44.	Freezing. Oranges, Tolerances.	§ 1430.94.	by Freezing Imported Fruit. Oranges, Sample for Serious
§ 1430.44.5.	Oranges, Crop Acreage and Statistical Reporting Assessment.	§ 1430.95.	Damage. Oranges, Tolerances.
§ 1430.45.	Oranges and Royal Mandarins,	§ 1430.95. § 1430.96.	Citrus, Evidence of Freezing
§ 1430.46.	Count and Average Diameter. Tangerines or Mandarins, Defined.	§ 1430.97.	Damage in Oranges. Citrus, Inspection After Holding;
§ 1430.47.	Tangerines or Mandarins, Maturity and Color Requirements.	§ 1430.98.	Frozen Oranges. Citrus, Examinations of Oranges
§ 1430.48.	Tangerines or Mandarins, Serious Damage.	§ 1430.99.	During Specified Periods. Oranges, and Royal Mandarins,
§ 1430.49.	Tangerines or Mandarins,		Count and Average Diameter.
§ 1430.50.	Tolerances. Tangerines and Mandarins Standard	§ 1430.100. § 1430.101.	Tangerines or Mandarins. Tangerines or Mandarins,
§ 1430.51.	Containers. Tangerines and Mandarins, Size,	§ 1430.102.	Requirements. Tangerines or Mandarins, Standards
§ 1430.52.	Count, and Tolerances. Tangerines or Mandarins, Irregular	§ 1430.103.	Prescribed. Tangerines or Mandarins, Well
§ 1430.53.	Sizes. Tangerines or Mandarins, Container	§ 1430.104.	Colored. Tangerines or Mandarins, Serious
-	Size Markings.	Ť	Damage.
§ 1430.54. § 1430.55.	Lemons, Determination of Maturity. Lemons, Serious Decay.	§ 1430.105. § 1430.106.	Tangerines or Mandarins, Decay. Tangerines or Mandarins, Tolerance
§ 1430.55. § 1430.56.	Lemons, Standards.	§ 1430.100.	for Freezing or Drying.
§ 1430.55.	Lemons, Serious Injury.	§ 1430.107.	Tangerines or Mandarins, Tolerance
§ 1430.58.	Lemons, Serious Scars.	9 1 10 2 2 2 1	Decay.
§ 1430.59.	Lemons, Serious Scale.	§ 1430.108.	Tangerines or Mandarins, Maturity.
§ 1430.60.	Lemons, Serious Dirt.	§ 1430.109.	Tangerines (Except Royal
§ 1430.61.	Lemons, Serious Staining.		Mandarins), Size or Count, and
§ 1430.62.	Lemons, Serious Red Blotch.	8 4 420 110	Tolerances.
§ 1430.63.	Lemons, Serious Greenish or	§ 1430.110.	Tangerines, Irregular Sizes.
\$ 1420.64	Brownish Rind Oil Spot.	§ 1430.111.	Tangerines, Container Size
§ 1430.64. § 1430.65.	Lemons, Serious Petechia. Lemons, Serious Spotting and	§ 1430.112.	Markings. Tangerines (Except Royal
g 1450.05.	Pitting.	§ 1430.112.	Mandarins), Packing Requirement.
§ 1430.66.	Lemons, Serious Deformities.	§ 1430.113.	Citrus Sample, Freezing or Drying
§ 1430.67.	Lemons, Serious Bud Mite Damage.		Damage.
§ 1430.68.	Lemons, Serious Aging.	§ 1430.114.	Citrus Application of Tolerances
§ 1430.69.	Lemons, Representative Sample.		Other Than Freezing, Drying or
§ 1430.70.	Lemons, Defects Scored Against	\$ 1420 115	Maturity.
§ 1430.71.	Individual Fruit. Citrus, Alternaria Rot in Lemons.	§ 1430.115.	Citrus, Determination of Drying in Citrus from Causes Other Than
§ 1430.71. § 1430.72.	Citrus, Determination of Defects on		Freezing.
g (430.72.	Lemons, Photographs.	§ 1430.116.	Citrus, Tolerances Allowed for
§ 1430.73.	Citrus, Serious Deformities of	3 1 130.110.	Defects in Oranges and Limes.
3	Lemons.	§ 1430.117.	Citrus, Selections of Samples of
§ 1430.74.	Lemons, Tolerances.	· ·	Oranges and Grapefruit Within a
§ 1430.75.	Lemons, Count and Average		Size. Maturity.
	Diameter.	§ 1430.118.	Citrus, Total Lot Sample for
§ 1430.76.	Limes, Standards.	0.1.20.110	Oranges and Grapefruit. Maturity.
§ 1430.77.	Limes, Serious Damage Due to	§ 1430.119.	Citrus, Sample from Individual
§ 1430.78.	Freezing and Drying. Limes, Serious Damage, Splits,	§ 1430.120.	Containers. Maturity. Citrus, Maturity, Determining the
0.4.00 =0	Bruises, or Punctures.	A	Soluble Solids to Acid Ratio.
§ 1430.79.	Limes, Sample for Serious Damage.	§ 1430.120.1.	Citrus, Maturity, Juice Extraction.
§ 1430.80.	Limes, Tolerances.	§ 1430.121.	Citrus, Packing Requirements for
§ 1430.81.	Citrus, Color Determination and Ratio, Oranges.		Standard Containers No. 58, 59 or 63.
§ 1430.82.	Citrus, Orange Sample. Maturity.	§ 1430.122.	Citrus, Packing Exemptions.
§ 1430.83.	Citrus, Oranges, Ratio Test Prior to	§ 1430.123.	Citrus, Packing Exemptions.
§ 1430.84.	Acceleration in Color. Oranges, Acceleration of Color.	§ 1430.124.	Citrus, Container Exemption for Imported Fruit.
8 1430.04.	Granges, Acceleration of Color.		imported Fruit.

Page vi (7-25-2008)

\$1450.125		Page		Page
\$1490.126	§ 1430.125		· ·	
\$1450.127. Curus. Classed Container. \$1456.22. Since Grapes, Followers \$1456.22. Curus. Cursumers-New Packages \$1456.23. \$1456.24. \$1456.24. \$1456.25. \$1450.122. \$	§ 1430.126		§ 1436.20.	
\$ 1430.128. Crimos. Marking Requirements. \$ 145.62.2. Single-Refuter to Meet buise Graps Standard Container No. Standards. Defects Definitions. Standards. Defects Defec		58 and 59.	§ 1436.21.	Juice Grapes, Defects.
\$ 1450 120				•
3 140,130 Crus. Commerce. \$ 145,624 Table. Grapes. Defects Definitions. \$ 145,625 Grapes. Raisained Berries. \$ 145,027 Grapes. Raisained Berries. \$ 145,027 Grapes. Lemons. and Royal \$ 145,027 Grapes. Residence Procedure. \$ 145,027 Grapes. Residence Procedure. \$ 145,028 Grapes. Residence Procedure. \$ 145,028 Grapes. Residence Procedure. \$ 145,029 Grapes. Procedure. \$ 145,029 Grapes. Particle Procedure. \$ 145,029 Grapes. Comprehenses. \$ 145,029 Grapes. Comprehenses. \$ 145,029 Grapes. Comprehenses. \$ 145			§ 1436.23.	
\$ 1430,130 Cirus, Consaimer \$ 1436,25 Grapes, Raisiane Berries.	§ 1430.129		8 1426 24	
\$ 1430 131.	8 1420 120			
Mandarins, Packing Requirement. \$1436.28 Grapes. Server Freezing Injury.	_			Grapes Redberry
\$ 1430,132. Circus, Uniform in Size Sampling Proceedings Proceedings Proceedings Proceedings Proceedings Proceedings Procedings	γ 1 -30.131			
Determine Average Dameter of Cirus Periods Security Cirus Protest Cirus Count and Cirus Recked Cirus Count and Security Security Cirus Dameter	§ 1430.132	Citrus, Uniform in Size Sampling		Grapes, Sunburned or Dried
\$ 1430.134 Citrus, Packed Citrus Count and Average Diameter.	§ 1430.133			
Average Diameter \$1436,32 Grapes, Labeling				Requirements.
\$ 430,135 Citrus, Diameter \$ 436,33 Seeded Raisins, Variety, Markings on Containers \$ 430,31 Citrus, Packed \$ 436,34 Raisins, Violation Penalties \$ 430,31 Citrus, Sampling for Count and Size \$ 1436,35 Raisins, Violation Penalties \$ 430,31 Citrus, Packed \$ 436,35 Raisins, Violation Penalties \$ 430,31 Citrus, Definitioning Box \$ 436,35 Raisins, Violation Penalties \$ 436,35 Raisins, Violation Penalties \$ 430,31 Raisins, Violation Penalties \$ 436,35 Raisins, Violation Penalties \$ 436,35 Raisins, Violation Penalties \$ 436,37 Raisins, Violation Pen	§ 1430.134			
\$ 1430,136. Citrus, Uniform Size. \$ 1436,34. Rasins, Violation Penalties. Grapes. Standard Container No. \$ 1436,34. Grapes. Standard Container No. 380, 388. 380, 380, 380, 381. 380, 380, 380, 380, 380, 380, 380, 380,				
\$ 1430,137 Cirus, Packed \$ 1446,34 Raisins, Violation Penalities Requirements State			§ 1436.33.	
\$ 430,138. Cirus. Sampling for Court and Size \$ 4456.35. Grages. Standard Container No. 381, 381, 382, 303 and 388. \$ 430,141. Reinspection of Cirus Held Under a Non-Compliance Notice. \$ 4456.36. \$ 1430,141. Reinspection of Cirus Held Under a Non-Compliance Notice. \$ 4456.37. \$ 1430,141. The Compliance Notice. \$ 4456.37. Table Grapes. Standard Container No. 380, 380, 381, 381, 382, 381, 381, 382, 381, 381, 382, 381, 381, 382, 381, 381, 382, 381, 382, 381, 382, 381, 382, 381, 382, 381, 382, 381, 382, 381, 382, 381, 382, 381, 382, 381, 382, 381, 382, 381, 382, 381, 382, 381, 382, 381, 382, 381, 382, 381, 382, 381, 381, 381, 381, 381, 381, 381, 381			8 1426 24	
Requirements. \$1430,139 Cirus, Definitions \$1430,140 Cirus, Field Picking Box \$1430,141 Reinspection of Cirus Held Under a \$1436,35 Table Grapes, Closed Container Ro. Non-Compliance Notice. \$1436,37 Table Grapes, Closed Container Requirements \$1436,37 Table Grapes, Closed Container Requirements \$1436,39 Grapes, Container Non-Compliance Notice. \$1436,39 Grapes, Container Notice \$1436,31 Table Grapes, Closed Container Non-Compliance Notice \$1436,41 Grapes, Container Notice \$1436,41 Grapes, Grapes, Standard Container No. 28. Grapes, Grapes, Grapes As Juice Grapes, Grapes, Grapes, Marking No. 29. Standard Stand				
\$ 1430.139 Cirus, Definitions.	8 1430.138		8 1430.33.	
\$ 1430,140 Citrus, Field Picking Box. \$ 1436,37 Table Grapes, Closed Container Requirements. Requirements For Container Non-Compliance Notice. \$ 1436,38 Table Grapes, Standard Containers. Grapes, Container Non-Compliance Notice. \$ 1436,43 Table Grapes, Standard Containers. Grapes, Container Non-Compliance Notice. \$ 1432,	8 1430 130	•	8 1436 36	
\$ 1430,141 Reinspection of Cirtus Held Under a Non-Compliance Notice.	§ 1430.140	Citrus, Field Picking Box.	ξ 1 -1 50.50.	38Q.
Article 25. Green Corn Defects. 1436,39. Grapes, Container Volume. Grapes, Standard Container No. 28. 1432.1. Green Corn, Mature. 1436,49. Grapes, Standard Container No. 28. 1432.1. Green Corn, Mature. 1436,41. Grapes, Group A Shipped As Juice Grapes. 1436,43. Grapes, Group A Shipped As Juice Grapes. 1436,43. Grapes, Group A Shipped As Juice Grapes. 178 1436,41. Grapes, Group A Shipped As Juice Grapes. 178 1434. Dates. Exemptions. 172 1437. Juice Grapes Standard Containers for Out-6-State Processing. 1434. Dates, Defects. 1437. Juice Grapes, Method. 1434. Dates, Defects. 1437. Juice Grapes, Method of Testing. 1434. Dates, Out-6-State Processing. 1437. Juice Grapes, Method of Testing. 1434. Dates, Outsider Marking. 1437. Juice Grapes, Method of Testing. 1434. Dates, Container Marking. 1437. Juice Grapes, Method of Testing. 1434. Dates, Container Marking. 1437. Juice Grapes, Method of Testing. 1434. Dates, Placard Markings. 1437. Juice Grapes, Method of Testing. 1434. Dates, Placard Markings. 1437. Juice Grapes, Method of Testing. 1437. Juice Grapes, Method. 1437. Juice Grapes, Maturity Standards. 1438. Head Lettuce, Froem Maturity Standards. 1438. Head Lettuce, Froem Maturity Standards. 1438. Head Lettuce, Froem Maturity. 1438. H	§ 1430.141		§ 1436.37.	
\$ 1432.	Amticle 22	Craan Carn	·	
\$ 1432.1. Green Com. Mature. \$ 1436.41. Grapes. Table. Grapes. Gridled. Grapes. Gridled. S 1432.2. Green Com. Tolerances. S 1432.4. Green Com. Tolerances. Grapes. Group A Shipped As Juice Grapes. T8 Grapes. Group A Shipped As Juice Grapes. T8 T8 T8 T8 T8 T8 T8 T				
\$ 1432.2. Green Com, Freezing Damage \$ 1436.4.2. Table Grapes, Girdled. Green Com, Tolerances. \$ 1432.3. Green Com, Tolerances. S 1436.4.3. Grapes. Group A Shipped As Juice Grapes. Tolerances. Tol				
Defined \$ 1432.4. Grapes, Group A Shipped As Juice Grapes Article 24. Dates 172 \$ 1431.1. Dates, Exemptions \$ 1431.1. Dates, Defects \$ 1431.1. Dates, Defects \$ 1431.1. Dates, Interpretation of the Standards \$ 1437.2. Juice Grapes, Definition Dates, Defects \$ 1431.1. Juice Grapes, Definition Dates, Defects \$ 1431.1. Juice Grapes, Definition Dates, Defects \$ 1437.2. Juice Grapes, Definition Dates, Defects \$ 1437.3. Juice Grapes, Definition Dates, Defects \$ 1437.4. Juice Grapes, Maturity Standards Juice Grapes, Maturity Standards Juice Grapes, No Tolerances for Markings \$ 1437.5. Juice Grapes, Defect Definitions \$ 1437.5. Juice Grapes, Defect Definitions Juice Grapes, Defect Definitions \$ 1437.5. Juice Grapes, Defect Definitions Juice Grapes, Defect Definitions \$ 1437.5. Juice Grapes, Defect Definitions Juice Grapes, Defect Defin	-		·	
\$ 1432.4 Green Corn, Mechanical Damage.	g 1432.2.			
\$ 1432.4. Green Corn, Mechanical Damage. Article 24. Dates Dates 172 \$ 1437. Dates, Exemptions. \$ 1434.1 Dates, Exemptions. \$ 1434.1 Dates, Grading and in Cold Storage. \$ 1437.1 Dates, Deference Dates Dates Deference Dates Deference Dates Deference Dates Dates Deference Dates Dates Deference Dates Dates Deference Dates Dat	§ 1432.3.		8 1430.43.	
Article 24. Dates	-			•
\$ 434. Dates, Exemptions	A	Datas 170		•
§ 143.4.1. Dates, Grading and in Cold Storage. \$ 1437.1. Juice Grapes, Definition. § 1434.2. Dates, Interpretation of the Standards. \$ 1437.2. Juice Grapes, Sampling and Testing Method. § 1434.3. Dates, Interpretation of the Standards. \$ 1437.3. Juice Grapes, Method of Testing. § 1434.4. Dates, Container Marking \$ 1437.4. Juice Grapes, Maturity Standards. § 1434.6. Dates, Placard Markings. \$ 1437.5. Juice Grapes, No Tolerances for Maturity Standards. § 1434.7. Dates, Container Markings on Three Pounds or Less. \$ 1437.7. Juice Grapes, Standards. Article 24.5. Garlic 173 \$ 1437.9. Juice Grapes, Defect Definitions. Article 25. Table Grapes and Raisins 173 \$ 1437.1. Juice Grapes, Defect Definitions. § 1436. Table Grapes, Definition. \$ 1437.1. Juice Grapes, Marking Requirements. § 1436.1. Table Grapes, Definition. \$ 1437.1. Juice Grapes, Method Containers. § 1436.2. Table Grapes, Definition. \$ 1437.1. Juice Grapes, Marking Requirements. § 1436.3. Table Grapes, Standards. \$ 1438.1.			§ 1437.	
\$ 434.2. Dates, Defects \$ 437.2. Dates, Interpretation of the Standards. \$ 437.3. Juice Grapes, Sampling and Testing Method. Standards. \$ 437.3. Juice Grapes, Method of Testing. Juice Grapes, Requirements. \$ 437.4. Juice Grapes, Method of Testing. Juice Grapes, Requirements. \$ 437.5. Juice Grapes, Not of Instruments. Juice Grapes, Not of Instruments. Juice Grapes, Not of Instruments. Juice Grapes, Maturity Standards. Juice Grapes, Not of Instruments. Juice Grapes, Maturity Standards. Juice Grapes, Not of Instruments. Juice Grapes, Maturity Standards. Juice Grapes, Tolerances Juice Grapes, Tolerances. Juice Grapes, Maturity Standards. Juice Grapes, Tolerances. Juice Grapes, Maturity Standards. Juice Grapes, Maturity Standards. Juice Grapes, Tolerances. Juice Grapes, Maturity Standards. Juice Grapes, Maturity S				
\$1434.3. Dates, Interpretation of the Standards. \$1437.4. Dates, Tolerances. \$1437.4. Dates, Container Marking \$1434.5. Dates, Container Marking \$1434.6. Dates, Placard Markings. \$1437.6. Dates, Placard Markings. \$1437.6. Dates, Container Markings on Three Pounds or Less. \$1437.7. Dates, Container Markings on Three Pounds or Less. \$1437.7. Juice Grapes, No Tolerances for Maturity Standards. Dates, Container Markings on Three Pounds or Less. \$1437.7. Juice Grapes, Standards. Juice Grapes, Defearces. Juice Grapes, Marking Juice Grapes, Marking Juice Grapes, Maturity Standard. Juice Grapes, Maturity Standards. Juice Grapes			•	
Standards	7		9 1437.2.	
\$ 1434.4. Dates, Tolerances. \$ 1434.5. Dates, Container Marking Requirements. Requires Grapes, No Tolerances for Maturity Standards. Require Grapes, No Tolerances for Maturity Standards. Require Grapes, Standards. Require Grapes, Defect Definitions. Requirements. Requirements for Requirements for Out-of-State Processing. Required Forespes, Pefinition. Required for By-Products. Requirements. Requiremen	g 1434,3.	the state of the s	8 1437 3	
Section	§ 1434.4.			
Requirements.			3 2 10 7	
\$ 1434.6. Dates, Container Markings on Three Pounds or Less. Pounds or Less. \$ 1437.7. Juice Grapes, Standards. Juice Grapes, Standards. Juice Grapes, Standards. Juice Grapes, Standards. Juice Grapes, Defect Definitions. Juice Grapes, Defect Definitions. Juice Grapes, Marking Requirements. Juice Grapes, Mislabeling. Juice Grapes, Misl	_	Requirements.	§ 1437.5.	Juice Grapes, Maturity Standards.
Pounds or Less.	§ 1434.6.	Dates, Placard Markings.	§ 1437.6.	
Article 24.5. Garlic	§ 1434.7.			
Article 24.5. Garlic		Pounds or Less.		
Article 25. Table Grapes and Raisins	Article 24.5	Garlic 172		• .
Article 25. Table Grapes and Raisins 173 § 1436. § 1436. Table Grapes, Requirements or Out-of-State Processing. § 1436.1. Table Grapes, Definition. § 1436.2. Grapes, Container Markings Required for By-Products. § 1436.3. Table Grapes, Sampling and Testing Method. § 1436.4. Grapes, Additional Samples. § 1436.5. Table Grapes, Method of Testing. § 1436.6. Table Grapes, Equipment and Instruments. § 1436.7. Table Grapes, Titration to Determine Soluble Solids to Acid Ratio. § 1436.8. Grapes, Standards. § 1436.9. Grapes, White Varieties. § 1436.10. Grapes, Red Varieties. § 1436.11. Grapes, Black Varieties. § 1436.12. Table Grapes, Maturity Standards. § 1436.14. Grapes, Grapes, Maturity Standards. § 1436.15. Grapes, Grapes, Roup A Standards. § 1436.16. Grapes, Foroup A Standards. § 1436.17. Table Grapes, Not Tolerances for	Afficie 24.3.	Gaine 175		•
\$ 1436. Table Grapes, Requirements for Out—of–State Processing. \$ 1436.1. Table Grapes, Definition. \$ 1436.2. Grapes, Container Markings Required for By—Products. \$ 1436.3. Table Grapes, Sampling and Testing Method. \$ 1436.4. Grapes, Additional Samples. \$ 1436.5. Table Grapes, Equipment and Instruments. \$ 1436.6. Table Grapes, Equipment and Instruments. \$ 1436.7. Table Grapes, Titration to Determine Soluble Solids to Acid Ratio. \$ 1436.9. Grapes, White Varieties. \$ 1436.10. Grapes, Red Varieties. \$ 1436.13. Grapes, Maturity Standards. \$ 1436.14. Grapes, Maturity Standards. \$ 1436.15. Grapes, Grapes, Group A Standards. \$ 1436.16. Grapes, Grapes, Orolerances for Size. \$ 1436.17. Table Grapes, Forup A Standards. \$ 1436.18. Grapes, Red Varied Standards. \$ 1436.19. Grapes, Red Varieties. \$ 1436.19. Grapes, Maturity Standards. \$ 1436.19. Grapes, Not Titation. \$ 1436.19. Grapes, Not	Article 25.	Table Grapes and Raisins	§ 1437.10.	
Out-of-State Processing. \$ 1436.1. Table Grapes, Definition. \$ 1436.2. Grapes, Container Markings Required for By-Products. \$ 1436.3. Table Grapes, Sampling and Testing Method. \$ 1436.4. Grapes, Additional Samples. \$ 1436.5. Table Grapes, Method of Testing. \$ 1436.6. Table Grapes, Equipment and Instruments. \$ 1436.7. Table Grapes, Titration to Determine Soluble Solids to Acid Ratio. \$ 1436.8. Grapes, Red Varieties. \$ 1436.9. Grapes, Red Varieties. \$ 1436.10. Grapes, Red Varieties. \$ 1436.12. Table Grapes, Maturity Standards. \$ 1436.13. Grapes, Maturity Standards. \$ 1436.14. Grapes, Titration. \$ 1436.15. Grapes, Titration. \$ 1436.16. Grapes, Roundards. \$ 1436.17. Table Grapes, Maturity Standards. \$ 1436.18. Grapes, Titration. \$ 1436.19. Grapes, Red Varieties. \$ 1436.10. Grapes, Red Varieties. \$ 1436.11. Grapes, Red Varieties. \$ 1436.12. Table Grapes, Maturity Standards. \$ 1436.13. Grapes, Maturity Standards. \$ 1436.14. Grapes, Titration. \$ 1436.15. Grapes, Titration. \$ 1436.16. Grapes, No Tolerances for		•	8 1437 11	
\$ 1436.1. Table Grapes, Definition. \$ 1436.2. Grapes, Container Markings Required for By—Products. \$ 1438. Head Lettuce Defects. \$ 1438.1. Head Lettuce, Friezing. Method. \$ 1438.2. Head Lettuce, Friezing. Method. \$ 1438.3. Head Lettuce, Friezing. Method. \$ 1438.3. Head Lettuce, Friezing. Method. \$ 1438.4. Head Lettuce, Friezing. Method. \$ 1438.3. Head Lettuce, Friezing. Method. \$ 1438.4. Lettuce, Friezing. Bursting. \$ 1436.6. Table Grapes, Method of Testing. \$ 1438.4. Lettuce, Tipburn. Instruments. \$ 1438.5. Head Lettuce, Tolerances. \$ 1438.6. Lettuce, Marking Requirements. Soluble Solids to Acid Ratio. \$ 1438.6. Lettuce, Marking Requirements. Soluble Solids to Acid Ratio. \$ 1438.7. Head Lettuce, Standard Containers, Requirements and Exemptions. \$ 1436.9. Grapes, White Varieties. \$ 1438.8. Lettuce, General Provisions for \$ 1436.10. Grapes, Red Varieties. \$ 1438.9. Closed or Lidded. \$ 1436.11. Grapes, Maturity Standards. \$ 1438.10. Lettuce, Use of Cleats on Containers. Variety. \$ 1438.11. Consumer, Flaps, and Retail \$ 1436.15. Grapes, Titration. \$ 1436.16. Grapes, Not in Group A. \$ 1438.17. Table Grapes, Not Tolerances for	3 7 150.	Out-of-State Processing.		
\$ 1436.2. Grapes, Container Markings Required for By-Products. \$ 1436.3. Table Grapes, Sampling and Testing Method. \$ 1436.4. Grapes, Additional Samples. \$ 1436.5. Table Grapes, Method of Testing. \$ 1436.6. Table Grapes, Equipment and Instruments. \$ 1436.7. Table Grapes, Titration to Determine Soluble Solids to Acid Ratio. \$ 1436.8. Grapes, Standards. \$ 1436.9. Grapes, White Varieties. \$ 1436.10. Grapes, Red Varieties. \$ 1436.11. Grapes, Maturity Standards by Variety. \$ 1436.14. Grapes, Group A Standards. \$ 1436.15. Grapes, Group A Standards. \$ 1436.17. Table Grapes, No Tolerances for Article 27. Lettuce \$ 1438. Head Lettuce Defects. \$ 1438. Head Lettuce, Friezing. Head Lettuce, Friezing. Bursting. \$ 1438.1. Head Lettuce, Tipbum. Head Lettuce, Tipbum. Head Lettuce, Tipbum. Head Lettuce, Tolerances. Head Lettuce, Tolerances. Head Lettuce, Tolerances. Head Lettuce, Tipbum. Head Lettuce, Grapers. Head Lettuce, Tipbum. Head Lettuce, Grapers. Head Lettuce, Tipbum. Head Lettuce, Grapers. Head Lettuce, Tipbum. Head Lettuce, Tolerances. Head Lettuce, Tol	§ 1436.1.			-
\$ 1436.3. Table Grapes, Sampling and Testing Method. \$ 1438.1. Head Lettuce, Freezing. Head Lettuce, Fairly Well Trimmed. \$ 1436.4. Grapes, Additional Samples. \$ 1438.3. Head Lettuce, Fairly Well Trimmed. \$ 1436.5. Table Grapes, Method of Testing. \$ 1438.4. Lettuce, Broken Midribs and Bursting. \$ 1436.6. Table Grapes, Equipment and Samples. \$ 1438.5. Head Lettuce, Tipburn. Instruments. \$ 1438.5. Head Lettuce, Tolerances. \$ 1436.7. Table Grapes, Titration to Determine Samples Soluble Solids to Acid Ratio. \$ 1438.6. Lettuce, Marking Requirements. \$ 1436.8. Grapes, Standards. Requirements and Exemptions. \$ 1436.9. Grapes, White Varieties. \$ 1438.8. Lettuce, General Provisions for \$ 1436.10. Grapes, Red Varieties. \$ 1438.9. Closed or Lidded. \$ 1438.11. Grapes, Maturity Standards. \$ 1438.10. Lettuce, Use of Cleats on Containers. Variety. \$ 1436.13. Grapes, Maturity Standards. \$ 1438.11. Consumer, Flaps, and Retail Establishment. \$ 1436.15. Grapes, Group A Standards. \$ 1438.12. Lettuce, Fiberboard Container. \$ 1436.16. Grapes, Not in Group A. \$ 1438.13. Lettuce, Two and One-Half Dozen \$ 1436.17. Table Grapes, No Tolerances for		Grapes, Container Markings		
Method. \$ 1436.4. Grapes, Additional Samples. \$ 1438.2. Head Lettuce, Fairly Well Trimmed. \$ 1436.5. Table Grapes, Method of Testing. Bursting. \$ 1436.6. Table Grapes, Equipment and Instruments. \$ 1438.4. Lettuce, Tipburn. Instruments. \$ 1438.5. Head Lettuce, Tolerances. \$ 1436.7. Table Grapes, Titration to Determine \$ 1438.6. Lettuce, Marking Requirements. \$ 1438.8. Grapes, Standards. \$ 1438.8. Lettuce, General Provisions for \$ 1436.9. Grapes, White Varieties. \$ 1438.8. Lettuce, General Provisions for \$ 1436.11. Grapes, Black Varieties. \$ 1438.9. Closed or Lidded. \$ 1436.12. Table Grapes, Maturity Standards. \$ 1438.10. Lettuce, Use of Cleats on Containers. \$ 1436.14. Grapes, Titration. \$ 1436.15. Grapes, Group A Standards. \$ 1438.11. Consumer, Flaps, and Retail Establishment. \$ 1436.15. Grapes, Group A Standards. \$ 1438.12. Lettuce, Fiberboard Container. \$ 1436.16. Grapes, Not in Group A. \$ 1438.13. Lettuce, Two and One-Half Dozen \$ 1436.17. Table Grapes, Not Tolerances for				
\$ 1436.4. Grapes, Additional Samples. \$ 1438.3. Head Lettuce, Broken Midribs and Bursting. Bursting. \$ 1436.5. Table Grapes, Method of Testing. \$ 1438.4. Lettuce, Tipburn. Instruments. \$ 1438.5. Head Lettuce, Tolerances. \$ 1436.7. Table Grapes, Titration to Determine \$ 1438.6. Lettuce, Marking Requirements. Soluble Solids to Acid Ratio. \$ 1438.7. Head Lettuce, Standard Containers, Requirements and Exemptions. \$ 1436.8. Grapes, Standards. Requirements and Exemptions. \$ 1436.9. Grapes, White Varieties. \$ 1438.8. Lettuce, General Provisions for \$ 1436.10. Grapes, Red Varieties. \$ 1438.9. Closed or Lidded. \$ 1436.12. Table Grapes, Maturity Standards. \$ 1438.10. Lettuce, Use of Cleats on Containers. Variety. \$ 1436.14. Grapes, Titration. \$ 1436.15. Grapes, Group A Standards. \$ 1438.12. Lettuce, Fiberboard Container. \$ 1436.16. Grapes, Not in Group A. \$ 1438.13. Lettuce, Two and One–Half Dozen \$ 1246.17. Table Grapes, No Tolerances for	§ 1436.3.			
\$ 1436.5. Table Grapes, Method of Testing. \$ 1436.6. Table Grapes, Equipment and Instruments. \$ 1436.7. Table Grapes, Titration to Determine Soluble Solids to Acid Ratio. \$ 1436.8. Grapes, Standards. \$ 1436.9. Grapes, White Varieties. \$ 1436.11. Grapes, Black Varieties. \$ 1436.12. Table Grapes, Maturity Standards by Variety. \$ 1436.14. Grapes, Titration. \$ 1436.15. Grapes, Group A Standards. \$ 1436.16. Grapes, No Tolerances for \$ 1436.17. Table Grapes, No Tolerances for	8 1407 4		· ·	
\$ 1436.6. Table Grapes, Equipment and Instruments.	•		§ 1438.3.	
Instruments. § 1436.7. Table Grapes, Titration to Determine Soluble Solids to Acid Ratio. § 1436.8. Grapes, Standards. § 1436.9. Grapes, White Varieties. § 1436.10. Grapes, Red Varieties. § 1436.11. Grapes, Black Varieties. § 1436.12. Table Grapes, Maturity Standards by Variety. § 1436.14. Grapes, Titration. § 1436.15. Grapes, Group A Standards. § 1438.10. Head Lettuce, Marking Requirements. § 1438.7. Head Lettuce, Standard Containers, Requirements and Exemptions. § 1438.8. Lettuce, General Provisions for Standard Containers and Packs. Standard Containers and Packs. Closed or Lidded. Lettuce, Use of Cleats on Containers. Consumer, Flaps, and Retail Establishment. Establishment. Establishment. Lettuce, Fiberboard Container. § 1436.15. Grapes, Group A Standards. § 1438.12. Lettuce, Fiberboard Container. § 1436.15. Grapes, Not in Group A. § 1438.13. Lettuce, Two and One-Half Dozen § 1436.17. Table Grapes, No Tolerances for			8 1438 4	
\$ 1436.7. Table Grapes, Titration to Determine Soluble Solids to Acid Ratio. \$ 1438.7. Head Lettuce, Standard Containers, \$ 1436.8. Grapes, Standards. \$ 1436.9. Grapes, White Varieties. \$ 1436.10. Grapes, Red Varieties. \$ 1436.11. Grapes, Black Varieties. \$ 1436.12. Table Grapes, Maturity Standards. \$ 1436.13. Grapes, Maturity Standards by Variety. \$ 1436.14. Grapes, Titration. \$ 1436.15. Grapes, Group A Standards. \$ 1436.16. Grapes, Not in Group A. \$ 1436.17. Table Grapes, No Tolerances for \$ 1438.6. Lettuce, Marking Requirements. \$ 1438.7. Head Lettuce, Standard Containers, Requirements and Exemptions. Requirements and Exemptions. Requirements and Exemptions. Requirements. \$ 1438.8. Lettuce, General Provisions for Standard Containers and Packs. S 1438.9. Closed or Lidded. Lettuce, Use of Cleats on Containers. Consumer, Flaps, and Retail Establishment. Lettuce, Fiberboard Container. S 1436.16. Grapes, Not in Group A. \$ 1438.12. Lettuce, Fiberboard Container. S 1436.17. Table Grapes, No Tolerances for	3 1 130.0.			
Soluble Solids to Acid Ratio. § 1436.8. Grapes, Standards. § 1436.9. Grapes, White Varieties. § 1436.10. Grapes, Red Varieties. § 1436.11. Grapes, Black Varieties. § 1436.12. Table Grapes, Maturity Standards. § 1436.13. Grapes, Maturity Standards by Variety. § 1436.14. § 1436.15. Grapes, Titration. § 1436.15. Grapes, Not in Group A. § 1436.17. Soluble Solids to Acid Ratio. § 1438.7. Head Lettuce, Standard Containers, Requirements and Exemptions. Requirements and Exemptions. Standard Containers and Packs. Standard Containers an	§ 1436.7.			
\$ 1436.8. Grapes, Standards. Requirements and Exemptions. \$ 1436.9. Grapes, White Varieties. \$ 1438.8. Lettuce, General Provisions for \$ 1436.10. Grapes, Red Varieties. Standard Containers and Packs. \$ 1436.11. Grapes, Black Varieties. \$ 1438.9. Closed or Lidded. \$ 1436.12. Table Grapes, Maturity Standards. \$ 1438.10. Lettuce, Use of Cleats on Containers. Variety. \$ 1438.11. Consumer, Flaps, and Retail \$ 1436.14. Grapes, Titration. \$ 1436.15. Grapes, Group A Standards. \$ 1438.12. Lettuce, Fiberboard Container. \$ 1436.16. Grapes, Not in Group A. \$ 1436.17. Table Grapes, No Tolerances for	.			
\$ 1436.10. Grapes, Red Varieties. Standard Containers and Packs. \$ 1436.11. Grapes, Black Varieties. \$ 1438.9. Closed or Lidded. Lettuce, Use of Cleats on Containers. Variety. \$ 1438.10. Lettuce, Use of Cleats on Containers. Variety. \$ 1438.11. Consumer, Flaps, and Retail Establishment. \$ 1436.14. Grapes, Titration. \$ 1436.15. Grapes, Group A Standards. \$ 1438.12. Lettuce, Fiberboard Container. \$ 1436.16. Grapes, Not in Group A. \$ 1438.13. Lettuce, Two and One–Half Dozen \$ 1436.17. Table Grapes, No Tolerances for	§ 1436.8.	Grapes, Standards.		Requirements and Exemptions.
\$ 1436.11. Grapes, Black Varieties. \$ 1438.9. Closed or Lidded. Lettuce, Use of Cleats on Containers. Variety. \$ 1438.11. Consumer, Flaps, and Retail Establishment. \$ 1436.15. Grapes, Group A Standards. \$ 1438.12. Lettuce, Fiberboard Container. \$ 1436.16. Grapes, Not in Group A. \$ 1438.13. Lettuce, Two and One–Half Dozen \$ 1436.17. Table Grapes, No Tolerances for		•	§ 1438.8.	
\$ 1436.12. Table Grapes, Maturity Standards. \$ 1438.10. Lettuce, Use of Cleats on Containers. Variety. \$ 1438.11. Consumer, Flaps, and Retail Establishment. \$ 1436.15. Grapes, Group A Standards. \$ 1438.12. Lettuce, Fiberboard Container. \$ 1436.16. Grapes, Not in Group A. \$ 1438.13. Lettuce, Two and One–Half Dozen Size.	-	• .		
\$ 1436.13. Grapes, Maturity Standards by Variety. \$ 1438.11. Consumer, Flaps, and Retail Establishment. Establishment. \$ 1436.15. Grapes, Group A Standards. \$ 1438.12. Lettuce, Fiberboard Container. \$ 1436.16. Grapes, Not in Group A. \$ 1438.13. Lettuce, Two and One-Half Dozen \$ 1436.17. Table Grapes, No Tolerances for Size.				
Variety. \$ 1438.11. Consumer, Flaps, and Retail Establishment. § 1436.15. Grapes, Group A Standards. \$ 1438.12. Lettuce, Fiberboard Container. § 1436.16. Grapes, Not in Group A. \$ 1438.13. Lettuce, Two and One–Half Dozen Size.	-		§ 1438.10.	
\$ 1436.14. Grapes, Titration. Establishment. \$ 1436.15. Grapes, Group A Standards. \$ 1438.12. Lettuce, Fiberboard Container. \$ 1436.16. Grapes, Not in Group A. \$ 1438.13. Lettuce, Two and One–Half Dozen \$ 1436.17. Table Grapes, No Tolerances for Size.	§ 1436.13.		£ 1/20 11	
\$ 1436.15. Grapes, Group A Standards. \$ 1438.12. Lettuce, Fiberboard Container. \$ 1436.16. Grapes, Not in Group A. \$ 1438.13. Lettuce, Two and One–Half Dozen \$ 1436.17. Table Grapes, No Tolerances for Size.	§ 1436.14.		8 1438.11.	
\$ 1436.16. Grapes, Not in Group A. \$ 1438.13. Lettuce, Two and One–Half Dozen Size.	*		§ 1438.12.	
§ 1436.17. Table Grapes, No Tolerances for Size.		Grapes, Not in Group A.		
Maturity Standards. § 1438.14. Lettuce, Slight Bulge Definition.	§ 1436.17.		-	Size.
		Maturity Standards.	§ 1438.14.	Lettuce, Slight Bulge Definition.

Page vii (7-25-2008)

	Page		Page
§ 1438.15.	Lettuce, Slight Bulge Tolerance.	§ 1442.10.	Melons, Other Than Cantaloupes
§ 1438.16.	Lettuce, Size Variation and Pack Arrangements.	§ 1442.11.	Closed or Lidded. Watermelons, Official Sample to
§ 1438.17.	Lettuce, Packing Requirements As		Determine Maturity.
v 1420 10	to Count.	§ 1442.12.	Watermelons, Overripe.
§ 1438.18.	Head Lettuce, General Provisions.	§ 1442.13.	Watermelons, Rind Rot. Watermelons, Heart Cracks.
§ 1438.19.	Head Lettuce to Be Used Commercially for Salad Products.	§ 1442.14. § 1442.15.	Watermelons, Yellow or Tan
§ 1438.20.	Sectioning Defined.	8 1442.15.	Colored Spots Within the Edible
§ 1438.21.	Official Sample, Prior to		Flesh.
0	Preparation.	§ 1442.16.	Watermelons, White Heart.
§ 1438.22.	Standards for Commercial Salad	Article 29.	Mushrooms
0.1420.22	Products.	§ 1444.	Mushrooms, Insect Injury.
§ 1438.23.	Minimum Requirements for Salad	§ 1444.1.	Mushrooms, Edible Portion
§ 1438.23.1.	Products. Salad Products, Reporting	3	Defined.
8 1430.23,1.	Requirements.	Article 30.	Nectarines
§ 1438.24.	Salad Products, Definition of		Nectarines, Standards.
,	Terms.	§ 1446. § 1446.1.	Nectarines, Standards. Nectarines, Maturity.
§ 1438.25.	Salad Products, Minimum	§ 1446.2.	Nectarines, Violetances.
	Requirements.	§ 1446.3.	Nectarines, Split Pits.
§ 1438.25.1.		§ 1446.4.	Nectarines, Marking Requirements.
e 1420 05 0	County Inspection Records.	§ 1446.5.	Nectarines, Four-Basket Container.
§ 1438.25.2	Salad Products, Maintenance of Processor Inspection Records.	§ 1446.6.	Nectarines, Variation in Count
§ 1438.25.3			Tolerance.
§ 1438.25.4	· •	§ 1446.7.	Nectarines, Standard Container
3 1 100120. 1	Inspection.	\$ 1446 0	Requirements. Nectarines, Molded Forms in
§ 1438.26.	Salad Products, Restricted Produce.	§ 1446.8.	Container No. 31.
§ 1438.27.	Clean Defined.	§ 1446.9.	Nectarines, Size Variation and
§ 1438.28.	Salad Products, Excessive Moisture	3 1110.5.	Tolerance, and Size Description
# 1420.20	Defined and Tolerance.		Requirements.
§ 1438.29.	Salad Products, Tolerance for Defects.	§ 1446.10.	Nectarines, Cup Pack.
§ 1438.30.	Salad Products, Official Sample to	§ 1446.11.	Nectarines, Exceptions.
§ 1436.30.	Determine Moisture Content.	§ 1446.12.	Nectarines, Permits.
§ 1438.31.	Disposal Order at Time of	§ 1446.13.	Nectarines, Schedule of Permit Fees.
	Receiving Load of Bulk Lettuce.		
§ 1438.32.	Permit to Transport Intrastate Loads	Article 31.	Olives 189
	of Lettuce for Shredding.	§ 1448.	Olives, Affected by Scale Damage.
§ 1438.33.	Salad Products, Transportation of	Article 32.	Onions
§ 1438.34.	Loads of Lettuce for Shredding. Shredder Plant Defined.	§ 1450.	Onions, Standards.
§ 1438.35.	Verification of Facilities.	§ 1450.1.	Onions, Damage Definition.
§ 1438.36.	Verification of Sale.	§ 1450.2.	Onions, Sprout Damage.
§ 1438.37.	Failure to Issue Disposal Order.	§ 1450.3.	Onions, Tolerances.
§ 1438.38.	Weight Certificates.	§ 1450.4.	Onions, Markings on Containers.
§ 1438.39.	Markings Required on Containers of	Article 33.	Green Onions and Shallots 190
	Commercially Prepared Salad	A	Danah sa
§ 1438.40.	Products. Standard Containers and Markings	Article 34.	Peaches
g 1436.40.	for Intrastate Transportation of	§ 1454.	Peaches, Exceptions.
	Lettuce to a Shredding Plant.	§ 1454.1. § 1454.2.	Peaches, Permits. Peaches, Verification.
§ 1438.41.	Lettuce, Experimental Bulk	§ 1454.3.	Peaches, Standards.
	Containers.	§ 1454.4.	Peaches, Maturity.
§ 1438.42.	Standard Containers for Salad	§ 1454.5.	Peaches, Tolerances.
0.1.420.42	Products.	§ 1454.6.	Peaches, Maturity.
§ 1438.43.	Consumer Containers. Master Containers for Salad	§ 1454.7.	Peaches, Blossom Tip Bruising.
§ 1438.44.	Products.	§ 1454.8.	Peaches, Bruising.
§ 1438.45.	Closed Defined.	§ 1454.9. § 1454.10.	Peaches, Split Pits. Peaches, Marking Requirements.
3 2 1001 10.		§ 1454.10. § 1454.11.	Peaches, Four-Basket Crates.
Article 28.	Melons, Other Than	§ 1454.12.	Peaches, Variation in Count
Titlele 20.	•	Ü	Tolerance.
0.1440	Cantaloupes	§ 1454.13.	
§ 1442. \$ 1442.1	Melons, Full Slip Defined.	§ 1454.14.	Peaches, Standard Container
§ 1442.1. § 1442.2.	Melons, Standards. Melons, Tolerance.	0 1 4 5 4 1 5	Requirements.
§ 1442.2. § 1442.3.	Melons, Defines Mature.	§ 1454.15.	Peaches, Molded Forms in Standard Containers.
§ 1442.4.	Melons, Soluble Solids Methods.	§ 1454.16.	
§ 1442.5.	Honeydew Melons: Soluble Solids;	χ 1 1 34.10.	Tolerance, and Size Description
-	Sampling and Testing Procedure.		Requirements.
§ 1442.6.	Markings on Containers.	Article 35.	Pears
§ 1442.7.	Standard Containers, Melons.		Pears, Exceptions.
§ 1442.8.	Consumer. Honeyball Melons, Standard	§ 1456. § 1456.1.	Pears, Exceptions. Pears, By-Product Regulations.
§ 1442.9.	Containers.	§ 1456.1. § 1456.2.	Pears, Processing.
		,	····· -·

Page viii (7-25-2008)

Page

Page

	rage		rage
§ 1456.3.	Pears, Permit for Transporting	§ 1464.4.	Pomegranates, Testing Procedures
3 1 13 0.5.	Out-of-State for Further Packing.	3.10	to Determine Maturity.
§ 1456.4.	Pears, Standards.	§ 1464.5.	Pomegranates, Exceptions.
§ 1456.5.	Pears, Serious Damage Defined.	§ 1464.6.	Pomegranates, By-Product
§ 1456.6.	Pears, Hail Damage.	0.1464.7	Regulations.
§ 1456.7.	Pears, Limb Rub.	§ 1464.7.	Pomegranates, Permits.
§ 1456.8. § 1456.9.	Pears, Tolerances. Pears, Codling Moth.	§ 1464.8.	Pomegranates, Marking Requirements.
§ 1456.10.	· · · · · · · · · · · · · · · · · · ·	§ 1464.9.	Pomegranates, Size Variation and
§ 1456.11.		8 1404.7.	Tolerance.
§ 1456.12	,	A .: 1 40	· ·
§ 1456.13.		Article 40.	Potatoes
§ 1456.14.		§ 1466.	Potatoes, Exceptions for
§ 1456.15		\$ 1466.1	By–Products Use. Potatoes, Requirements for
§ 1456.16.		§ 1466.1.	Out-of-State Processing.
§ 1456.17.	Requirements. Pears, Standard Container	§ 1466.2.	Potatoes, Verification for Permit.
8 1430.17	Requirements.	§ 1466.3.	Potatoes, Board of Supervisors
§ 1456.18	•		Establish Fee Schedule.
§ 1456.19.		§ 1466.4.	Potatoes, Standards.
A -41-1- 26	D	§ 1466.5.	Potatoes, Regulations.
Article 36.	Peas	§ 1466.6.	Potatoes, Marking for Processing
§ 1458.	Peas, Overmature.	§ 1466.7.	Out-of-State. Potatoes, Markings for Processing in
§ 1458.1.	Peas, Standards.	§ 1400.7.	This State.
§ 1458.2. § 1458.3.	Peas, Poorly Filled. Peas, Damage.	§ 1466.8.	Potatoes, Decay, Soft and Wet Rots.
§ 1458.4.	Peas, Tolerances.	§ 1466.9.	Potatoes, Method of Inspection.
v		§ 1466.10.	Potatoes, Certified for Seed
Article 37.	Oriental Persimmons 194		Purposes.
§ 1460.	Persimmons, Standards.	§ 1466.11.	Potatoes, for Seed, Exemption for
§ 1460.1.	Persimmons, Maturity.	8.1466.10	Greening and Green Ends.
§ 1460.2.	Persimmons, Maturity.	§ 1466.12.	Potatoes, for Seed Purposes, Under Notice and Order.
§ 1460.3.	Persimmons, Tolerances.	§ 1466.13.	Name and Address Requirements.
§ 1460.4.	Persimmons, Size Variation.	§ 1466.14.	Grade Marking Requirements.
Article 38.	Plums and Fresh Prunes 194	§ 1466.15.	Potatoes, Definition of Mislabeling.
§ 1462.	Plums and Fresh Prunes,	§ 1466.16.	Potatoes, Photographs, Serious
*	Exceptions.		Damage.
§ 1462.1.	Plums and Fresh Prunes, Permits.	§ 1466.17.	Potatoes, Maturity Requirements.
§ 1462.2.	Plums and Fresh Prunes, Standards.	Article 41.	Quinces
§ 1462.3.	Plums and Fresh Prunes, Defects.	§ 1468.	Quinces, Standards.
§ 1462.4. § 1462.5.	Plums, Immaturity. Plums, Heat Damage.	§ 1468.1.	Quinces, Tolerances.
§ 1462.5. § 1462.6.	Plums and Fresh Prunes,	§ 1468.2.	Quinces, Size Variation.
3 1 102.0.	Tolerances.	Article 42.	Sweet Potatoes 201
§ 1462.7.	Plums and Fresh Prunes, Additional	§ 1470.	Sweet Potatoes, Standards.
	Tolerances.	§ 1470.1.	Sweet Potatoes, Standards. Sweet Potatoes, Corky Condition in
§ 1462.8.	Plums, Hail Damage.	3 1 1 7 0 1 1 1	the Flesh.
§ 1462.9.	Plums, Maturity.	§ 1470.2.	Sweet Potatoes, Tolerances.
§ 1462.10.	Plums and Fresh Prunes, Marking Requirements.	§ 1470.3.	Markings on Containers.
§ 1462.11.	•	§ 1470.4.	Unlawful Grade Markings.
3 1.02.11.	Size Designation Requirements.	§ 1470.5.	Sweet Potatoes, General Provisions
§ 1462.12.		§ 1470.6.	for Standard Containers and Packs. Standard Container Numbers.
	Designations of Numerical	§ 1470.7.	Standard Container Requirements.
8 1460 12	Description.	*	<u> </u>
§ 1462.13.	Plums and Fresh Prunes, Standard Container No. 9C, Size	Article 43.	Tomatoes
	Designations, Markings.	§ 1472.	Tomatoes, Standards.
§ 1462.14.		§ 1472.1. § 1472.2.	Tomatoes, Growth Cracks. Tomatoes, Catfaces.
8 - · · · · · · ·	Markings.	§ 1472.2. § 1472.3.	Tomatoes, Carraces. Tomatoes, Tolerances.
§ 1462.15.		§ 1472.4.	Tomatoes, Marking Requirements.
§ 1462.16		§ 1472.5.	Tomatoes, Vine Ripened Defined.
§ 1462.17.		§ 1472.6.	Tomatoes, Standard Container
	Container No. 9C, Packing		Requirements.
§ 1462.18	Requirements. Numerical Description.	§ 1472.7.	Tomatoes, New Container
§ 1462.19		§ 1472.7.1.	Requirements. Tomatoes, Registration of
§ 1462.20		8 1472.7.1.	Commercial Repackers.
<u> </u>	Diameter Definitions.	§ 1472.7.2.	Tomatoes, Registration of a
Antigle 20	Domagrapatas	<u> </u>	Handler.
Article 39.	Pomegranates 197	§ 1472.8.	Tomatoes, Greenhouse Grown
§ 1464.	Pomegranates, Standards.		Defined.
§ 1464.1. § 1464.2.	Pomegranates, Serious Damage. Pomegranates, Sampling to	Article 44.	Walnuts
g 1404.2.	Determine Compliance or	§ 1474.	Walnuts, Exceptions.
	Noncompliance.	§ 1474.1.	Walnuts, Permit.
§ 1464.3.	Pomegranates, Maturity Defined.	§ 1474.2.	Walnuts, Well Dried.

Page ix (7-25-2008)

	Page		Page
§ 1474.3	. Walnuts, Defects.	Subchapter 10.	Raw Products Inspection
§ 1474.4			for Processing Analysis
§ 1474.5	, , ,		- · · · · · · · · · · · · · · · · · · ·
§ 1474.6	Defects and Undersize. Walnuts, Determining Percentage of		Different
8 (474.0	Defective Hulls and Size.	Article 1.	Inspection of Grapes for
§ 1474.7			Wine and By–Products 206
	Defects in Containers Holding Less	§ 1650	•
	Than 100 Pounds of Nuts.	§ 1650	
§ 1474.8	ě .	§ 1650.	
§ 1474.9		§ 1650	
§ 1474.1		§ 1652	
§ 1474.1 § 1474.1:		§ 1652	•
§ 1474.1		§ 1652	
§ 1474.1		§ 1655 § 1656	
§ 1474.1		§ 1657	
§ 1474.1	6. Walnuts, Separate Lots.	§ 1658	
Subchapter 5.	Grapes for By–Products 204	§ 1658	3.1. Lot or Load Definition.
Subchapter 3.	Orapes for By-Froducts 204	§ 1658.	
Subchapter 6.	Honey	§ 1658	
§ 1495.	Markings on Containers of Honey.	§ 1658.	
§ 1495.1		§ 1658	
§ 1495.3		§ 1658	,
§ 1495.4		§ 1659.	Sampling. Receiving-Hopper Sampling.
§ 1495.5		§ 1659	
§ 1495.6	. Color of Chunk or Bulk Comb	§ 1660	
	Honey.	0	Solids.
§ 1495.7		§ 1660	0.1. Equipment.
§ 1495.8		§ 1660	•
§ 1495.9	Crystallized Honey. Means of Color Classification.	§ 1660	
§ 1496.	Methods of Inspection.	§ 1660	
§ 1497.	Honey to U. S. Government	§ 1660	0.5. Hand Sampling Tube Specifications.
0	Agencies.	§ 1660	
Calada a 7	-	§ 1660	
Subchapter 7.	Seed Potatoes	§ 1661	
Article 1.	Standards, Rules and	§ 1661	
Aittele 1.			Inspection.
	Regulations for California	§ 1661	
	Certified Seed Potatoes 205	§ 1661	
§ 1500.	Standards, Rules and Regulations	§ 1661	4. Request for Discontinuing Inspection for Hand Sorted Defect
	for California Certified Seed		Samples.
	Potatoes.	§ 1662	
Subchapter 8.	Emergency Standards 205	· ·	
•	,	Article 2.	Garlic and Onions for
Subchapter 9.	Poultry and Rabbit Meat		Dehydration 209
	Classes	§ 1675	
		§ 1676	
Article 1.	Inspection and Application 205	§ 1677 § 1678	
§ 1600.	Duties of Enforcing Officers.	§ 1678 § 1679	
§ 1601.	Inspection and Sampling.	§ 1680	
§ 1602.	Rejection Procedure.	§ 1681	
§ 1603. § 1604.	Rejection Notice Form.	§ 1681	.1. Stiff Neck—Garlic.
§ 1604. § 1605.	Proper Markings As to Class. Classification Terms, Section 1112	§ 1682	
§ 1005.	Agr. Code.	§ 1683	•
§ 1606.	Caponette Class Requirements.	§ 1684 § 1685	
§ 1607.	Rabbits, Weight Requirements,	§ 1685 § 1686	E
	Section 1112 Agr. Code.	§ 1687	
§ 1608.	Mislabeling, Section 1111 Food and	§ 1688	
8 1 600	Agr. Code.	*	. 1
§ 1609.	Poultry Meat Cut Up into Small Pieces; Processing Exemption.	Chapter 2.	Markets 212
§ 1610.	Exempt When Classed by Federal	Article 1.	Reports by Grape Processors 212
ξ 1010.	Inspector.	§ 1700	
§ 1611.	Exemption When Slaughtered on	8 1/00). Grape Pricing Districts.
•	Premises Where Produced, Section	Chapter 2.2.	Market Enforcement
	1116 Food and Agr. Code.	-	
§ 1612.	Poultry Meat Processed and Stored	Subchapter 1.	Licensing 212
8 1612	Prior to July 1, 1956.	Article 1.	General Provisions 212
§ 1613.	Definitions, Section 1116, Food and Agr. Code.	§ 1700	
§ 1614.	Poultry Meat Labeling—Point of	§ 1700 § 1700	
3	Origin.	§ 1700	

Page x (7-25-2008)

		Page		Page
Article 2.	The Application Process	212.1	§ 1805.	Application to Corporations and Subsidiaries.
§ 1701. § 1701.1		•	§ 1806.	Confidentiality of Records and Reports.
§ 1701.2			§ 1807. § 1808.	Meeting Competition. Applicability of Unlawful Practices.
§ 1701.3	Company or Corporation. 3. Application Renewal.		§ 1809.	Meaning of Distributor.
§ 1701.4	 Application Processing. 		§ 1810. § 1811.	Purpose of Regulations. Cost Components of Dairy
§ 1701.5 § 1701.6			§ 1011.	Processing — Manufacturers,
§ 1701.0	Denied.		K 1010	Distributors and Handlers.
§ 1701.5 § 1701.8			§ 1812.	Cost Components of Dairy Processing — Wholesale Customers.
Article 3.	Investigations	212.3	Article 2.	Dagard Vasning Daguiraments 215
§ 1702.	Reasonable Grounds for		§ 1831.	Record Keeping Requirements 215 Record Keeping Requirements.
§ 1702.1	Investigation. Criminal Records Exemption.		§ 1831. § 1832.	Terms and Conditions.
-	•		§ 1833.	Wholesale Price Variations to Public
Article 4.	Private Disputes	212.3		Agencies.
§ 1703.	Alternative Dispute Resolution Initiation.		Article 3.	Advertising and Sales
§ 1703.1				Promotion
•	Pursuant to Parties' Written		§ 1850.	Determining and Allocating Costs
§ 1703.2	Contract.		§ 1851.	for Promotions. Wholesale Customer Advertising.
8 1705.2	2. Instituting Department's Alternative Dispute Resolution Procedure.		§ 1851.1.	Permissible Advertising Allowance.
§ 1703.3	 Request for Formal Alternative 		§ 1852.	Demonstration to Consumer.
§ 1703.4	Dispute Resolution. AAA Hearing.		§ 1853.	Demonstration to Wholesale Customer.
§ 1703.5 § 1703.5			§ 1870.	Prohibition Against Gifts and Free
Ü	Complaint Prior to January 1998?			Services As Defined.
Article 5.	Discipline of Licensees	212.5	Article 4.	Gifts and Free Services 216
§ 1704.	Violations.		§ 1870.1.	Redemption Devices for Retail
§ 1704.1 § 1704.2			§ 1870.2.	Sales of Dairy Products. Redemption Devices for
-			3 1070.2.	Replacement Dairy Products.
Article 6.	Dismissals, Range of		§ 1871.	Bona Fide Charities.
	Discipline, and		§ 1872. § 1873.	Frozen Dairy Products. Sampling of Milk or Dairy
	Settlements	212.6	§ 1075.	Products.
§ 1705.	General.		§ 1880.	Payment for Manufacturing Milk.
Article 7.	Hearing Procedures	212.6	§ 1910. § 1929.	Sale of Equipment. Procedure for Authorization to
§ 1706.	License Denial.		-	Install.
§ 1706.1	1. Accusation.		§ 1930.	Definitions.
	_		§ 1931.	Meeting Competition—Retail Sales by Wholesale Customers.
_	Export Market Development	212.7	§ 1932.	Meeting Competition—"Multi-Unit Price".
Article 1.	Criteria for State Funds and		A .: 1 .5	
	Cooperator Funds	212.7	Article 5.	Terms and Conditions, Price
§ 1710.	Criteria for Qualifying Cooperator Contributions.			Differences and Meeting
§ 1711.	Cooperator Contributions and State		\$ 1040	Competition
-	Funds.		§ 1940. § 1941.	Terms and Conditions. Price Discrimination.
§ 1712.	Transfer of State Funds.		§ 1942.	Permissible Price Variations in
Ch2	NACH CARL'TE ACAM 1 NACH AC		§ 1943.	Distributor's Price Schedules. Prices Offered to Meet Competition
-	Milk Stabilization and Marketing	212	g 1945.	Generally.
	of Milk and Dairy Products	213	§ 1944.	Prices Offered to Meet Competition
Subchapter 1.	Unlawful Practices in		§ 1945.	at a Particular Location. Records to Be Kept As to Price
	Marketing Milk and Dairy			Variation to Meet Competition at a
	Products	213	§ 1946.	Particular Location. Burden of Proof.
Article 1.	General Provisions	213	Article 6.	
§ 1800.	Authority to Promulgate.		ATUCIC U.	Generally Acceptable Cost
§ 1801.	Definition.			Accounting Procedures—Sales
§ 1802. 8 1803	Violations of Regulations.		§ 1950.	by Distributors
§ 1803.	Invalidity of Provision or Application.		§ 1950. § 1950.1.	Acceptable Cost Accounting
§ 1804.	Violations by Agent, Employee,		-	Procedures—Retail Stores.
	Representative, Subsidiaries, Affiliates.		§ 1951.	Unacceptable Cost Accounting Procedures.
	Allinaco.			i tocoures.

Page xi (7-25-2008)

	Page		Page
Article 7.	Generally Acceptable Cost	§ 2050.	Prohibition Against Procurement
	Accounting Procedures—	§ 2051.	Options in Contracts. Charges to a Producer for
	Retail Sales by Wholesale	§ 2031.	Transportation of Manufacturing
	Customers		Milk or Market Milk Hauled by the
§ 1960.	Acceptable Cost Accounting	4 3 1 2	Handler.
	Procedures—Retail Sales by Wholesale Customers.	Article 6.	Exclusion from
§ 1961.	Availability of Cost		Subdistributor Prices of
	Data—Wholesale Customers Selling		Certain Fluid Milk and
§ 1962.	at Retail. Meeting Competition—Retail		Fluid Cream
3 - 2 - 2	Stores.	Subchapter 3.	Petitions and Hearings
Article 11.	Sales of Packaged Market	Article 1.	Procedures for Filing of
	Milk Below Minimum Prices		Petitions and Conduct of
	Established by the		Hearings 221
	Director, When and If Such	§ 2080.	Purpose.
	Prices Are Established 220	§ 2080.1	. Petition for Adoption, Amendment or Repeal of Regulations.
Cubabantar 2	Sala of Manufacturing	§ 2080.2	Petition for Adoption, Amendment
-	Sale of Manufacturing Milk, Market Milk and		or Termination of Stabilization and Marketing Plans or Milk Pooling
	Dairy Products		Plan.
	Daily Houdets 220	§ 2080.3	Mandatory Hearing to Amend or Terminate a Stabilization and
Article 1.	General Provisions 220		Marketing Plan(s) or to Terminate
§ 2000.	Authority to Promulgate.	4.000	the Milk Pooling Plan.
§ 2001. § 2002.	Definition. "Section" and "Subdivision"	§ 2080.4	 Conduct of Hearings for Adoption, Amendment or Termination of
	Defined.		Stabilization and Marketing Plans or
§ 2003.	Invalidity of Provision or Application.		Milk Pooling Plan.
§ 2004.	Violations by Agent, Employee,	Subchapter 4.	Milk Producers Security
	Representative, Subsidiaries, and		Trust Fund
§ 2005.	Affiliates. Application to Corporations and	Article 1.	Eligibility for Coverage 223
-	Subsidiaries.	§ 2100.	Definition of Beneficial Ownership
Article 2.	Milk Handler's License 220	§ 2101.	Interest. Definition of Milk Eligible for Trust
§ 2030.	Prohibited Practices.	§ 2101.	Fund Coverage.
§ 2031.	Cancellation of Inactive Licenses.	Article 2.	Payment of Claims 224
§ 2039.	Payment for Manufacturing Milk.	§ 2102.	Calculation of Trust Fund
Article 3.	Payment by Handlers to		Obligation to a Producer.
	Producers for Manufacturing	Chapter 4.	Shipping Point Inspection 224
	Milk and Market Milk 220.1	§ 2200.	Schedule of Fees or Charges.
§ 2040. § 2041.	Payment for Market Milk. Bond Indemnification Agreement	§ 2201.	Necessary Data for Establishing
§ 2041.	Prohibited.	§ 2202.	Fees. Availability of Schedules.
§ 2042.	Allocation of Handler Payments to	Chamtan 5	California Danf Carmail I arr
	Producers for Bulk Milk for Surety Bond and Milk Producers Security		California Beef Council Law
	Trust Fund Coverage.	§ 2250.	Assessments
Article 4.	Contracts for Purchase of	§ 2230.	Processors.
_ ···	Manufacturing Milk or	§ 2251.	First Handler: Preparation of List. Assessments: Beef Shipped into the
	Market Milk 221	§ 2252.	State.

Page xii (7-25-2008)

Division 3. Economics

(Originally Printed 7-25-45)

Chapter 1. Fruit and Vegetable Standardization

Subchapter 1. Canning Tomatoes

§ 1330. Inspection Fees.

The Director shall adopt a uniform schedule of inspection fees to defray the cost of inspection certification.

NOTE: Authority cited: Sections 407 and 40761, Food and Agricultural Code. Reference: Sections 40531, 40811, 40933 and 41055, Food and Agricultural Code.

HISTORY

- 1. Repealer of Group 1 (Sections 1330–1335) and new Group 1 (Sections 1330–1341.4) filed 4–3–78; effective thirtieth day thereafter (Register 78, No. 14). For prior history, see Registers 55, No. 15; 56, No. 3; 57, No. 9; 60, No. 6; 68, No. 30; 71, No. 24; 71, No. 35; 72, No. 2; 72, No. 34; 73, No. 21; 73, No. 24; 74, No. 41; 75, No. 15; 75, No. 32; 76, No. 15; 76, No. 21; 76, No. 26; 76, No. 32; and 77, No. 14.
- 2. Editorial correction of NOTE (Register 82, No. 9).

§ 1330.1. Inspection Fee Deposit.

The Director may collect the fees for inspection and certification as required in Division 16, Chapter 2, of the Food and Agricultural Code in advance of performing the services.

If the Director determines that advance payment is required and the agent responsible for payment of inspection fees is so notified, inspection may be withheld until there has been deposited with the Department a cash deposit guaranteeing the payment of future inspections. The amount to be deposited shall be determined by the Director based upon expected charges.

NOTE: Authority cited: Sections 407 and 40761, Food and Agricultural Code. Reference: Sections 282, 40531, 40811 and 41005, Food and Agricultural Code.

HISTORY

1. Editorial correction of NOTE (Register 82, No. 9).

§ 1331. Field Identification Tag.

A field identification tag shall be furnished to the Director with each load of tomatoes prior to inspection. One (pink) copy of the field identification tag shall be preprinted "state copy" and retained by the Director. The field identification tag shall be a minimum size of 4" x 5." The name of the processor, producer, current date and the contract number applicable to the load shall be shown in the upper left hand corner of the field identification tag. Each field identification tag shall be printed and serial numbered.

NOTE: Authority cited: Sections 407 and 40761, Food and Agricultural Code. Reference: Sections 40531, 40781, 40811, 40961 and 41005, Food and Agricultural Code.

HISTORY

- Repealer and new section filed 4-30-79; effective thirtieth day thereafter (Register 79, No. 18).
- 2. Editorial correction of NOTE (Register 82, No. 9).
- Amendment filed 10–14–86; effective thirtieth day thereafter (Register 86, No. 42).

§ 1332. Color Determination.

Any load of tomatoes which is offered for delivery to a canner shall be rejected and turned back to the grower if the tomatoes do not meet the minimum requirements for color based on comminuted raw product sampling. The maximum Agtron E5–M reading allowed to meet the minimum color for tomatoes shall be 39, except due to the unusual climatic and growing conditions in the desert areas, the maximum Agtron reading for tomatoes grown south and east of San Gorgonio Pass, shall be 40. Note: Authority cited: Sections 407 and 40761, Food and Agricultural Code. Reference: Sections 40531, 40781, 40811, 40812, 40813,40961 and 41005, Food and Agricultural Code.

HISTORY

1. Editorial correction of NOTE (Register 82, No. 9).

§ 1332.05. Color Determination for Manufactured Tomato–Containing Products.

NOTE: Authority cited: Sections 407 and 40761, Food and Agricultural Code. Reference: Sections 40811, 40812, and 40813, Food and Agricultural Code.

HISTORY

- 1. New section filed 8–22–83; designated effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 35).
- 2. Expired by own terms (Register 84, No. 24).
- 3. New section filed 6–14–84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 24).
- 4. Repealer filed 10-14-86; effective thirtieth day thereafter (Register 86, No. 42).

§ 1332.1. Worm Damage.

Any load of tomatoes which is offered for delivery to a canner shall be rejected and turned back to the grower if in excess of 2 percent, by weight, is affected by worm damage. A tomato is scoreable for worm damage when a worm has penetrated the flesh. Open holes which are clean, and no worm or other excreta are present, shall not be considered as worm damage.

NOTE: Authority cited: Sections 407 and 40761, Food and Agricultural Code. Reference: Sections 40531, 40781, 40811, 40812, 40813, 40961 and 41005, Food and Agricultural Code.

HISTORY

1. Editorial correction of NOTE (Register 82, No. 9).

§ 1332.2. Mold.

Any load of tomatoes which is offered for delivery to a canner shall be rejected and turned back to the grower if in excess of 8 percent, by weight, is affected by mold. A tomato is scoreable for mold when (a) mold has penetrated the wall of the tomato and is plainly visible on the inside of the wall of the tomato, or (b) mold has penetrated into the wall structure, but not through to the locule, and the mold has affected in its penetration enough of the volume of the wall of the tomato to make it necessary, as would be done in normal preparation for canning purposes, to remove more than 10 percent of the weight of the tomato. "Mold" as used in this section means there is present in the flesh of the tomato mycelium or mycelium and spores of any kind of mold fungus which has affected the tomato.

NOTE: Authority cited: Sections 407 and 40761, Food and Agricultural Code. Reference: Sections 40531, 40781, 40811, 40812, 40813, 40961 and 41005, Food and Agricultural Code.

HISTORY

- 1. Editorial correction of NOTE (Register 82, No. 9).
- 2. Amendment filed 5–15–84; effective thirtieth day thereafter (Register 84, No. 20).

§ 1332.3. Green.

Any load of tomatoes which is offered for delivery to a canner shall be rejected and turned back to the grower if in excess of 4 percent, by weight, is green. A tomato is scoreable for green when the external surface of the tomato is green, with no visible shade of red.

NOTE: Authority cited: Sections 407 and 40761, Food and Agricultural Code. Reference: Sections 40531, 40781, 40811, 40812, 40813, 40961 and 41005, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 4–30–79; effective thirtieth day thereafter (Register 79, No. 18).
- 2. Editorial correction of NOTE (Register 82, No. 9).

§ 1332.4. Material Other Than Tomatoes.

Any load of tomatoes which is offered for delivery to a canner shall be rejected and turned back to the grower if in excess of 3 percent of the delivery, by weight, contains material other than tomatoes. Material other than tomatoes includes extraneous material, dirt, and detached stems. NOTE: Authority cited: Sections 407 and 40761, Food and Agricultural Code. Reference: Sections 40531, 40781, 40811, 40812, 40813, 40961 and 41005, Food and Agricultural Code.

Page 103 (4-1-90)

HISTORY

1. Editorial correction of NOTE (Register 82, No. 9).

§ 1333. Certification of Non-Rejectable Categories.

- (a) Limited Use. A tomato is scoreable as "limited use" and the percentage recorded on the certificate, if:
- (1) It has a soft watery condition with more than 25 percent of the skin separated from the underlying flesh; or
 - (2) More than 50 percent of the tomato is soft and mushy; or
 - (3) The fruit is broken to the extent the seed locules are visible.
- (b) Seed Sprouts. A tomato is scoreable, and so indicated in the check box, when seed sprouts are present in most of the cells or a single sprout exceeds 5/16 inch (.8 centimeters) in length in any cell.

NOTE: Authority cited: Sections 407 and 40761, Food and Agricultural Code. Reference: Sections 40531, 40781, 40811, 40961 and 41005, Food and Agricultural Code.

HISTORY

1. Editorial correction of NOTE (Register 82, No. 9).

§ 1333.1. Soluble Solids.

The Director shall provide inspection for testing of soluble solids.

The Director shall record the percentage of soluble solids on the certificate. The determination shall not be cause for rejection.

The testing equipment shall be approved and provided by the Director. The refractometers shall be a hand type, temperature compensated with a 0 to 30 scale and/or a digital bench type, temperature compensated with at least a 0 to 30 scale. The Director will consider equipment recommendations of the Canning Tomato Advisory Committee.

The sample to be tested for soluble solids shall be collected in conjunction with or as a portion of the normal representative sample.

NOTE: Authority cited: Sections 407 and 40761, Food and Agricultural Code. Reference: Sections 40531, 40781, 40811, 40961 and 41005, Food and Agricultural Code.

HISTORY

New section filed 10–14–86; effective thirtieth day thereafter (Register 86, No. 42). For history of former Section, see Register 79, No. 18.

§ 1333.2. Gray Wall Recorded for Information Purposes.

The Director shall record on the certificate, and not be cause for rejection, the indication of gray wall if found during inspection.

"Gray wall" means dark brown or black discoloration of the vascular bundles in the wall of the tomato.

NOTE: Authority cited: Sections 407 and 40761, Food and Agricultural Code. Reference: Sections 40531, 40781, 40811, 40961 and 41005, Food and Agricultural Code.

HISTORY

- 1. Renumbering from 1333.1 to 1333.2 filed 4–30–79; effective thirtieth day thereafter (Register 79, No. 18).
- 2. Editorial correction of NOTE (Register 82, No. 9).

§ 1334. Delivery and Acceptance of Tomatoes.

No load of canning tomatoes shall be unloaded for canning purposes until a canning tomato inspector has inspected and issued a certificate of compliance as prescribed by regulation for the load.

NOTE: Authority cited: Sections 407 and 40761, Food and Agricultural Code. Reference: Sections 40811, 40812, 40813 and 40961, Food and Agricultural Code.

1. Editorial correction of NOTE (Register 82, No. 9).

§ 1335. Sampling.

Canning tomatoes shall be determined to be suitable or unsuitable for canning purposes, by the examination of the tomatoes in a representative sample. Each sample probe from a bin or bulk load or each sample taken with a bin sampler shall contain 50 pounds of tomatoes. Loads of canning tomatoes shall be sampled only at locations and with sampling equipment approved by the Director. The number of samples shall be as follows:

(a) Bins. The number of bins to be sampled shall be determined by the total number of bins in the load and shall be selected from various parts

of the load. Approximately one—half of the number of bins comprising the sample shall be bins located below the top layer of the load. The balance of sample bins may be from the top layer. One sample shall be taken from each bin selected, in accordance with the following:

Bins Number of Samples
Loads From: 1 to 60 4

For each additional twenty (20) bins or portion thereof, select one (1) additional bin.

(b) Bulk. The number of probes to be taken shall be determined by the total number of tons in the load. Approximately one-half of the probes comprising the sample shall be from the side of the bulk unit. The balance of probes may be from the middle of the bulk unit, in accordance with the following:

Tons Number of Probe
Loads From: 1 to 30 4

For each additional ten (10) tons or portion thereof, there shall be selected one (1) additional probe.

NOTE: Authority cited: Sections 407 and 40761, Food and Agricultural Code. Reference: Sections 40781, 40811, 40812, 40813, 40961 and 41005, Food and Agricultural Code.

HISTORY

1. Editorial correction of NOTE (Register 82, No. 9).

§ 1336. Delivery of Tomatoes onto Mechanized Grading Table.

- (a) The delivery of tomatoes onto the mechanized grading table shall be accomplished by the use of sample boxes furnished by the Director.
- (b) Each sample shall be dumped on the mechanized grading table by using a mechanical device which prohibits lateral movement of the sample box while it is being dumped. Each device shall be installed in such a manner that the sample is dumped with a minimum amount of vertical fall.
- (c) This section does not apply to mechanized grading tables installed at inspection stations prior to May 1, 1977.

NOTE: Authority cited: Sections 407 and 40761, Food and Agricultural Code. Reference: Sections 40781, 40811, 40814 and 41005, Food and Agricultural Code. HISTORY

1. Editorial correction of NOTE (Register 82, No. 9).

§ 1336.5. Delivery of Tomatoes onto Standard Grading Tables.

Tomatoes shall be sampled, placed in sample boxes, conveyed to, and dumped directly on the grading table. Sample boxes shall be furnished by the Director.

NOTE: Authority cited: Sections 407 and 40761, Food and Agricultural Code. Reference: Sections 40781, 40811, 40814, and 41005, Food and Agricultural Code.

HISTORY

- 1. New section filed 4–30–79; effective thirtieth day thereafter (Register 79, No. 18).
- 2. Editorial correction of NOTE (Register 82, No. 9).

§ 1337. Regrade.

An authorized inspector may elect to regrade a load of tomatoes.

If a regrade is performed, a complete new sample shall be taken, but from a different location of the same load. Not more than two inspections shall be made for any one load or lot and the results shall be averaged together. This average will then be considered the final inspection for the load or lot of tomatoes.

NOTE: Authority cited: Sections 407 and 40761, Food and Agricultural Code. Reference: Sections 40531, 40781, 40811, 40812, 40813, 40961 and 41005, Food and Agricultural Code.

HISTORY

1. Editorial correction of NOTE (Register 82, No. 9).

§ 1338. Percentage Chart.

When tomatoes are in sample boxes designed to hold 50 pounds of tomatoes: (1) the official "percentage chart" issued by Fruit and Vegetable Quality Control shall be used to determine the percent of defects; and (2) the boxes of tomatoes selected as a sample for the purpose of inspection and determining the percentage of defects shall be normally filled and shall be considered as holding 50 pounds of tomatoes.

Page 104 (4-1-90)

NOTE: Authority cited: Sections 407 and 40761, Food and Agricultural Code. Reference: Sections 40811, 40812, 40813, 40961 and 41005, Food and Agricultural Code.

HISTORY

1. Editorial correction of NOTE (Register 82, No. 9).

§ 1339. Adequate Facilities.

The Director shall review inspection stations for adequacy of facilities at least 60 days prior to start of tomato harvest. Prior to the remodeling or construction of an inspection station, the Director shall be provided with a general diagram of intended work and office area, type and quantity of inspection equipment, and an estimated load volume so the adequacy of facilities can be determined. The Director shall approve the inspection facility, if satisfied it complies with the regulations.

Safety and sanitation inspections by the Director are for the safety and health of employees working at the stations. Safety and sanitation standards do not preempt compliance with other regulations for occupational safety or public health.

NOTE: Authority cited: Sections 407 and 40761, Food and Agricultural Code. Reference: Sections 40814, 40871 and 41005, Food and Agricultural Code.

HISTORY

- 1. Editorial correction of NOTE (Register 82, No. 9).
- 2. Amendment filed 5–15–84; effective thirtieth day thereafter (Register 84, No. 20).

§ 1339.1. Minimum Load and Yard Requirements.

- (a) Inspection stations shall be designed to accommodate adequately through the inspection process six loads per hour for each grading table when staffed by inspection personnel grading all tomato samples delivered from sampling equipment.
- (b) Surface adjacent to each station shall be concrete, blacktop, or similar hard material. If bins of tomatoes are to be inspected, there shall be a level, firm surface adjacent to the traffic flow for operation of forklift equipment. If station operates at night, the yard shall have adequate lighting.
- (c) Stations shall have adequate yard space for trucks and parking to meet the operational requirements of this section.

NOTE: Authority cited: Sections 407 and 40761, Food and Agricultural Code. Reference: Sections 40814, 40871 and 41005, Food and Agricultural Code.

HISTORY

1. Editorial correction of NOTE (Register 82, No. 9).

§ 1339.2. Office and Inspection Area Floor Space.

- (a) Inspection station offices shall contain a minimum of 80 square feet of floor space, except stations designed for three (3) or more grading tables or one (1) or more mechanized grading tables shall contain a minimum of 120 square feet of office floor space.
- (b) Inspection area floor space shall conform to the following minimum requirements or their equivalents:
- $24' \times 20'$ for installation of two (2) regular grading tables or one (1) mechanized grading table.
 - 24' x 28' for installation of three (3) regular grading tables.
- $24' \times 36'$ for installation of four (4) regular grading tables or two (2) mechanized grading tables.

A minimum of eight (8) feet in width of floor space shall be required for each additional regular table and a minimum of twelve (12) feet in width for each additional mechanized grading table. Stations with special equipment needs shall provide adequate inspection area floor space to accommodate those needs.

A mechanized grading table is defined as that table designed by the University of California, Davis, including all additions.

(c) New stations or stations remodeled to comply with the provisions of this section shall be constructed with the office and inspection area floors not less than five (5) feet nor more than six (6) feet above ground level, except slab constructed stations shall be not less than three (3) feet nor more than six (6) feet above ground level.

Stations located inside a cannery may be floor level.

NOTE: Authority cited: Sections 407 and 40761, Food and Agricultural Code. Reference: Sections 40814, 40871 and 41005, Food and Agricultural Code.

HISTORY

1. Editorial correction of NOTE (Register 82, No. 9).

§ 1339.3. Equipment Requirements.

The Director shall approve the adequacy of each station's inspection equipment, which shall include but is not limited to the following:

- (a) Grading tables constructed in accordance with specification provided by the Director.
 - (b) Inspection area floor space shaded from direct sunlight.
- (c) Electrical outlets grounded and conveniently located for operation of inspection equipment.
- (d) Electricity adequate to operate all inspection equipment simultaneously.
- (e) A vacuum pump which will create in the blending container a vacuum of not less than 27 inches of mercury within 30 seconds from start of operation and maintain this vacuum for the duration of the blending operation.
 - (f) Provisions for water and adequate sink and counter space.
- (g) Equipment to obtain without undue delay a representative sample of tomatoes.
- (h) A drinking fountain with potable water located in the inspection station's office or inspection area floor space.

NOTE: Authority cited: Sections 407 and 40761, Food and Agricultural Code. Reference: Sections 40814, 40871 and 41005, Food and Agricultural Code.

HISTORY

1. Editorial correction of NOTE (Register 82, No. 9).

§ 1339.4. Sanitation and Safety.

Facilities needed for protecting food sanitation, to permit proper inspection and to provide for incidental health and safety shall be provided, and shall include but not be limited to the following:

- (a) Separate toilet facilities for men and women.
- (b) Toilet facilities shall be located in the inspection station building or within reasonable distance from inspection facilities.
- (c) Premises kept reasonably free from insects such as vinegar flies, house flies, and other flying pests.
- (d) Adequate facilities to eliminate standing liquids from station's office and inspection area floor space and around building.
 - (e) A closed system for removal of water-carried waste material.
 - (f) Floors shall be of non–skid material.
- (g) Floors and station premises and toilet facilities shall be maintained in a clean condition.
- (h) Waste material shall be removed at least once daily from beneath inspection area platform.
- (i) Area where tomatoes are spilled from sampling equipment shall be kept clean.
- (j) Conveying equipment for dispatch and return of all sample containers shall conform to the following:
- (1) Overhead return conveyors shall be a minimum of 6 feet above floor level;
- (2) Conveyors obstructing movement within work areas less than 6 feet above floor level shall be constructed with gates or stairs over conveyors;
- (3) Conveyors shall have side rails sufficient to prevent sample containers from falling.
 - (k) Hand rails shall be provided at all step and stairway locations.
- (1) Electrical outside wiring shall be installed underground or overhead.
- (m) Adequate fire extinguishers visibly located and readily accessible. Note: Authority cited: Sections 407 and 40761, Food and Agricultural Code. Reference: Sections 40814 and 41005, Food and Agricultural Code.

HISTORY

- 1. Editorial correction of NOTE (Register 82, No. 9).
- 2. Amendment filed 7–27–83; effective thirtieth day thereafter (Register 83, No. 31).

Page 105 (4-1-90)

§ 1339.5. Dumping and Drainage Facility.

- (a) Tomatoes shall not be dumped within 500 yards of inspection stations.
- (b) Truck trailers shall not be drained within 250 yards of stations unless emptied into a drainage facility approved by the director.

Examples of acceptable drainage facilities are:

- (1) city sewer systems,
- (2) paved pads with a large, closed holding tank buried in the ground, or
 - (3) an open ditch more than 250 yards from work site.

NOTE: Authority cited: Sections 407 and 40761, Food and Agricultural Code. Reference: Sections 40814 and 41005, Food and Agricultural Code.

HISTORY

- 1. Editorial correction of NOTE (Register 82, No. 9).
- 2. Amendment of subsection (b) filed 7-27-83; effective thirtieth day thereafter (Register 83, No. 31).

§ 1339.6. Inadequate Inspection Facilities.

If, after reviewing the submitted information, it is determined that the inspection station facilities are not adequate to inspect projected tomato tonnage, the Director shall take the following action:

- (a) Sixty days prior to commencement of inspection activity at a station, or as soon thereafter as practical, the station owner and appropriate processors will be advised in writing by the Director that adequate facilities are not provided.
- (b) If the station owner fails to provide adequate inspection facilities, the Director may disapprove the facility entirely or designate the maximum number of loads that will be allowed through the station for any 24-hour period.

NOTE: Authority cited: Sections 407 and 40761, Agricultural Code. Reference: Sections 40814, 40871 and 41005, Food and Agricultural Code.

HISTORY

1. Editorial correction of NOTE (Register 82, No. 9).

§ 1339.7. Inspection Stations Built After 1986.

All stations built after 1986, at which there will be a weighmaster shall be constructed to operate in the order of weighing first and grading second

NOTE: Authority cited: Sections 407 and 40761, Food and Agricultural Code. Reference: Sections 40811 and 40814, Food and Agricultural Code.

HISTORY

 New section filed 10–14–86; effective thirtieth day thereafter (Register 86, No. 42).

§ 1340. Station Deliveries.

Tomatoes shall not be delivered to any station for inspection by producers or processors in excess of the maximum number of loads designated by the Director.

NOTE: Authority cited: Sections 407 and 40761, Food and Agricultural Code. Reference: Sections 40814 and 41005, Food and Agricultural Code.

HISTORY

 Editorial correction of NOTE (Register 82, No. 9). For history of former section, see Register 71, No. 2.

§ 1340.1. Acreage and Load Information.

In order to determine whether inspection stations are adequate, the Director shall be provided each year with the following information:

- (a) Each processor shall provide, 75 days prior to commencement of inspection, the total tomato acreage to be harvested by or for that processor, and the estimated total acreage of tomatoes for inspection at each inspection station. The information shall be reported in tons, loads, or acres to be harvested.
- (b) Each processor shall provide in writing, prior to May 15 of each year, a list of inspection stations of intended use including names, addresses, and contract numbers of applicable producers who will have tomatoes inspected at each station. Any additions or deletions to the list shall be submitted promptly.

NOTE: Authority cited: Sections 407 and 40761, Food and Agricultural Code. Reference: Sections 40814, 40871 and 41005, Food and Agricultural Code.

HISTORY

 Editorial correction of NOTE (Register 82, No. 9). For history of former section, see Register 71, No. 2.

§ 1340.2. Daily Load Information.

Each processor shall provide load information for their company, by station, prior to 5:00 p.m. daily for the following day.

NOTE: Authority cited: Sections 407 and 40761, Food and Agricultural Code. Reference: Sections 40871 and 41005, Food and Agricultural Code.

HISTORY

 Editorial correction of NOTE (Register 82, No. 9). For history of former section, see Register 71, No. 2.

§ 1340.3. Consigning Loads to Alternate Locations.

The Director may designate alternate stations where tomatoes will be inspected if delays in inspection occur due to equipment breakdowns or lack of adequate facilities. The Director may announce to all parties of record affected by such action that truck loads of tomatoes will be directed to less congested stations if:

- (a) No unreasonable burden will be imposed upon station owners, processors, or producers, and
- (b) Tomatoes which are normally inspected at such station will not be hauled an unreasonable distance.

NOTE: Authority cited: Sections 407 and 40761, Food and Agricultural Code. Reference: Sections 40814, 40871 and 41005, Food and Agricultural Code.

HISTORY

1. Editorial correction of NOTE (Register 82, No. 9). For history of former section, see Register 71, No. 2.

§ 1340.4. Easement.

Inspection stations approved by the Director are for the purpose of enforcing the provisions of Division 16, Chapter 2, of the Food and Agricultural Code. No station owner or operator shall refuse entrance to the Director for enforcement purposes or to the public using the facilities. The Director may withdraw inspection at any station for any of the following reasons:

- (a) The station facilities fail to meet building, safety, or sanitation standards; or
- (b) Any other violation of law or regulations relating to operation of inspection stations; or
- (c) Inadequate tonnage of tomatoes to warrant continuation of inspection.

NOTE: Authority cited: Sections 407 and 40761, Food and Agricultural Code. Reference: Sections 40814, 40871 and 41005, Food and Agricultural Code.

HISTORY

1. Editorial correction of NOTE (Register 82, No. 9). For history of former section, see Register 71, No. 2.

§ 1341. Authority.

NOTE: Authority cited: Sections 407 and 40761, Food and Agricultural Code. Reference: Sections 40531, 40781, 40811, 40814, 40933 and 41005, Food and Agricultural Code.

HISTORY

- Editorial correction of NOTE (Register 82, No. 9). For history of former section, see Register 71, No. 2.
- 2. Section 1341 ordered repealed by OAL 10-14-86 (Register 86, No. 42).

§ 1341.1. Soluble Solids and Peelability Procedures.

NOTE: Authority cited: Sections 407 and 40761, Food and Agricultural Code. Reference: Sections 40531, 40781, 40811 and 41005, Food and Agricultural Code.

HISTORY

- 1. Editorial correction of NOTE (Register 82, No. 9). For history of former section, see Register 71, No. 2.
- 2. Amendment filed 7–27–83; effective thirtieth day thereafter (Register 83, No. 31)
- 3. Repealer filed 10-14-86; effective thirtieth day thereafter (Register 86, No. 42).

§ 1341.2. Peelable Tomatoes.

NOTE: Authority cited: Sections 407 and 40761, Food and Agricultural Code. Reference: Sections 40531, 40781, 40811 and 41005, Food and Agricultural Code.

HISTORY

1. Repealer and new section filed 4–30–79; effective thirtieth day thereafter (Register 79, No. 18). For history of former section, see Register 71, No. 2.

Page 106 (4-1-90)

- 2. Editorial correction to add subsection designation (a) (Register 79, No. 18).
- 3. Editorial correction of NOTE (Register 82, No. 9).
- 4. Repealer filed 7–27–83; effective thirtieth day thereafter (Register 83, No. 31).

§ 1341.3. Soluble Solids and Peelability Information.

NOTE: Authority cited: Sections 407 and 40761, Food and Agricultural Code. Reference: Sections 40531, 40781, 40811 and 41005, Food and Agricultural Code.

- 1. Amendment of subsection (c) filed 4–30–79; effective thirtieth day thereafter (Register 79, No. 18).
- 2. Editorial correction of NOTE (Register 82, No. 9).
- 3. Repealer filed 7-27-83; effective thirtieth day thereafter (Register 83, No. 31).

§ 1341.4. Soluble Solids Information.

NOTE: Authority cited: Sections 407 and 40761, Food and Agricultural Code. Reference: Sections 40531, 40781, 40811 and 41005, Food and Agricultural Code.

HISTORY

- 1. Editorial correction of NOTE (Register 82, No. 9).
- 2. Repealer filed 10-14-86; effective thirtieth day thereafter (Register 86, No. 42).

Subchapter 2. Dried Fruits and Nuts

HISTORY

- 1. Revision of section numbers of Group 2 filed 7–7–55; effective thirtieth day thereafter (Register 55, No. 10). For prior history, see Register 11, No. 8.
- 2. Amendment and renumbering of Group 2 (§§ 1340, 1340.1 through 1341.2) as Group 4 (§§ 1472.20 through 1472.25) filed 1–4–71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).

Subchapter 3. Eggs

(Originally Printed 2–7–48) Revision filed 7–7–55 Revision filed 2–9–72

§ 1351. Definitions—General Terms.

- (a) "Balut." Shell eggs from any species of fowl, removed from incubation after partial embryo development, intended for human consumption
 - (b) "Case." Quantity of 30 dozen eggs.
- (c) "Denature." Application of a substance which, by sight or smell, readily identifies an egg, or egg meat, as unfit for human consumption.
- (d) "Inedible." Any eggs of any of the following descriptions: black rots; yellow rots; white rots; mixed rots; sour eggs; green whites, stuck yolks; moldy eggs; and eggs showing embryo development at blood ring stage or beyond.
- (e) "Loss." Any egg classed as "inedible"; also eggs with contents leaking, frozen, cooked, contaminated or which contain bloody whites, large blood/meat spots, or other foreign matter.
- (f) "Lot." Any number of containers labeled with one size, grade, brand and code date and in one location.
- (g) "Origin." Standards applicable to eggs at the plant where graded and packed.
- (h) "Restricted eggs." Dirties, checks, leakers, loss, inedibles, and incubator rejects.

NOTE: Authority cited: Sections 14, 407 and 27531, Food and Agricultural Code. Reference: Sections 27521 and 27531, Food and Agricultural Code.

HISTORY

- 1. Repealer of Group 3 (Sections 1351–1360) and new Group 3 (Sections 1351–1358.6) filed 2–9–72; effective thirtieth day thereafter(Register 72, No. 7). For prior history, see Register 58, No. 4, and Register 63, No. 19.
- 2. Repealer of Group 3 (Sections 1351–1358.4) and new Group 3 (Sections 1351–1358.4, not consecutive) filed 1–24–83; effective thirtieth day thereafter (Register 83, No. 5). For prior history, see Registers 81, No. 15; 76, Nos. 50 and 38; 75, Nos. 43, 35, 29 and 18; 74, Nos. 46, 40 and 10; 73, No. 11; and 72, Nos. 53, 34 and 29.
- 3. Amendment filed 5-31-88; operative 6-30-88 (Register 88, No. 23).

§ 1351.2. Definition of Terms Descriptive of the Shell.

- (a) Clean. A shell that is free from adhering foreign material, visible stains or discolorations. A shell may be considered clean if it has only very small specks, stains, or cage marks, provided they are not of sufficient number or intensity to detract from the generally clean appearance of the egg. Eggs showing traces of processing oil on the shell are considered clean, unless otherwise soiled.
- (b) Dirty. An egg that is unbroken, with dirt or foreign material adhering to its surface, or has prominent stains, or moderate stains greater than permitted in B quality.
- (c) Check. An egg having a fractured shell, but with its membranes intact and not leaking.
- (d) Leaker. An egg having a break in the shell and membranes, with contents exuding or free to exude.

NOTE: Authority cited: Sections 407 and 27531, Food and Agricultural Code. Reference: Section 27531, Food and Agricultural Code.

§ 1351.4. Definition of Terms Descriptive of Air Cell.

- (a) Depth of air cell (air between the shell membranes). Air cell depth is a measurement from its top to bottom, when the egg is held air cell upward.
 - (b) Free air cell. An air cell that is mobile.
- (c) Bubbly air cell. A ruptured air cell resulting in small air bubbles in the albumen.

NOTE: Authority cited: Sections 407 and 27531, Food and Agricultural Code. Reference: Section 27531, Food and Agricultural Code.

§ 1351.6. Definition of Terms Descriptive of the White.

- (a) Clear. A white that is free of discoloration or suspended foreign matter.
- (b) Weak and watery. (B quality) A white lacking in viscosity, causing the yolk outline to appear dark and plainly visible when examined before a candling light.
- (c) Blood clots and spots (not due to germ development). These are blood clots or spots on the surface of the yolk or suspended in the white. If aggregating no more than 1/8 inch in diameter, the egg shall be classed as a C quality. If larger, or showing diffusion of blood in the white, the egg shall be classified as loss.
- (d) Bloody white. An egg with blood diffused through the white. Eggs with blood spots which show only slight diffusion into the white are not classed as bloody whites.

NOTE: Authority cited: Sections 407 and 27531, Food and Agricultural Code. Reference: Section 27531, Food and Agricultural Code.

§ 1351.8. Definition of Terms Descriptive of the Yolk.

- (a) Practically free of defects (AA-A quality). A yolk showing no germ development but may have slight defects on its surface.
- (b) Outline plainly visible (B quality). A yolk outline that is clearly visible as a dark shadow and may appear enlarged and flattened.
- (c) Serious defects (B quality). A yolk that shows well-developed spots or areas and other serious defects, such as olive yolks, which do not render the egg inedible.
- (d) Clearly visible germ development (B quality). A development of the germ spot on the yolk of a fertile egg, which is plainly visible as a definite circular area around the spot, with no blood in evidence.
- (e) Blood due to germ development. Blood caused by development of the germ in a fertile egg, visible as definite lines or as a blood ring. Such an egg is classified as inedible.

NOTE: Authority cited: Sections 407 and 27531, Food and Agricultural Code. Reference: Section 27531, Food and Agricultural Code.

§ 1352. California Standards of Quality for Individual Shell Eggs.

(a) General. California standards of quality for individual shell eggs are applicable only to eggs that are a product of domesticated chickens. Except as provided in Section 1356.2, no eggs lower than Grade B shall be sold for human consumption.

Interior quality is based on the apparent condition of the egg contents when examined before a candling light. Any type candling light may be

Page 107 (4-1-90)

used which will enable the grader to make an accurate determination of the grading factors affecting egg quality.

- (b) AA Quality. The shell must be clean and unbroken. The air cell is limited to a 1/8 inch depth at origin, 3/16 inch at destination, and may be free and bubbly. The white must be clear and the yolk practically free of apparent defects.
- (c) A Quality. The shell must be clean and unbroken. The air cell is limited to a 3/16—inch depth at origin, 1/4 inch at destination, and may be free and bubbly. The white must be clear and the yolk practically free of apparent defects.
- (d) B Quality. The shell must be unbroken and may have unlimited slight stains. Moderately stained areas are permitted if they cover no more than 1/32 of the shell surface, when localized, or 1/16 of the shell surface if scattered. Eggs having shells with prominent stains or adhering dirt are not permitted. The air cell depth may not exceed 3/8 inch, may show unlimited movement and be free and bubbly. The white may be weak and watery and the yolk outline plainly visible. The yolk may appear dark, enlarged and flattened, and with clearly visible germ development, but no blood due to such development. It may show other serious defects which do not render the egg inedible.
- (e) C Quality. An egg having an air cell over 3/8 inch in depth or small blood spots or clots aggregating no more than 1/8 inch in diameter. Note: Authority cited: Sections 407 and 27531, Food and Agricultural Code. Ref-

erence: Sections 27531 and 27651, Food and Agricultural Code.

§ 1352.2. Exempt Eggs.

- (a) Eggs in the shell are exempt from standards established by these regulations when being transported:
- (1) From a location which does not have proper or adequate facilities for grading or reconditioning to a shell egg grading plant which does.
 - (2) To first point of grading.

NOTE: Authority cited: Sections 407 and 27531, Food and Agricultural Code. Reference: Section 27531, Food and Agricultural Code.

§ 1353. Grade Tolerances.

- (a) Grade AA (origin) shall consist of eggs which are at least 85 percent AA quality; a tolerance of 15 percent below AA quality is permitted and may consist of A and B quality in any combination; no more than 5 percent (7 percent for Jumbo size) checks is permitted; and no more than 1 percent C quality or more than 0.5 percent leakers, dirties or loss (due to meat or blood spots) in any combination is permitted. Other types of loss are not permitted.
- (b) Grade AA (destination) shall consist of eggs which are at least 80 percent AA quality; a tolerance of 20 percent below AA quality is permitted and may consist of A or B quality in any combination; no more than 7 percent (9 percent for Jumbo size) checks is permitted; and no more than 1 percent C quality or more than 1 percent leakers, dirties or loss (due to meat or blood spots) in any combination is permitted, except that such loss may not exceed 0.5 percent. Other types of loss are not permitted.
- (c) Grade A (origin) shall consist of eggs which are at least 85 percent A quality; a tolerance of 15 percent below A quality is permitted and may consist of B quality; no more than 5 percent (7 percent for Jumbo size) checks is permitted; and no more than 1 percent C quality or more than 0.5 percent leakers, dirties or loss (due to meat or blood spots) in any combination is permitted. Other types of loss are not permitted.
- (d) Grade A (destination) shall consist of eggs which are at least 80 percent A quality; a tolerance of 20 percent below A quality is permitted and may consist of B quality; no more than 7 percent (9 percent for Jumbo size) checks is permitted; and no more than 1 percent C quality or more than 1 percent leakers, dirties or loss (due to meat or blood spots) in any combination is permitted, except that such loss may not exceed 0.5 percent. Other types of loss are not permitted.
- (e) Grade B (origin) shall consist of eggs which are at least 85 percent B quality; a tolerance of 15 percent below B quality is permitted and may

consist of C quality; no more than 10 percent checks or more than 0.5 percent leakers, dirties or loss (due to meat or blood spots) in any combination is permitted. Other types of loss are not permitted.

- (f) Grade B (destination) shall consist of eggs which are at least 80 percent B quality; a tolerance of 20 percent below B quality is permitted and may consist of C quality; no more than 10 percent checks or more than 1 percent leakers, dirties or loss (due to meat or blood spots) in any combination is permitted, except that such loss may not exceed 0.5 percent. Other types of loss are not permitted.
- (g) Additional Tolerance: No lot shall be rejected due to a single loss or dirty egg.

NOTE: Authority cited: Sections 407 and 27531, Food and Agricultural Code. Reference: Section 27531, Food and Agricultural Code.

§ 1353.2. Summary of Grades for Shell Eggs.

TABLE I ORIGIN GRADES

		O.M.O.L. O.L.D.		
	Quality	Toleran	ice Permitted	
	Required	Percent	Quality	
Grade AA	85% AA	15%	A, B.	
		Within this 15%		
		5%	Checks, (7% Jumbos)	
	•	1%	C.	
		.5%	Leakers, dirties or	
			loss (due to blood or	
			meat spots).*	
Grade A	85% A or better	15%	В.	
0.400.11	30 % It of better	Within this 15%	2.	
		5%	Checks, (7% Jumbos)	
		1%	C.	
		.5%	Leakers, dirties or	
			loss (due to blood or	
			mest spots).*	
Grade B	85% B or better	15%	C.	
Grade D	oo a b or better	Within this 15%	٠.	
		10%	Checks.	
		.5%	Leakers, dirties or	
		.0 70	loss (due to blood or	
			meat spots).*	

*No lot shall be rejected due to a single loss or dirty egg.

TABLE II DESTINATION GRADES

	Quality	Tolerance Permitted	
	Required	Percent	Quality
Grade AA	80% AA	20%	A, B.
	*	Within this 20%	•
		7%	Checks, (9% Jumbos)
	,	1%	C.
	•	1%	Leakers, dirties or loss (of this 1% not over .5% loss due to
			blood or meat spots).*
Grade A	80% A or better	20%	В.
		Within this 20%	
		7%	Checks, (9% Jumbos)
		1%	C.
		1%	Leakers, dirties or loss (of this 1% not over 5% loss due to
			blood or meat spots).*
Grade B	80% B or better	20%	C.
		Within this 20%	
		10%	Checks.
,		1%	Leakers, dirties or loss (of this 1% not over .5% loss due to blood or meat spots).*

*No lot shall be rejected due to a single loss or dirty egg.

NOTE: Authority cited: Sections 407 and 27531, Food and Agricultural Code. Reference: Sections 27531 and 27651, Food and Agricultural Code.

§ 1353.4. Size Standards for Individual Shell Eggs.

The shell egg size standards for consumer grades are indicated in the following table. Tolerance for individual eggs at the next lower size is 4 percent.

Page 108 (4-1-90)

Size or			
Weight Class	Grams	Grains	Ounces
Jumbo	68.51	1,057	2 5/12
Extra Large	61.42	948	2 1/6
Large	54.34	839	1 11/12
Medium	47.25	729	1 2/3
Small	40.16	620	1 5/12
Peewee		No minimum	

NOTE: Authority cited: Sections 407 and 27531, Food and Agricultural Code. Reference: Sections 27531 and 27651, Food and Agricultural Code.

§ 1353.6. Egg Sample Schedule.

When Size Of Lot Is:	Minimum Sample Is:
50 eggs or less	all eggs
51 eggs to less than 1 case	50 eggs
1 case	100 eggs
more than 1 to 10 cases	100 eggs from each of 2 cases
more than 10 to 25 cases	100 eggs from each of 3 cases
more than 25 to 50 cases	100 eggs from each of 4 cases
more than 50 to 100 cases	100 eggs from each of 5 cases
more than 100 to 200 cases	100 eggs from each of 8 cases
more than 200 to 300 cases	100 eggs from each of 11 cases
more than 300 to 400 cases	100 eggs from each of 13 cases
more than 400 to 500 cases	100 eggs from each of 14 cases
more than 500 to 600 cases	100 eggs from each of 16 cases

For each additional 50 cases, or fraction thereof, in excess of 600 cases, draw one additional 100-egg sample.

NOTE: Authority cited: Sections 407 and 27531, Food and Agricultural Code. Reference: Sections 27531, 27591 and 27611, Food and Agricultural Code.

§ 1354. Marking Requirements.

(a) Grade and Size Designation. Each container or subcontainer of shell eggs shall be marked with name, address and zip code of the person by or for whom the eggs were graded and packed, and the unabbreviated designation of one of the following sizes and grades:

Size		Grade
Jumbo	Medium	Grade AA
Extra Large	Small	Grade A
Large	Peewee	Grade B

Only one size and grade shall appear upon a container, subcontainer or placard. Size and grade shall be plainly marked in letters not less than 1/4 inch in height, as follows:

- (1) Containers holding three dozen or less, on the outside top face.
- (2) Containers holding more than three dozen, on one outside top, side or end, except that oblong containers shall be marked on one outside end.
- (b) Price Advertising. Any advertisement, sign or placard, which indicates the price of eggs for sale, must also use the full designation of size and grade.
 - (c) Superlative and Brand Names.
- (1) Superlative descriptions or other amplification of grade or size are not permitted on containers. Prohibited words related to grade include, but are not limited to: "fancy," "select," "premium," and "superior." Prohibited words related to size include, but are not limited to: "oversize," and "giant."
- (2) Brand names on consumer size containers which use a superlative term shall be separated from the size and grade designation in a style of lettering which makes it obvious that the brand name is not related nor intended to be read in conjunction with size or grade designation. Additionally, each such brand name shall be followed immediately by the word "brand" in letters at least one-half the size of letters or figures used in the brand name, and in the same color, style, and prominence.
 - (d) Descriptive Terms.
- (1) Descriptive terms, such as "polyunsaturated," "plus polyunsaturates," "higher in iodine," "flavored with iron" or other wording, indicating a quality or ingredient different than found in a normally produced egg, may not appear in labeling unless approved by the department. Information concerning the altered constituent(s) must be submitted to the department, describing the method used to create and verify the change. If determined that a statistically significant difference exists, relative to the descriptive term used, and provided the term is not judged misleading, permission may be granted for its use.

- (2) Terms such as "organic" and "organically produced" or similar description relating to production, qualities, nature of the product or other descriptive terms, if determined by the department not to be misleading or deceptive, may be used.
- (e) Shell eggs packed in California in consumer size containers exclusively for out-of-state sales are exempt from the prohibitions of (c) above

NOTE: Authority cited: Sections 407, 27531 and 46002, Food and Agricultural Code. Reference: Section 27631, Food and Agricultural Code.

HISTORY

1. Amendment of subsection (d)(2) and Note filed 6–14–2000; operative 7–14–2000 (Register 2000, No. 24).

§ 1354.2. Markings Not Required.

- (a) Size, grade, name and address markings are not required on containers or subcontainers of eggs in any of the following situations:
- (1) If sold at retail from a properly marked bulk display and packaged in the presence of the purchaser.
 - (2) If packed for shipment or in transit to points outside the state.
- (3) If sold to household consumers without advertising by the producer on the premises where produced, from a flock of 500 hens or less.
- (4) If being delivered from outside the state to dealers for candling and grading.
- (5) If being delivered to, or are in possession of, a dealer for candling and grading, or being delivered, stored or removed from cold storage.
- (6) If packed for sale to the military forces of the United States, labeled with one of the United States Department of Agriculture grades.

NOTE: Authority cited: Sections 407 and 27531, Food and Agricultural Code. Reference: Section 27531, Food and Agricultural Code.

§ 1355. Seized and Held Lots.

- (a) Any eggs and their containers which are prepared, packed, stored, delivered for shipment, delivered for sale, loaded, shipped, transported, or sold in violation of any provision of these regulations, are a public nuisance.
- (b) The enforcement officer may affix a warning tag or notice to the eggs and their containers which are a public nuisance and may give notice of such violation to the producer, packer, or owner, or other person in possession of the eggs.
- (c) If the person notified refuses or fails within a reasonable time specified by the enforcement officer to commence to bring the eggs and their containers into compliance with these regulations, the eggs and their containers may be seized by any enforcement officer.

NOTE: Authority cited: Sections 407, 27531 and 27592, Food and Agricultural Code. Reference: Sections 27531, 27591, 27592 and 27640, Food and Agricultural Code.

§ 1356. Special Requirements.

- (a) Shell eggs which are labeled as containing a distinguishing quality or condition, in addition to meeting size and grade standards are subject to the following requirements:
- (1) "Fertile Eggs." To be labeled or advertised as fertile, the eggs must be at least 85 percent fertile, as determined by candling, break—out, or incubation.
- (2) "Polyunsaturates." To be labeled or advertised as containing an amount of polyunsaturated fatty-acid greater than the average egg, at least 2.0 grams of polyunsaturated fatty-acid in 100 grams of the edible portion must be evidenced by laboratory analysis performed by the department.
- (b) "Balut." Records shall be maintained on eggs incubated for this purpose at the time they are placed in an incubator. These eggs are exempt from the standards and marking requirements for grade and size. They must be labeled with (1) species of fowl from which the eggs came, followed by "Embryos" in letters 1/2 inch high, (2) the words "incubated fertile eggs" in letters no less than 1/4 inch high, and (3) the name and address of the producer.

NOTE: Authority cited: Sections 407 and 27531, Food and Agricultural Code. Reference: Sections 27531 and 27637, Food and Agricultural Code.

§ 1356.2. Restricted Eggs.

Eggs classed as "restricted eggs" are exempt from the size and quality standards for consumer grade eggs except as provided in the tolerances, if any, for undergrade eggs.

Restricted eggs may be sold directly to consumers only as follows: by a shell egg producer from his own flock's production, at the site of production or segregation, or at secondary locations operated by the producer–packer for the primary purpose of shell egg retail sales; by a shell egg packer at the grading station where grading or segregation occurred.

Special provisions described below place restrictions upon the sale, processing, movement, distribution and uses of restricted eggs.

Any product segregated into the several restricted egg categories must bear legible and conspicuous labeling of its quality on the carton, case, rack or pallet, as applicable. Name, address and zip code of the packer is required for shipment, but need not appear on the label if it appears elsewhere on the packing medium described above.

- (a) Product for Human Consumption.
- (1) Checks—direct sales to consumers. Checked eggs may be sold directly to a consumer for exclusive use by his household and nonpaying guests, in quantities not to exceed 30 dozen per sale. Eggs labeled "checks" may not exceed 1 percent dirties, leakers and loss (due to meat or blood spots), except that loss may not exceed 0.5 percent.
- (2) Checks—sales to breaking plants. Checked eggs may be sold in bulk and transported only for processing into an egg product at a USDA inspected egg product plant. Labeling shall include the statement "For Processing Only in an Official USDA Egg Product Plant." For this purpose a tolerance of 5 percent leakers and 1 percent other loss or dirties is permitted.
- (3) Dirties—direct sales to consumers. Dirty eggs may be sold directly to a consumer for exclusive use by his household and nonpaying guests, in quantities not to exceed 30 dozen per sale. Eggs labeled "dirty" may not exceed 10 percent checks and 1 percent leakers and loss (due to meat or blood spots), except that loss may not exceed 0.5 percent.
- (4) Dirties—sales to breaking plants. Dirty eggs may be sold in bulk and transported only for processing into an egg product at a USDA inspected egg product plant. Labeling shall include the statement "For Processing Only in an Official USDA Egg Product Plant." Eggs so labeled may not exceed 10 percent checks or 1 percent loss.
- (5) Dirties—transported for cleaning. Dirty eggs may be transported to another facility and location for the purpose of cleaning.
- (6) Checks and Dirties—direct sales to consumers. Checked and dirty eggs may be sold directly to a consumer for exclusive use by his household and nonpaying guests, in quantities not to exceed 30 dozen per sale. Eggs labeled "checks and dirties" may not exceed 1 percent leakers and loss (due to meat or blood spots), except that loss may not exceed 0.5 percent.
- (7) Checks and Dirties—sales to breaking plants. Checked and dirty eggs may be sold in bulk and transported only for processing into an egg product at a USDA inspected egg product plant. Labeling shall include the statement "For Processing Only in an Official USDA Egg Products Plant." For this purpose a tolerance of 5 percent leakers and 1 percent other loss is permitted.
- (8) Bloods—sales to breaking plants. Eggs containing large blood or meat spots with only slight diffusion, if any, into the egg white, and when labeled "Spots" or "Light Bloods," may be sold and transported without denaturation to a USDA inspected egg product plant for processing as an egg product. Labeling must include the statement "For Processing Only in an Official USDA Egg Products Plant." No other type loss is permitted for this product.
- (b) Product Unfit for Use as Human Food. Leakers, loss and inedible eggs must be rendered unfit for human food purposes at point of segregation by one of the following methods:
- (1) Processed into animal food—in shell form. Sale and transportation of loss eggs for animal food purposes are permitted when denatured by

- application of dye to the shell and the following statement included in the label: "Restricted Eggs—Not To Be Used As Human Food."
- (2) Processed into animal food—liquid form. Sale and transportation of loss eggs in liquid form for animal food purposes is permitted when denatured and the following statement is included in the label: "Restricted Eggs—Not To Be Used As Human Food." When shipped and received under USDA supervision the product need not be denatured.
- (3) Processed into industrial product. Inedible eggs in liquid form may be processed into an industrial product at the grading station. If transported from the plant, the product must be denatured and the following statement included in the labeling: "Inedible Egg Product—Not To Be Used As Human Food."
- (4) Destroyed. Any form of restricted eggs other than incubator rejects may be disposed of by intermingling with refuse and discarded.
- (c) Incubator Rejects. Eggs which have been subjected to incubation may not be moved in shell form, but must be crushed and denatured upon removal from incubation. If transported from the hatchery the product must be labeled: "Inedible Egg Product—Not To Be Used As Human Food."

NOTE: Authority cited: Sections 407, 27531 and 27642, Food and Agricultural Code. Reference: Sections 27531 and 27642, Food and Agricultural Code.

§ 1357. Registered Brands.

- (a) Brand Registration and Container Regulation Requirements. Any certification of registration granted pursuant to this regulation and Section 27661 of the Food and Agricultural Code, shall be valid until cancelled by the department.
- (b) Registered Brand—Change of Ownership. A person who acquires by purchase or other lawful means, egg master containers, other than corrugated fiber, with a registered brand, shall notify the department and submit evidence which supports the transaction. Such notice constitutes transfer of the brand and container ownership.
- (c) Brand Alterations. To obliterate, erase, cover-up, remove or conceal any registered brand, other than his own, without first notifying the department and receiving approval, is prohibited.
- (d) Licensed Container Exchange Operators. Licenses issued to persons engaged in the container exchange business for master containers of eggs shall be valid until suspended or revoked by the department.
- (e) Court Proceeding—Registered Container. Upon representation of any interested party, the department may institute proceedings in any court of competent jurisdiction to recover for the owner any container which is marked with a brand that is registered pursuant to this section. Whenever the department prevails in such an action, it shall ask the court to assess costs against the party found to have been in unlawful possession of the containers.

NOTE: Authority cited: Sections 407 and 27531, Food and Agricultural Code. Reference: Sections 27631, 27641 and 27661–27669, Food and Agricultural Code.

HISTORY

Amendment of section and Note filed 6–14–2000; operative 7–14–2000 (Register 2000, No. 24).

§ 1358. Inspection Fees.

- (a) The mill fee shall be due and payable after close of each reporting period, and becomes delinquent at the close of the next reporting period thereafter.
- (b) Reporting Periods. Reporting periods shall be four-week periods beginning July 1 through June 30, with the first reporting period ending on the fourth Saturday of July of each year.
- (c) Advance Payment. A handler who provides information satisfactory to the department, indicating the handler's estimated annual mill fee liability, may pay that amount in advance. Such advance payment shall cover the period from July 1 through June 30, whereupon the handler shall report actual mill fee liability and a recapitulation will be made. A refund will be made in case of overpayment, or the balance, if any, may be applied to the next year's estimate. In the event of underpayment, the mill fee shall become due and payable on June 30, and becomes delin-

quent after close of the first reporting period of each fiscal year. Any handler, choosing not to make an estimated advance deposit, as described above, shall submit the fee at the end of each four—week reporting period.

(d) Penalties shall be charged for each delinquent report and payments as follows: A penalty of ten percent (10%) for the first delinquent reporting period and two percent (2%) of the unpaid balance compounded at the close of each subsequent reporting period for all delinquent mill fee reports and payments until payment has been received. The above penalties apply to all reports and payments due after the effective date of this subsection.

NOTE: Authority cited: Sections 407, 27531 and 27553, Food and Agricultural Code. Reference: Sections 27551 and 27631, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 3–4–85; effective thirtieth day thereafter (Register 85, No. 10).
- 2. Amendment filed 5-31-88; operative 6-30-88 (Register 88, No. 23).
- 3. Amendment of subsection (c) and NoTE filed 6–14–2000; operative 7–14–2000 (Register 2000, No. 24).

§ 1358.2. Fee Exemption.

- (a) Any handler providing satisfactory information that the handler owes no mill fee for any fiscal year, and anticipates no mill fee liability to be incurred, may be exempted by the department from filing a mill fee report. Should the handler later make sales requiring payment during the fiscal year, the handler shall file a report pursuant to Section 1358(a) or 1358(c), as applicable.
- (b) The department may require special or periodic reports from any handler pursuant to this section and may require a statement in such detail as the department deems necessary to support the payment or exemption. The department may require the report to be made, or confirmed, under penalty of perjury.

NOTE: Authority cited: Sections 407, 27531 and 27553, Food and Agricultural Code. Reference: Sections 27551 and 27631, Food and Agricultural Code.

History

- 1. Amendment filed 5-31-88; operative 6-30-88 (Register 88, No. 23).
- Amendment of section and Note filed 6–14–2000; operative 7–14–2000 (Register 2000, No. 24).

§ 1358.4. Records/Invoices.

- (a) Each egg handler shall maintain business records of egg transactions for three years, subject to audit by the department. The records shall indicate the date, egg quality and quantity, and identity of purchaser and seller. For small quantities of restricted eggs sold by egg handlers directly to consumers under provisions of Section 1356.2, or incidental sales of consumer grade eggs, the name of purchaser is not required.
- (b) An invoice on egg sales shall be furnished to the purchaser, stating the seller's name and address, quantity, size and grade or quality of the eggs. Exempt from this requirement are eggs which are:
 - (1) Sold or delivered by a producer for candling and grading.
 - (2) Sold at retail.
- (3) Sold by an egg handler from the handler's own production directly to a consumer on the premises where produced.

NOTE: Authority cited: Sections 407 and 27531, Food and Agricultural Code. Reference: Sections 27631, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 5-31-88; operative 6-30-88 (Register 88, No. 23).
- Amendment of subsection (a) and Note filed 6-14-2000; operative 7-14-2000 (Register 2000, No. 24).

§ 1358.5. Eggs, Procedures to Ascertain Ambient Air Temperature.

Air flow temperature of egg transport vehicles and ambient room temperatures of storage rooms, retail outlets, and display units located in packing plants or distribution facilities shall be ascertained at least quarterly in accordance with this section.

(a) Ambient or air flow temperature shall be determined by use of a thermometer having a temperature gradation one-half Celsius (one degree Fahrenheit) and have an accuracy of plus or minus one degree Celsius (two degrees Fahrenheit).

- (b) Prior to taking an initial temperature reading, the thermometer shall be brought to equilibrium within the location being inspected.
- (c) When a location is determined to be in violation, each temperature reading taken and the location within the enclosure where the temperature is taken shall be recorded. The cooler or vehicle shall be clearly identified.
- (d) If a transport vehicle is equipped with a thermometer that has been verified for accuracy, an enforcing officer may use the thermometer to determine compliance with temperature requirements. If a transport vehicle is not equipped with a thermometer, an enforcing officer shall utilize an accurate thermometer and two temperature readings shall be taken. When a unit is accessible, the readings shall be taken in the air flow discharge at the refrigeration unit, one reading on the right side of the unit and one reading on the left side of the unit. The vehicle shall be accepted or rejected on the basis of the mean average of such readings. If the refrigeration unit is not accessible, the readings shall be taken in the air flow as near as possible to the refrigeration unit in a manner consistent with the foregoing instructions. If the mean average air flow temperature is more than 7 degrees Celsius (45 degrees Fahrenheit), the handler may unload the vehicle to make the refrigeration unit accessible for two additional temperature readings which shall be mean averaged to determine the basis for accepting or rejecting the vehicle.

(e) Mean Average.

The "mean average" is calculated by dividing the number of samples into the sum of all temperatures taken.

- (f) If a cooler is equipped with a thermometer that has been verified for accuracy, an enforcing officer may use the thermometer to determine compliance with temperature requirements. If a cooler is not equipped with a thermometer an enforcing officer shall utilize an accurate thermometer, and five temperature readings shall be taken in the storage room(s) or display unit(s). The readings shall be taken approximately 4 to 5 feet from the floor, and as far from warm eggs as feasible. The readings shall be taken away from doorways and the refrigeration unit's air flow at separate locations. The readings shall be mean averaged to determine compliance.
 - (g) Compliance Time Period.
 - (1) Storage Rooms and Display Units.

Locations in which eggs are placed or stored and which are found to have a mean average ambient air temperature above 7 degrees Celsius (45 degrees Fahrenheit) shall be brought into compliance within 24 hours from the time of rejection. If compliance cannot be accomplished within such time, the eggs shall be removed and placed in a transport vehicle or storage facility which complies with temperature requirements of 7 degrees Celsius (45 degrees Fahrenheit) or below.

(2) Transport Vehicles.

- A transport vehicle in which eggs are placed for shipment or storage and which is found to have the refrigeration unit discharging a mean average air flow temperature above 7 degrees Celsius (45 degrees Fahrenheit), the unit shall be brought into compliance within four hours from the time of rejection. If compliance cannot be accomplished within such time, the transport vehicle shall not be used, and the eggs shall be removed and placed in a transport vehicle or storage facility which is in compliance.
- (3) If a transport vehicle, store room, or display unit is found to be in noncompliance and is to be used for transporting or storing eggs, the responsible party shall repair the refrigeration unit and submit a copy of the repair tag to the enforcing officer. The repair tag shall include:
- i. The name, address and telephone number of the person or company that made the repairs.
 - ii. The date and time of repair.
- iii. The refrigeration unit's delivery temperature taken by the repair person, following the unit's repair.

Unless otherwise instructed by the enforcing officer, the responsible party may place the store room, display unit, or transport vehicle back in use upon repair and submission of the repair tag. The tag may be submitted by facsimile. Upon receipt of the repair tag, the enforcing officer

may approve the continued use verbally, in writing or by facsimile. If approval is made verbally, the enforcing officer shall record the time, date and name of the person to whom approval was given.

(h) Tolerance.

A tolerance of one degree Celsius (two degrees Fahrenheit) shall be allowed.

(i) Good Faith Effort.

Enforcing officers shall take into consideration refrigeration efforts of an industry egg handler or transporter when determining whether to initiate any legal proceedings.

NOTE: Authority cited: Sections 407 and 27531, Food and Agricultural Code. Reference: Sections 27631, 27641 and 27643, Food and Agricultural Code.

HISTORY

1. New section filed 9-27-2000; operative 10-27-2000 (Register 2000, No. 39).

Subchapter 4. Fresh Fruits, Nuts and Vegetables

(Originally Printed 7-25-45)

Article 1. Markings

§ 1359. General Provisions for Markings on Containers.

In addition to the markings required by this Subchapter, containers of fruits, nuts, and vegetables shall be marked in accordance with Title 4, Division 9, Chapter 10, Article 2, Section 4510 of the California Code of Regulations.

NOTE: Authority cited: Sections 407, 42681 and 42682, Food and Agricultural Code. Reference: Sections 42941, 42943 and 42944, Food and Agricultural Code; and CCR, Title 4, Division 9, Chapter 10, Article 2, Section 4510.

HISTORY

- 1. New section filed 4–30–75; designated effective 6–1–75 (Register 75, No. 18). For prior history of former Group 4 (sections 1377.5–1472.9), see Register 55, No. 10; Register 58, No. 4; Register 59, No. 12; Register 67, No. 23; Register 71, No. 2; Register 71, No. 22; Register 71, No. 24; Register 72, No. 12; Register 73, No. 15; Register 74, No. 27 and Register 75, No. 4.
- 2. Repealer and new section and amendment of Note filed 5–4–2001 as an emergency; operative 5–4–2001 (Register 2001, No. 18). A Certificate of Compliance must be transmitted to OAL by 9–4–2001 or emergency language will be repealed by operation of law on the following day.
- 3. Reinstatement of section as it existed prior to 5–4–2001 emergency action by operation of Government Code section 11346.1(f) (Register 2001, No. 48).
- 4. Repealer and new section and amendment of Note filed 11-28-2001; operative 12-28-2001 (Register 2001, No. 48).
- 5. Editorial correction amending HISTORY 1 (Register 2004, No. 35).

§ 1359.1. Time Table for Marking Provisions.

NOTE: Authority cited: Sections 407, 42681 and 42682, Food and Agricultural Code. Reference: Sections 42941, 42943 and 42944, Food and Agricultural Code.

HISTORY

- 1. New section filed 4–30–75; designated effective 6–1–75 (Register 75, No. 18).
- Repealer of section and amendment of NOTE filed 5-4-2001 as an emergency; operative 5-4-2001 (Register 2001, No. 18). A Certificate of Compliance must be transmitted to OAL by 9-4-2001 or emergency language will be repealed by operation of law on the following day.
- 3. Reinstatement of section as it existed prior to 5-4-2001 emergency action by operation of Government Code section 11346.1(f) (Register 2001, No. 48).
- Repealer of section and amendment of NoTE filed 11-28-2001; operative 12-28-2001 (Register 2001, No. 48).

§ 1360. Location.

NOTE: Authority cited: Sections 407, 42681 and 42682, Food and Agricultural Code. Reference: Sections 42941, 42943 and 42944, Food and Agricultural Code.

HISTORY

- 1. New section filed 4–30–75; designated effective 6–1–75 (Register 75, No. 18).
- Repealer of section and amendment of Note filed 5-4-2001 as an emergency; operative 5-4-2001 (Register 2001, No. 18). A Certificate of Compliance must be transmitted to OAL by 9-4-2001 or emergency language will be repealed by operation of law on the following day.
- 3. Reinstatement of section as it existed prior to 5–4–2001 emergency action by operation of Government Code section 11346.1(f) (Register 2001, No. 48).

4. Repealer of section and amendment of Note filed 11–28–2001; operative 12–28–2001 (Register 2001, No. 48).

§ 1361. Package and Container: Definitions for Fresh Fruits, Nuts, and Vegetables.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Sections 42941 and 42943, Food and Agricultural Code.

HISTORY

- 1. New section filed 4–30–75; designated effective 6–1–75 (Register 75, No. 18).
- 2. Amendment of subsection (d) filed 11–28–84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 48).
- 3. Amendment of subsection (d) filed 1-22-86; effective thirtieth day thereafter (Register 86, No. 4).
- 4. Repealer filed 5–4–2001 as an emergency; operative 5–4–2001 (Register 2001, No. 18). A Certificate of Compliance must be transmitted to OAL by 9–4–2001 or emergency language will be repealed by operation of law on the following day.
- 5. Reinstatement of section as it existed prior to 5-4-2001 emergency action by operation of Government Code section 11346.1(f) (Register 2001, No. 48).
- 6. Repealer filed 11-28-2001; operative 12-28-2001 (Register 2001, No. 48).

§ 1362. Abbreviations.

NOTE: Authority cited: Sections 407, 42681 and 42682, Food and Agricultural Code. Reference: Sections 42941, 42943 and 42944, Food and Agricultural Code.

HISTORY

- 1. New section filed 4-30-75; designated effective 6-1-75 (Register 75, No. 18).
- Repealer of section and amendment of Note filed 5-4-2001 as an emergency; operative 5-4-2001 (Register 2001, No. 18). A Certificate of Compliance must be transmitted to OAL by 9-4-2001 or emergency language will be repealed by operation of law on the following day.
- 3. Reinstatement of section as it existed prior to 5–4–2001 emergency action by operation of Government Code section 11346.1(f) (Register 2001, No. 48).
- 4. Repealer of section and amendment of NOTE filed 11–28–2001; operative 12–28–2001 (Register 2001, No. 48).

§ 1363. Minimum Height of Numbers and Letters for Quantity and Grade Declarations.

NOTE: Authority cited: Sections 407, 42681 and 42682, Food and Agricultural Code. Reference: Sections 42941, 42943 and 42944, Food and Agricultural Code.

HISTORY

- 1. New section filed 4–30–75; designated effective 6–1–75 (Register 75, No. 18).
- 2. Repealer of section and amendment of NOTE filed 5–4–2001 as an emergency; operative 5–4–2001 (Register 2001, No. 18). A Certificate of Compliance must be transmitted to OAL by 9–4–2001 or emergency language will be repealed by operation of law on the following day.
- 3. Reinstatement of section as it existed prior to 5–4–2001 emergency action by operation of Government Code section 11346.1(f) (Register 2001, No. 48).
- 4. Repealer of section and amendment of NOTE filed 11-28-2001; operative 12-28-2001 (Register 2001, No. 48).

§ 1365. General Provisions for Markings on Containers.

NOTE: Authority cited for Article 1: Sections 42 and 43, Chapter 1404, Statutes of 1974 and Sections 407, 42681 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New Sections 1389, 1389.1, 1389.2 filed 1–4–71, as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 2. Renumbering from Section 1389 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Repealer filed 4-30-75; designated effective 6-1-75 (Register 75, No. 18).

§ 1365.1. Master Container Marking Exceptions.

HISTORY

- 1. Renumbering from Section 1389.1 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 4-30-75; designated effective 6-1-75 (Register 75, No. 18).

§ 1365.2. California Address Requirement.

HISTORY

- 1. Renumbering from Section 1389.2 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 4–30–75; designated effective 6–1–75 (Register 75, No. 18).

§ 1365.3. Artificial Coloring of Fruits and Vegetables.

When it is evident that artificial coloring material has been applied to fruits or vegetables (making them appear to be better than they actually

Page 112

are, or results in partially or completely hiding a defective condition), such application constitutes a misrepresentation and is in violation of the provisions of Sections 42943 and 42944 of the Food and Agricultural Code; provided, however, oranges, grown outside of California, shall be deemed not to be false, deceptive or misleading in violation of Sections 42943 and 42944 of the Food and Agricultural Code if color has been added to the skin thereof, provided 55 percent of the oranges in such lot bear the statement "color added" in legible print.

NOTE: Authority cited: Sections 407 and 42681, Food and Agricultural Code. Reference: Sections 42943 and 42944, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 10–14–68 as an emergency; effective upon filing (Register 68, No. 39). For prior history, see Register 55, No. 10.
- 2. Certificate of Compliance—Sec. 11422.1, Gov. Code, filed 12–20–68 (Register 68, No. 48).
- 3. Amendment filed 12–3–74; effective thirtieth day thereafter (Register 74, No. 49).
- 4. Renumbering from Section 1370 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1365.4. Obliteration of Grade Markings Which Do Not Apply.

When a container is labeled with a grade term (an example would be "U.S. No. 1") and the product in the container does not meet the grade as marked, the grade designation may be obliterated provided all the terms or letters are completely obliterated; a few chalk marks are not considered sufficient.

HISTORY

- New section filed 7–7–55; effective thirtieth day thereafter (Register 55, No. 10).
- 2. Renumbering from Section 1372 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1365.5. Containers Labeled Precooled.

Containers of produce labeled as "Precooled" shall be considered as complying with Section 1375.13, if it is evident the field heat has been removed from the product in the container, to a temperature that can be maintained in transit under good refrigeration practices, for example, the use of top ice or any other method is a form of precooling if it removed field heat quickly.

HISTORY

- 1. New section filed 7–7–55; effective thirtieth day thereafter (Register 55, No. 10).
- 2. Amendment filed 1-4-71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 3. Amendment and renumbering from Section 1374 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1365.6. Consumer Packages in Master Container.

HISTORY

- 1. New section filed 3–16–56; effective thirtieth day thereafter (Register 56, No. 5).
- 2. Amendment filed 1-4-71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 3. Amendment and renumbering from Section 1374.1 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 4. Repealer filed 4-30-75; designated effective 6-1-75 (Register 75, No. 18).

§ 1365.7. Markings When Produce Is in Sacks.

HISTORY

- 1. New section filed 3–16–56; effective thirtieth day thereafter (Register 56, No. 5).
- 2. Renumbering from Section 1374.2 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Repealer filed 4-30-75; designated effective 6-1-75 (Register 75, No. 18).

§ 1365.8. Marking Exceptions.

HISTORY

- Renumbering from Section 1386.72 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 4-30-75; designated effective 6-1-75 (Register 75, No. 18).

§ 1365.9. Containers Marked Standard or Standard Containers.

The words "standard" or "standard container" shall not be placed on any container unless such container conforms to the requirements which are specified for the standard containers of such fruit, nut, or vegetable.

HISTORY

1. Renumbering from Section 1386.42 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1365.10. Containers Marked Standard Pack.

Only if any fruit, nut, or vegetable is packed in a standard container and in conformity to the standard pack which is established for such product may the container be marked with the words "standard pack" or "standard container and pack."

HISTORY

Renumbering from Section 1386.43 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

Article 1.1. Standardization Assessment Rates

§ 1366. Standardization Assessment Rates for Fresh Fruits and Vegetables (Commodities).

NOTE: Authority cited: Sections 407, 42806 and 42812, Food and Agricultural Code. Reference: Sections 42807 and 42808, Food and Agricultural Code.

HISTORY

- 1. New article 1.1 (section 1366) and section filed 6-13-2002; operative 7-1-2002 pursuant to Food and Agricultural Code section 42806 (Register 2002, No. 24).
- Repealer filed 7–21–2006; operative 7–1–2006 pursuant to Food and Agricultural Code section 42806; exempt from OAL review and the requirements of Chapter 3.5 (commencing with section 11340) of Part 1 of Division 3 of Title 2 of the Government Code (the Administrative Procedure Act) pursuant to Food and Agricultural Code section 42806 (Register 2006, No. 29).

Article 2. Inspection Procedures

§ 1370. Standardization Inspection and Certification by Commissioners.

Inspection certificates, as authorized and identified in Sections 42791 and 42792 of the Food and Agricultural Code, may be written only when:

- (a) (1) Each lot to be certified has been completely prepared for sale or shipment; and
- (2) When there is room on the vehicle for additional produce, the certificates shall bear, in a conspicuous place, the statement "Not a complete load": and
- (3) Each inspection certificate is prepared in a clear and legible manner by an inspector, and each change or correction is signed by an inspector, and all information on the inspection certificate is accurate; and
- (4) A sufficient number of containers from the actual lot to be certified have been inspected to assure the inspector that the lot meets all the requirements; or
- (5) When a sufficient number of containers have been inspected in the field or packing house to assure the inspector that the lot to be certified meets all the requirements, in which case the certificate shall bear in a conspicuous place the statement "lot inspection."
 - (b) The inspection certificate may indicate:
- (1) The vehicle license number only when the lot is completely loaded on the vehicle, or that each container is properly identified by an official stamp placed on each container by or under the supervision of the inspector, stating that the lot complied with the requirements of this group on a specific date. The official stamp of each county must be approved by the Department of Food and Agriculture prior to use. When containers are on pallets or otherwise arranged to cause stamping of each container impractical then all accessible containers shall be stamped.
- (2) Indicate the words "lot inspection" when the provisions of Section 1370 (b) cannot be complied with.

NOTE: Authority cited for Group 4: Sections 407, 42681 and 42682, Food and Agricultural Code. Additional authority cited for Article 2: Sections 42 and 43,

Chapter 1404, Statutes of 1974. Reference: Sections 42791, 42792 and 42794, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 1–24–69; effective thirtieth day thereafter (Register 69, No. 4). For prior history, see Register 60, No. 16.
- 2. Amendment and renumbering from Section 1366 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Amendment of subsection (b)(1) filed 6–13–75; effective thirtieth day thereafter (Register 75, No. 24).

§ 1370.1. Procedure for Acceptance of Standardization Inspection Certificates in Lieu of Inspection.

When standardization inspection certificates have been presented to the inspector by the person in possession of the lot and such certificate is identifiable by the truck license number or an official stamp, and is written in accordance with all provisions of Section 1370(a), the certificate shall be accepted in lieu of inspection unless:

- (1) There is an indication that substitution has been made for the lot originally inspected at origin;
- (2) A cursory inspection reveals that defects in excess of the tolerance for condition factors (such as mold, rot or decay) have developed after the original inspection;
- (3) The date of the inspection is not current in relation to commodity involved, distance traveled, and other factors;
- (4) The Director of the Department of Food and Agriculture determines that a reinspection should be made.

HISTORY

- 1. Amendment filed 1–24–69; effective thirtieth day thereafter (Register 69, No. 4). For prior history, see Register 55, No. 17.
- 2. Amendment and renumbering from Section 1366.1 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1370.2. Appeal Inspections Not Required.

When certificates are written as a lot inspection, the inspector is not required to appeal to the Director (Section 42794 of the Food and Agricultural Code) before rejecting the lot in question.

HISTORY

- Amendment filed 1–24–69; effective thirtieth day thereafter (Register 69, No. 4). For prior history, see Register 55, No. 17.
- Renumbering from Section 1366.2 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1370.3. Federal-State Certificates.

Federal–state shipping point certificates, issued by licensed federal–state inspection services, available to shippers at point or origin, contain various types of statements indicating the quality or condition of the products inspected. Such certificates are sometimes the result of condition inspection only. Also, the grade or quality statement given may be based upon inspection at some prior date, and deterioration may have taken place. In some instances such certificates indicate compliance with federal or state marketing orders.

For these reasons federal–state certificates, properly identified to the load as described in Section 1370.1 are informative to inspectors at stations in making inspections in connection with quality, condition or other stated facts.

HISTORY

- Amendment filed 1-4-71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 2. Amendment and renumbering from Section 1366.4 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1370.4. Disposition at Inspection Stations of Lots or Loads Which Fail to Comply.

- (a) Produce which fails to comply and which has originated in California may go to a location in California (not out of state) under proper written authorization of the enforcement officer, provided it goes to a specified person or firm at that location, and that legal disposition at destination is performed under the direction of an enforcement officer at destination.
- (b) Produce which fails to comply, and which originated outside California, may go to an out-of-state location; (1) if the lot or load returns

to an out-of-state destination, or (2) proceeds through California, without unloading, to an out-of-state destination; in these two instances reconditioning or remarking is not necessary. However, if such load or lot of produce is to proceed to a California destination, it may do so only under proper written authorization of the California enforcement officer, and provided the destination is a specified person or firm at a California location, and that legal disposition at destination is performed under the direction of an enforcement officer at said destination.

In the case of (2) above of this section, such load or lot may be transported through California only under proper written authorization of the California enforcement officer, and provided an enforcement officer at the border station at the exit location is notified.

(c) A rejected lot or load may be reconditioned or remarked, whichever is necessary to provide compliance, at the station, provided this is accomplished within a reasonable time specified by the enforcement officer, and when reconditioned, the lot is again submitted for inspection.

HISTORY

- 1. New section filed 1–24–69; effective thirtieth day thereafter (Register 69, No. 4).
- 2. Renumbering from Section 1366.6 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1370.5. Delivery of Substandard Produce Direct to Broker.

Produce dealers, commission merchants, or brokers are not considered processors of substandard or by-product produce; therefore, a disposal order, as provided in Section 42881 of the Food and Agricultural Code and following, shall not be considered valid unless the enforcing officer at point of origin shall also state thereon the name and address of the by-product plant, or other location authorized by Section 1390 to which the substandard produce is to be delivered.

HISTORY

- 1. New section filed 7-7-55; effective thirtieth day thereafter (Register 55, No. 10).
- 2. Amendment filed 1–4–71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 3. Amendment and renumbering from Section 1376 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1370.6. Interpretation of Disposal Order at Destination.

- (a) The enforcement officer shall verify that the produce described on the disposal order did arrive at the location designated; according to Section 42884 the enforcing officer may, if circumstances warrant, authorize delivery to another place, provided he does this in writing.
- (b) The enforcing officer may, if circumstances warrant, authorize a different by-product use for the product, provided he gives this authorization in writing.
- (c) The enforcing officer may, if circumstances warrant, authorize a substandard lot to be reconditioned, and that portion sorted out which meets all requirements of the Food and Agricultural Code may be sold on the open market.

HISTORY

- 1. New section filed 7–7–55; effective thirtieth day thereafter (Register 55, No. 10).
- Amendment filed 1-4-71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 3. Renumbering from Section 1377 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1370.7. Permit for By-Products Form.

NOTE: Authority cited: Sections 407 and 42681, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

1. Repealer filed 10–8–76; effective thirtieth day thereafter (Register 76, No. 41). For prior history, see Register 75, No. 4.

§ 1370.8. Representative Sample, General Application.

In the enforcement of Division 17 of the Food and Agricultural Code relating to fruits, nuts and vegetables, except for those commodities wherein the specific section of the law or a specific section of the California Administrative Code describes an official sample, the sample for the

purpose of determining *noncompliance* of the lot shall consist of containers selected at random from widely separated parts of the lot and shall be as follows:

The number of containers in each sample designated below shall apply when only a portion of the specimens in each such container is examined.

When all of the specimens in each container are examined, and the number of containers designated below is four or more, then the official sample may consist of one-half the number of containers designated. However, at least a portion of the specimens in each container shall be inspected.

If the tolerance for the commodity, or the defect involved is on a container basis, it is not permissible to average the results of the inspection in one container with that of another container in the sample, unless provided for in the specific commodity sections.

- (a) Where lot consists of less than 10 containers, official sample shall consist of at least 2 containers.
- (b) Where lot consists of 10 and not over 30 containers, official sample shall consist of at least 3 containers.
- (c) Where lot consists of 31 and not over 50 containers, official sample shall consist of at least 4 containers.
- (d) Where lot consists of 51 and not over 100 containers, official sample shall consist of at least 5 containers.
- (e) Where lot consists of 101 and not over 200 containers, official sample shall consist of at least 6 containers.
- (f) Where lot consists of 201 and not over 300 containers, official sample shall consist of at least 8 containers.
- (g) Where lot consists of 301 and not over 500 containers, official sample shall consist of at least 10 containers.
- (h) Where lot consists of more than 500 containers, official sample shall consist of a number of containers equal to at least one-half the square root of the total number of containers in the lot.

HISTORY

- New Section filed 7-7-55; effective thirtieth day thereafter (Register 55, No. 10).
- 2. Amendment filed 3–16–56; effective thirtieth day thereafter (Register 56, No. 5).
- 3. Amendment filed 1–4–71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 4. Renumbering from Section 1367 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1370.9. Sampling Loads at Highway Inspection Stations.

The Department of Food and Agriculture reserves the right to choose containers of fruits, vegetables, nuts, and honey from various parts of each load to be inspected for compliance at highway inspection stations. The purpose is to determine, by such sampling, whether the products within those containers inspected comply with the requirements as provided in Division 17, Food and Agricultural Code, and Title 3, California Administrative Code.

Inspection will be made of two or three containers selected at random from various parts of the load. If all the requirements, as described in the above–named codes are safely met, it is usually sufficient. Additional containers may be inspected because the inspector must use his judgment, considering the circumstances which prevail at the time of inspection, and be satisfied that the load meets the requirements.

HISTORY

- 1. Amendment filed 1–24–69; effective thirtieth day thereafter (Register 69, No. 4). For prior history, see Register 55, No. 17.
- 2. Amendment and renumbering from Section 1366.3 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1370.10. Determining Percent Waste Individual Fruits and Vegetables.

In the enforcement of Division 17 of the Food and Agricultural Code relating to fruits and vegetables, except for those commodities wherein the specific commodity section of the law or a specific section of the California Administrative Code describes a method of determining waste, the

method of arriving at a percentage of waste by weight for the purpose of determining compliance shall be as follows:

The percentage of waste by weight on an individual specimen, by defects so listed in the law, shall be determined by removing the affected parts of such specimen as would be done in the normal and practical preparation for use, and weighing such parts against the original weight of the fruit or vegetable. When weighing defective parts, include only that skin or peel that is removed with the defective portions.

HISTORY

- 1. New section filed 7-7-55; effective thirtieth day thereafter (Register 55, No. 10).
- Amendment filed 1-4-71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- Renumbering from Section 1369 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1370.11. Shrinkage (42946) Not for Size Requirements.

With respect to tightness of pack, fruits or vegetables, after having been in storage or shipped, shall not be considered in violation if they have suffered unavoidable material shrinkage. Section 42946 of the Food and Agricultural Code does not relieve that same produce from the variation in size requirements, minimum size requirements or other sizing provisions in the law.

HISTORY

- 1. New section filed 7–7–55; effective thirtieth day thereafter (Register 55, No. 10).
- Amendment filed 1-4-71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 3. Renumbering from Section 1381 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1370.12. Variation in Size Requirement.

Reference is made to California Administrative Code Sections 1400.22, 1400.42, 1402.11, 1404.11, 1446.9, 1454.16, 1456.18, 1460.4, 1462.16, 1464.9, and 1468.2, and as to the fruits and vegetables regulated by the California Administrative Code sections listed, the tolerance for those commodities which fail to comply with the standards also shall apply to those fruits and vegetables that exceed the variation in size requirement.

NOTE: Authority cited: Sections 407 and 42681, Food and Agricultural Code.

HISTORY

- 1. New section filed 3-5-58; effective thirtieth day thereafter (Register 58, No. 4).
- 2. Amendment filed 1–4–71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 3. Amendment and renumbering from Section 1381.1 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1370.13. U.S. Grades Certified Lots, or Lots Marked U.S. Grade.

This pertains to the enforcement of the fruit and vegetable standards on products which are marked with U.S. grade designations, some of which are accompanied by federal or federal–state inspection certificates. Difficulties arise when rejections are made, or contemplated, for failure to meet the U.S. grade as marked if the lot carries a certificate attesting to the fact that the product does meet the grade as marked, or if an appeal inspection supports the original certification that the products do meet the grade as marked.

As to the interpretation of the U.S. grades, the U.S. Department of Agriculture representatives include Shipping Point Inspection members as the official administrators of the U.S. grades in California, and their conclusion as to the status of a given lot or commodity, when based entirely upon U.S. grade specifications, shall be final, and the enforcement officers shall accept and follow their interpretations of the U.S. grades.

Some situations which may illustrate the application of this principle are as follows:

(a) When the issue clearly embodies only the matter of interpretation of U.S. grade defects, which are not included in this group or if the defect is included in this group but the tolerance is more restrictive in the U.S. grade than contained in this group, then interpretation by the federal agency shall be final and accepted.

- (b) When the product in question, either certified as meeting the U.S. grade by the federal agency or not, meets the requirements of a particular U.S. grade and the minimum standards in the California Administrative Code are more restrictive than the U.S. grade in question, then the commodity is subject to rejection under the California Administrative Code and the application of the U.S. grade shall not be construed to alter this situation. For example: If a U.S. grade permits 10 percent insect injury and the minimum standards of this group permits only 5 percent of like injury, then the California Administrative Code prevails. This same situation could apply to defective conditions independent of tolerances for defects.
- (c) There may be a few situations where similar defective conditions are contained both in the U.S. grades and in the minimum standards of the California Administrative Code where federal grade interpretation and certification indicates that the product complies with the grade but fails to meet the minimum standards and would be cause for rejection under this group.

HISTORY

- New section filed 7-7-55; effective thirtieth day thereafter (Register 55, No. 10).
- 2. Amendment and renumbering from Section 1378 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Amendment of subsections (a) and (c) filed 6-13-75; effective thirtieth day thereafter (Register 75, No. 24).

§ 1370.14. Inspection of Fruits and Vegetables Delivered to State Institutions.

Some fruits and vegetables delivered to state institutions have previously been inspected and certified by federal or federal–state inspection agencies, in accordance with the terms of a contract. Such products are also subject to inspection to determine compliance wit the fruit and vegetable standards of the California Administrative Code.

- (a) When a shipment of produce is covered by a federal or federal-state inspection certificate, indicating compliance with the grade or quality stipulated in the contract or purchase order submitted to the vendor by the purchasing department, and the management of the institution receiving the produce concludes that the produce fails to meet the standard or quality stipulated in the purchase order, enforcing officers of the fruit and vegetable standards of the California Administrative Code should not enter into any controversy between the state agencies, the vendor and the inspection agency. If enforcing officers are contacted concerning such a controversy, they should advise the State Purchasing Department or state institution representatives to contact the inspecting agency.
- (b) When inspection of produce at a state institution by an enforcing officer indicates that the products probably fail to meet the grade as marked on the container, as certified to by the federal or federal–state inspection agency, or without such certification, interpretation of the grade terms, as applied to the given commodity by the inspection agency, shall be considered as final. In controversies of this kind, if any should arise, the enforcement officers shall immediately contact representatives of the inspection agency in order to obtain guidance in the interpretation of grades. The federal and federal–state inspection agencies have indicated that they will be glad to cooperate whenever it is at all possible to do so.
- (c) When inspection of produce being delivered to state institutions reveals the fact that the products fail to meet the minimum standards in the Food and Agricultural and California Administrative Codes, then rejection and proper action shall be taken in accordance with the facts independent of the federal or federal–state inspection and certification.

HISTORY

- New section filed 7-7-55; effective thirtieth day thereafter (Register 55, No. 10).
- 2. Amendment and renumbering from Section 1378.1 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1370.15. Fruits or Vegetables Being Transported from One Packing Plant to Another for Prepackaging into Consumer Packages.

Section 1390 of the California Administrative Code shall be interpreted to mean that fruits and vegetables, which fail to meet the standards, if not regularly packed or wrapped and packed, may be transported from one packing plant to another for final prepackaging into consumer packages.

HISTORY

- New section filed 7–7–55; effective thirtieth day thereafter (Register 55, No. 10).
- 2. Amendment filed 1–4–71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 3. Amendment and renumbering from Section 1380 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1370.16. Alkali Solutions, Procedure for Testing.

The 0.1562 normal hydrochloric acid for testing the strength of solutions used for testing citrus can also be used to check the strength of the 0.1333 normal sodium hydroxide solution used for testing grape maturity.

PROCEDURE FOR CHECKING THE STRENGTH OF CITRUS AND GRAPE TESTING SODIUM HYDROXIDE SOLUTIONS

By means of a volumetric pipette transfer 25.00 milliliters (ml.) of 0.1562 normal hydrochloric acid to the titrating flask. Do not blow out the liquid remaining in the tip of the pipette, but touch the pipette tip to the surface of liquid in the flask to remove the adhering drop.

Add phenolphthalein indicator solution to the titrating flask, and then add the alkali solution to be tested from the burette, agitating the contents of the titrating flask continuously if possible. As the end-point is approached and the indicator color starts to spread through the liquid, add the alkali solution dropwise, swirling the flask to mix the entire contents before adding additional alkali.

The true end-point is a faint but persistent pink color, not a deep red.

Table 1. Citrus Maturity Testing Solution (0.1562 Normal)

Ml. citrus testing soln.		
required to neutralize	Normality of the	Citric acid
25.00 ml. of 0.1562	citrus testing	equivalent
normal hydrochloric acid	solution	gram per nıl.
25.00	0.1562	0.01000
25.10	0.1556	0.00996
25.20	0.1550	0.00992
25.30	0.1543	0.00988
25.40		0.00984
25.50		0.00980
25.60		0.00976
25.70		0.00972
25.80		0.00969
25.90		0.00965
26.00	0.1502	0.00962

Table II. Grape Maturity Testing Solution (0.1333 Normal)

Ml. grape testing soln.		
required to neutralize	Normality of the	Tartaric acid
25.00 ml. of 0.1562	grape testing	equivalent
normal hydrochloric acid	solution	gram per ml.
29.30	0.1333	0.01000
29.40	0.1328	0.00996
29.50	0.1324	0.00993
29.60	0.1319	0.00989
29.70	0.1315	0.00986
29.80	0.1310	0.00983
29.90	0.1306	0.00980
30.00	0.1302	0.00977
30.10	0.1297	0.00973
30.20	0.1293	0.00970
30.30	0.1289	0.00967

The keeping qualities of the 0.1562 N hydrochloric acid standard are excellent when the bottle is kept properly closed to avoid evaporation and out of direct sunlight. Unused titrating solutions should never be returned to the bottle, but discarded to minimize the hazard of contamination. There should be a slight change in normality of the acid in a six-month

period. Sodium hydroxide solutions do not keep as well but tend to become weaker as they age. They should be checked with the standard acid as frequently as necessary to assure the operator that their strength is known.

HISTORY

- 1. New section filed 7–7–55; effective thirtieth day thereafter (Register 55, No. 10).
- 2. Renumbering from Section 1382 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

Article 2.1. Administrative Civil Penalty Guidelines

§ 1371. Notice of Proposed Action and Disposition.

- (a) Before a civil penalty is levied pursuant to Section 43003 or Section 885 of the California Food and Agricultural Code, the person charged with the violation shall receive written notice of the proposed action including the nature of the violation and the amount of the proposed penalty. The person shall be allowed to review any evidence related to the matter that is in the possession or control of the county agricultural commissioner or the Department of Food and Agriculture. The person shall have the right to request a hearing within 20 days after receiving notice of the proposed action. A notice may be served to the person charged by certified mail to the address provided on the person's licensing, registration, and/or certification on file with the county agricultural commissioner or the Department of Food and Agriculture. If a hearing is requested, notice of the time and place of the hearing shall be given at least 10 days before the date set for the commissioner's hearing and the person shall be allowed to present evidence on his or her own behalf. If a hearing is not timely requested, the commissioner may take the action proposed without a hearing.
- (1) The hearing shall be conducted by an unbiased hearing officer who has not served as an investigator, prosecutor or advocate regarding the proposed action.
 - (2) A record shall be made of the proceedings.
- (3) A decision shall be rendered by the City Agricultural Commissioner and shall be based only upon evidence presented to the hearing officer during the hearing.
- (b) If a respondent in an administrative action agrees to pay the proposed penalty, a signed stipulation with the payment of the proposed administrative penalty shall be returned to the county agricultural commissioner within 45 days of the postmark of the notice of proposed action.

(c) If an administrative hearing is requested, a final decision and order shall be made by a hearing officer within 60 days of the conclusion of the hearing. This order will be mailed to the address provided by the respondent. Any penalty imposed shall be due and payable within 45 days of the postmark of such order, unless the respondent timely files a written appeal to the secretary.

NOTE: Authority cited: Sections 407 and 42681, Food and Agricultural Code. Reference: Sections 401, 885 and 43003. Food and Agricultural Code.

HISTORY

1. New article 2.1 (sections 1371–1371.2) and section filed 3–15–2007; operative 4–14–2007 (Register 2007, No. 11).

§ 1371.1. Penalty Guidelines.

In applying Section 885 and Section 43003 of the California Food and Agricultural Code, county agricultural commissioners shall use the provisions of this section to determine the violation class and amount of the penalty.

- (a) For the purposes of this section, violation classes are designated as "Serious", "Moderate" and "Minor".
- (1) "Serious". Violations which preclude or significantly interfere with enforcement, or those which cause significant false, misleading or deceptive business practices; or repeat violations of sub-paragraph (2) that occurred within a two-year period and which resulted in an action and subsequent penalty.
- (2) "Moderate". Violations which undermine enforcement, or those in which there is a potential for intermediate level of consumer or competitive harm; or repeat violations of sub–paragraph (3) that occurred within a two–year period and which resulted in an action and subsequent penalty.
- (3) "Minor". Violations that have minimal adverse effect on consumers or equitable competition in the marketplace.
- (b) Table A shall be used to establish the level of severity of a particular violation and the corresponding penalty range for "Serious", "Moderate" and "Minor" violation classes. Except where specific violation parameters are provided, the violation column in Table A is an abbreviated description of the corresponding section in the California Food and Agricultural Code, Division 1, Chapter 8. Agriculture Theft Prevention; and Division 17. Fruit, Nut and Vegetable Standards.

NOTE: Authority cited: Sections 407 and 42681, Food and Agricultural Code. Reference: Sections 401, 885 and 43003, Food and Agricultural Code.

HISTORY

1. New section filed 3-15-2007; operative 4-14-2007 (Register 2007, No. 11).

§ 1371.2. Administrative Civil Penalties for Food and Agriculture Violations.

Table A

Section I – Provisions of Division 1 and of Division 17 Not Separately Specified
For a first violation, a fine of not more than \$500.
For a second or subsequent violation, a fine not less than \$100 or more than \$1,000

Code Section	Description of Violation	Minor Violation	Moderate or Subsequent Violation	Serious or Subsequent Violation
		\$50-\$150	\$151-\$500	\$501-\$1,000
1. FAC 861	Failure of seller to provide, buyer to obtain, or transporter to possess a record showing proof of ownership		X	
2. FAC 862	Failure to make proof of ownership available for inspection; failure to include required information in the record		X	
3. FAC 864	Falsification of any information in a record intended to show proof of ownership		х	
4. FAC 865	Failure to retain a copy of the record for a period of 60 days after delivery	x		
5. FAC 42792.1	Unlawful use of a county certification stamp or device		X	

3. FAC 42949

4. FAC 42951

				<u> </u>	
Code Section	Description of Violation	Minor Violation		Moderate or Subsequent Violation	Serious or Subsequent Violation
		\$50-\$150		\$151-\$500	\$501-\$1.000
6. FAC 42884D	Delivery of fruits, nuts or vegetables under disposal order to other than designated destination			Х	
7. FAC 42885D	Disposal of fruits, nuts or vegetables under disposal order prior to release			X	
8. FAC 42886	Disposal of fruits, nuts or vegetables under disposal order in a manner or for a purpose other than as ordered			X	
9. FAC 42941	Failure of fruits, nuts or vegetables to conform to provisions of this division or regulations promulgated thereto	X *Second violation of same regulation			
CCR 1359	Container labeling: no declaration of responsibility			Х	
10. FAC 42942	Deceptive pack, lot load or display of fresh or dried fruits, nuts or vegetables	X			
11. FAC 42943	Mislabeling or misleading statement on container or label	x			
12. FAC 42944	Deceptive or misleading statements in any manner	X			
13. FAC 42946	Failure to pack the same numerical count in each layer	X			
14. FAC 42947	Failure to ensure that the contents of lower layers are of same kind, quality and proportion as top or exposed layers	x			
15. FAC 42950	Failure of 90% to be free of insect injury, worms, mold or decay (specific standards not otherwise established)	X			
16. FAC 43033	Removal of tag or notice from lot under abatement			X	
17. FAC 43331	Use or disposal of fruits, nuts or vegetables under permit other than by the manner or for the purpose permitted			X	
18. FAC 43332	Failure of permit to accompany fruits, nuts or vegetables transported under permit	x			
19. FAC 43333 to n	Selling or offering fruits, nuts or vegetables failing neet standards to person requiring permit who has no permit	x			
	Section II — Provisions of I For a first violation, a f				
Code Section	Description of Violation		Moderate Violation		us or at Violation
			\$250-\$1,000	•	-\$3,000
1. FAC 42945	Unlawful removal or disposal of fruits, nuts o with warning tag or notice attached or remova notice without written permission or under disenforcing officer	d of tag or	x		
2. FAC 42948	Refusal to submit fruits, nuts or vegetables to enforcing officer	inspection of	X		

Alteration of certificate of inspection, notice of violation, report, statement, or other document issued by an enforcing officer

Adulteration of any solution or chemical or alteration of any instrument or device provided to an enforcing officer for use in determining compliance with this division

Χ

 \mathbf{X}

Code Section	Description of Violation	Moderate Violation \$250–\$1.000	Serious or Subsequent Violation \$1,001–\$3,000
	AVOCADOS		
5. FAC 44971(b)	Failure to certify avocados as complying with maturity and quality provisions established by regulation	X	
6. FAC 44972	Unlawful shipment or sale of any container of avocados which does not bear the official stamp required by law and regulation	X	
7. FAC 44974(c)	Failure to comply with the inspection and certification requirements of FAC Chapter 9, Avocados	X	
8. FAC 44986	Unlawful use of avocado container certification stamp; refusal to surrender certification stamp to director's authorized agent; counterfeit or alter or use any altered certification stamp		x
	Section III — Provisions of Division 17 Separately Avocados Worth \$500 or N For a first violation involving avocados wo For a second or subsequent violation, a fine not less	Aore orth \$500 or more, or	
Code Section	Description of Violation	Moderate Violation	Serious or Subsequent Violation
		\$250-\$1,000	\$1,000-\$5,000
1. FAC 44973	Packing, handling or selling any lot of avocados not in compliance with maturity and quality standards established by regulation	Х	
2. FAC 44982	Failure of avocado handler to prepare and retain for two years up-to-date records of daily transactions; failure to include required information in records	X	
3. FAC 44983	Falsification of record or information required to be kept pursuant to FAC 44982		X
4. FAC 44984	Failure to allow inspection of records required to be kept pursuant to FAC 44982		x
5. FAC 45031	Failure to possess a record of proof of ownership for avocados	X	
5. FAC 45034	Falsification of any information in a record intended to show proof of ownership for avocados		X
7. FAC 45035	Failure to retain a copy of the proof of ownership record for avocados for one year after sale	X	
	Section III — Provisions of Division 17 Separately Avocados Worth Less than For a first violation for avocados worth less than \$500 For a second or subsequent violation, a fine not less to	\$500 0, a fine of not more than \$	5500
Code Section	Description of Violation	Moderate Violation	Serious or Subsequent Violation
		\$100-\$250	Initial: \$251-\$500 Subsequent: \$251-\$5,000
1. FAC 44973	Packing, handling or selling any lot of avocados not in compliance with maturity and quality standards established by regulation	х	
2. FAC 44982	Failure of avocado handler to prepare and retain for two years up-to-date records of daily transactions; failure to include required information in records	X	
3. FAC 44983	Falsification of record or information required to be kept pursuant to FAC 44982		x

Code Section	Description of Violation	Moderate Violation	Serious or Subsequent Violation
		\$100-\$250	Initial: \$251–\$500 Subsequent: \$251–\$5,000
4. FAC 44984	Failure to allow inspection of records required to be kept pursuant to FAC 44982		X
5. FAC 45031	Failure to possess a record of proof of ownership for avocados	X	
6. FAC 45034	Falsification of any information in a record intended to show proof of ownership for avocados		X
7. FAC 45035	Failure to retain a copy of the proof of ownership record for avocados for one year after sale	X	

NOTE: Authority cited: Sections 407 and 42681, Food and Agricultural Code. Reference: Sections 401, 861, 862, 864, 865, 42792.1, 42884, 42885, 42886, 42941, 42942, 42943, 42944, 42945, 42946, 42947, 42948, 42949, 42950, 42951, 43033, 43331, 43332, 43333, 44971, 44972, 44973, 44974, 44982, 44983, 44984, 44986, 45031, 45034 and 45035, Food and Agricultural Code.

HISTORY

1. New section filed 3-15-2007; operative 4-14-2007 (Register 2007, No. 11).

Article 3. Definitions

§ 1375. Definitions.

NOTE: Authority cited: Sections 407, 42681, 42682 and 42684, Food and Agricultural Code. Reference: Sections 42941 and 42501, Food and Agricultural Code.

HISTORY

- 1. New Sections 1386, 1386.1 through 1386.19 filed 1-4-71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 2. Renumbering from Section 1386 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

[The next page is 117.]

3. Repealer filed 4-15-85; effective thirtieth day thereafter (Register 85, No. 16).

§ 1375.1. Agent.

NOTE: Authority cited: Sections 407, 42681, 42682 and 42684, Food and Agricultural Code. Reference: Sections 42941 and 42502, Food and Agricultural Code. HISTORY

- Renumbering from Section 1386.1 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 4-15-85; effective thirtieth day thereafter (Register 85, No. 16).

§ 1375.2. Bulk Lot or Bulk Load.

NOTE: Authority cited: Sections 407, 42681, 42682 and 42684, Food and Agricultural Code. Reference: Sections 42941 and 42503, Food and Agricultural Code. HISTORY

- 1. Renumbering from Section 1386.2 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 4–15–85; effective thirtieth day thereafter (Register 85, No. 16).

§ 1375.3. Byproduct.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Sections 42941 and 42504, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1386.3 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 4-15-85; effective thirtieth day thereafter (Register 85, No. 16).

§ 1375.4. Closed Container.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Sections 42941, 42505 and 42511, Food and Agricultural Code.

HISTORY

- 1. Amendment and renumbering from Section 1386.4 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 4–15–85; effective thirtieth day thereafter (Register 85, No. 16).

§ 1375.5. Container.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Sections 42941 and 42506, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1386.5 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 4–15–85; effective thirtieth day thereafter (Register 85, No. 16).

§ 1375.6. Cross Section.

NOTE: Authority cited: Sections 407, 42681 and 42684, Food and Agricultural Code. Reference: Sections 42941 and 42507, Food and Agricultural Code.

HISTORY

- Renumbering from Section 1386.6 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 4-15-85; effective thirtieth day thereafter (Register 85, No. 16).

§ 1375.7. Deceptive Arrangement or Deceptive Display.

NOTE: Authority cited: Sections 407, 42681, 42682 and 42684, Food and Agricultural Code. Reference: Sections 42941 and 42508, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1386.7 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 4-15-85; effective thirtieth day thereafter (Register 85, No. 16).

§ 1375.8. Deceptive Pack.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Sections 42941 and 42509, Food and Agricultural Code.

HISTORY

- Renumbering from Section 1386.8 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 4-15-85; effective thirtieth day thereafter (Register 85, No. 16).

§ 1375.9. Fruits, Nuts, or Vegetables.

NOTE: Authority cited: Sections 407, 42681 and 42684, Food and Agricultural Code. Reference: Sections 42941 and 42510, Food and Agricultural Code.

HISTORY

- Renumbering from Section 1386.9 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 4-15-85; effective thirtieth day thereafter (Register 85, No. 16).

§ 1375.10. Lidded Container and Closed Container.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Sections 42941 and 42511, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1386.10 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 4-15-85; effective thirtieth day thereafter (Register 85, No. 16).

§ 1375.11. Manufacturing.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Sections 42941, 42512 and 42519, Food and Agricultural Code.

HISTORY

- 1. Amendment and renumbering from Section 1386.11 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 4–15–85; effective thirtieth day thereafter (Register 85, No. 16).

§ 1375.12. Mature.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Sections 42941 and 42513, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1386.12 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 4-15-85; effective thirtieth day thereafter (Register 85, No. 16).

§ 1375.13. Mislabel.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Sections 42941 and 42514, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1386.13 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 4-15-85; effective thirtieth day thereafter (Register 85, No. 16).

§ 1375.14. Overripe.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Sections 42941 and 42515, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1386.14 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 4-15-85; effective thirtieth day thereafter (Register 85, No. 16).

§ 1375.15. Pack, Packing, or Packed.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Sections 42941 and 42516, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1386.15 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 4-15-85; effective thirtieth day thereafter (Register 85, No. 16).

§ 1375.16. Placard.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Sections 42941 and 42517, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1386.16 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 4-15-85; effective thirtieth day thereafter (Register 85, No. 16).

§ 1375.17. Preserving.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Sections 42941 and 42518, Food and Agricultural Code.

HISTORY

- 1. Amendment and renumbering from Section 1386.17 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 4-15-85; effective thirtieth day thereafter (Register 85, No. 16).

§ 1375.18. Processing.

Processing means canning, preserving, or fermenting, which materially alters flavor, keeping quality, or any other property; the extracting of juices or other substances; quick freezing; or the making of any substantial change of form. It does not include refrigeration at temperatures which are above the freezing point nor any other treatment which merely retards or accelerates the natural processes of ripening or decomposition. NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Sections 42941 and 42519, Food and Agricultural Code.

HISTORY

1. Renumbering from Section 1386.18 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

2. Amendment filed 4–15–85; effective thirtieth day thereafter (Register 85, No. 16).

§ 1375.19. Processing Includes "Quick Freezing."

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- New section filed 7–7–55; effective thirtieth day thereafter (Register 55, No. 10).
- 2. Amendment filed 1–4–71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 3. Amendment and renumbering from Section 1375 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 4. Repealer filed 4-15-85; effective thirtieth day thereafter (Register 85, No. 16).

§ 1375.20. Subcontainer.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Sections 42941 and 42520, Food and Agricultural Code.

HISTORY

- Renumbering from Section 1386.19 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 4-15-85; effective thirtieth day thereafter (Register 85, No. 16).

§ 1375.21. At Time of Picking in Relation to Maturity Tests.

Maturity tests must be made as near to the time of picking as is practicable under the circumstances. "At time of picking" does not necessarily mean the instant the fruit was separated from the tree, but may be construed to mean the time when the product reaches the packing location, provided that the product has been brought from the orchard or field to the packing location within a reasonable time. The term "at time of picking" cannot be extended to include allowing the product to stand either in the orchard or any other place for the purpose of permitting the produce to undergo a ripening process.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 7-7-55; effective thirtieth day thereafter (Register 55, No. 10).
- 2. Amendment and renumbering from Section 1371 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Amendment filed 4–15–85; effective thirtieth day thereafter (Register 85, No. 16).

Article 4. Containers

§ 1380. Experimental Container Permit.

This group does not prohibit the preparation, packing, shipment, or sale under the director's permit of fruits, nuts, or vegetables in any experimental type of container which does not conform to the standards prescribed in this article. Each container shall be clearly and conspicuously marked on one outside surface with the words "Experimental Container Permit No. ______," followed by the permit number assigned to the applicant by the director.

NOTE: Authority cited: Sections 14, 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Amendment filed 7–31–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 31).

§ 1380.1. Container Permit Application.

Application for the permit and permit number shall be made to the director at least five days before shipment. The application shall state all of the following:

- (a) The name of the product.
- (b) The quantity intended to be shipped.
- (c) The description and inside and outside dimensions of the container expressed in inches.
- (d) The name of the person from whom the experimental containers are to be obtained.

- (e) The reason for the contemplated experiment.
- (f) The quantity of such product, if any, shipped by the applicant in all types of containers during the preceding year. If no shipments of such product were made by the applicant during the preceding year, an estimate of the total quantity which such applicant will ship in all types of containers during the current year.

NOTE: Authority cited: Sections 14, 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 8–19–75 as an emergency; effective upon filing (Register 75, No. 34).
- 3. Reinstatement of section as it existed prior to emergency amendment filed 8–19–75 by operation of Section 11422.1(b), Gov. Code (Register 75, No. 51).
- 4. Amendment filed 7–31–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 31).

§ 1380.2. Permit Number.

The director may issue to the applicant a permit and a permit number for the shipment of a specified quantity of the product in the containers within a specified period, which shall not exceed one year, if he makes all of the following findings:

- (a) The container is not deceptive in shape, design, or capacity.
- (b) The applicant has complied with the permit application requirements and has established the proper reasons for the experiment.
- (c) The proposed shipments are only for experimental purposes. NOTE: Authority cited: Sections 14, 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- New NOTE filed 7–31–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 31).

§ 1380.3. Acceptance of Applications for Experimental Container Permits.

The director may refuse to approve an application for an experimental container permit as provided in this article unless such application is accompanied by a statement of facts signed by the applicant showing, to the satisfaction of the director, the need for experimental container shipments and that the proposed shipments are for experimental purposes only.

NOTE: Authority cited: Sections 14, 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 7–25–60; effective thirtieth day thereafter (Register 60, No. 16).
- 2. Amendment filed 1–4–71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 3. Amendment and renumbering from Section 1384 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 4. Amendment filed 7–31–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 31).

§ 1380.4. Permit Renewal.

- (a) A permit may be renewed a maximum of two times in any harvest season or any succeeding harvest season upon written application showing to the Department that the experiment has not been completed, provided that a permit shall not be renewed after three years from the original date of issue of the permit.
- (b) Notwithstanding the above requirements, any person to whom a permit has been issued prior to January 1, 2000 and such permit has either expired prior to or continues to be valid on or after January 1, 2000, the permittee shall, upon written request, be authorized a new permit and two renewals as provided in (a), above.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Amendment filed 7–31–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 31).

Page 118

3. Repealer and new section and amendment of Note filed 6–22–2000; operative 7–22–2000 (Register 2000, No. 25).

§ 1380.5. Permit Quantity.

(a) If the applicant has shipped products of a kind specified in the application during the preceding year, a permit may be issued for the shipment in experimental containers of not more than 10 percent of the quantity of such product shipped in all types of containers by such person in the preceding calendar year. However, when 10 percent represents less than 10,000 containers, a permit may be issued for 10,000 containers, provided that such amount does not exceed the quantity shipped in the preceding year.

(b) If no shipments of such products were made by the applicant during the preceding year, a permit may be issued for the shipment in experimental containers of not more than 10 percent of the quantity which the applicant estimates will be shipped in all types of containers during the current year. However, when 10 percent represents less than 10,000 containers, a permit may be issued for 10,000 containers, provided that such amount does not exceed the quantity to be shipped in the current year. NOTE: Authority cited: Sections 14, 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Amendment filed 12–19–80 as an emergency; effective upon filing (Register 80, No. 51). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 4–18–81.
- 3. Certificate of Compliance including amendment transmitted to OAL 4-10-81 and filed 4-23-81 (Register 81, No. 17).

§ 1380.6. Permit Quantity (No Previous Shipments).

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Amendment filed 12–19–80 as an emergency; effective upon filing (Register 80, No. 51). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 4–18–81.
- 3. Certificate of Compliance including repealer transmitted to OAL 4–10–81 and filed 4–23–81 (Register 81, No. 17).

§ 1380.7. Experimental Type Container.

NOTE: Authority cited: Sections 14, 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 7-31-85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 31).

§ 1380.8. Permit Number Marking.

No person may prepare, pack, transport, deliver, or sell commodities in experimental containers or experimental packs, or mark such containers with the permittee's assigned permit number, in excess of the quantities specified in the permit.

NOTE: Authority cited: Sections 14, 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 7–31–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 31).

§ 1380.9. Permit Record.

Every person to whom an experimental container or pack permit has been issued shall keep an accurate record of all shipments of such experimental containers or packs including the place from which such shipments are made, the date of shipment, and the number of containers in each shipment. All such records shall be kept for at least one year and shall be delivered to the director or the commissioner for inspection on demand at any time within that period.

NOTE: Authority cited: Sections 14, 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 7–31–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 31).

§ 1380.10. Experimental Packs.

This group does not prohibit the preparation, packing, shipment, or sale under the director's permit of fruits, nuts, or vegetables which do not conform to the count arrangement or packing requirements prescribed in this group. Each container of such fruits, nuts, or vegetables shall be clearly and conspicuously marked on one outside surface of the container with the words "Experimental Pack Permit No. _____," followed by the permit number assigned to the applicant by the director.

NOTE: Authority cited: Sections 14, 407, and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Amendment filed 7-31-85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 31).

§ 1380.11. Pack Permit Application.

Application for an experimental pack permit shall be made to the director at least 5 days before shipment. The application shall state all of the following:

- (a) The name of the product.
- (b) The quantity intended to be shipped.
- (c) The description of the count, arrangement, or method of packing to be used.
- (d) The quantity of such product, if any, shipped by the applicant during the preceding year.
- (e) If no shipments of such product were made by the applicant during the preceding year, an estimate of the total quantity which such applicant will ship during the current year.

NOTE: Authority cited: Sections 14, 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Amendment filed 8–19–75 as an emergency; effective upon filing (Register 75, No. 34).
- 3. Reinstatement of section as it existed prior to emergency amendment filed 8–19–75 by operation of Section 11422.1(b), Gov. Code (Register 75, No. 51).
- 4. Amendment filed 7–31–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 31).

§ 1380.12. Experimental Pack Time Limit.

- (a) The Department may issue to the applicant a permit for the shipment of a specified quantity of the product within a specified period, which shall not exceed one year, upon determining that the count, arrangement, or pack is not deceptive or misleading in any manner. A permit may be renewed a maximum of two times in any harvest season or any succeeding harvest season upon written application showing to the Department that the experiment has not been completed, provided that a permit shall not be renewed after three years from the date of issue of the original permit.
- (b) Notwithstanding the above requirements, any person to whom a permit has been issued prior to January 1, 2000 and such permit has either expired prior to or continues to be valid on or after January 1, 2000, the permittee shall, upon written request, be authorized a new permit and two renewals as provided in (a), above.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).
- Amendment filed 7–31–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 31).
- Amendment of section and Note filed 6–22–2000; operative 7–22–2000 (Register 2000, No. 25).

§ 1380.13. Quantity of Experimental Packs.

(a) If the applicant has shipped products of the kind specified in the application during the preceding year, a permit shall not be issued for the shipment of experimental packs of more than 10 percent of the quantity of such product shipped by such person in the preceding calendar year. However, when 10 percent represents less than 10,000 containers, a permit may be issued for 10,000 containers, provided that such amount does not exceed the quantity shipped in the preceding year.

(b) If no shipments of such products were made by the applicant during the preceding year, a permit may be issued for the shipment in experimental packs of not more than 10 percent of the quantity which the applicant estimates will be shipped in all types of packs during the current year. However, when 10 percent represents less than 10,000 containers, a permit may be issued for 10,000 containers, provided that such amount does not exceed the quantity to be shipped in the current year.

NOTE: Authority cited: Sections 14, 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 7–31–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 31).

§ 1380.14. Experimental Pack Definition.

NOTE: Authority cited: Sections 14, 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 7–31–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 31).

§ 1380.15. General Provisions for Standard Containers and Standard Packs.

NOTE: Authority cited: Sections 14, 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New Sections 1386.40 through 1386.43 filed 1–4–71 as an emergency. Certificate of Compliance included (Register 71, No. 2).
- 2. Renumbering from Section 1386.40 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Repealer filed 7–31–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 31).

§ 1380.16. Imported Fruits, Nuts, or Vegetables.

This group shall not be construed to do any of the following:

- (a) Conflict with any laws or regulations of this state or the United States regarding net weight or other markings on containers or subcontainers.
- (b) Prohibit the shipment, transportation, delivery for sale, or sale of fruits, nuts, or vegetables which are imported into this state in containers which are established as standard by the applicable laws or regulations of the United States.

NOTE: Authority cited: Sections 14, 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- New section filed 1-4-71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 2. Renumbering from Section 1387 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- New NOTE filed 7–31–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 31).

§ 1380.17. Imported Containers.

In addition to other exceptions which pertain to the use of standard containers, this group does not prohibit the shipment, transportation, delivery for sale, or sale of any fruits, nuts, or vegetables imported into this state in containers which do not conform to the container requirements

prescribed in this group, if such containers comply with the basic marking requirements of Section 1359, and in addition:

- (a) are lawful for use in the state of origin and in interstate commerce, and
- (b) if the containers are not constructed so as to misrepresent their capacity and the dimensions are not so similar to those of any standard used container used in California for the same commodity as to be deceptive. NOTE: Authority cited: Sections 14, 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–4–71 as an emergency; effective upon filing, Certificate of Compliance included (Register 71, No. 2).
- 2. Renumbering from Section 1387.1 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Amendment filed 4-30-75; designated effective 6-1-75 (Register 75, No. 18).
- Amendment filed 7–31–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 31).

§ 1380.18. Standard Containers—Provisions.

The numbers, names, and dimensions of standard containers are set forth in this article. Unless otherwise specified, all inside measurements are in inches, and reading from left to right are measurements of depth, width, and length, respectively.

Except as otherwise provided, to allow for reasonable manufacturing variations, nonconsumer containers designed to hold 100 pounds or less of a product shall be permitted a 1/4-inch variation in each of these dimensions. Containers designed to hold more than 100 pounds shall be permitted a 1-inch variation.

NOTE: Authority cited: Sections 14, 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New Sections 1387.10 and 1387.11 filed 1-4-71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 2. Renumbering from Section 1387.10 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Amendment filed 7–31–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 31).

§ 1380.19. Standard Containers.

This section describes containers that are required by other regulations of Subchapter 4. The depth dimension of containers designated below shall include in that measurement any cleats, if used.

CONTAINER NUMBERS AND DESCRIPTIONS

	Inside	Description in Inches	
	Depth	Width	Length
(a) APPLES	•		ğ
AP1	10 1/2	11 1/2	18
AP2	11 3/8	11 1/2	18
AP3	5 1/4	11 1/2	18
AP4	5 11/16	11 1/2	18
AP5	7 1/2	13 1/2	21 1/4
AP6	7 3/4	14	22 5/8
AP7	6 1/2	13 1/2	20 5/8
AP8	9 3/4	11	20 5/8
AP9	10 3/4	11 1/2	18
AP10	8 3/4	10	16
AP11	11 3/4	12 to 12 1/2	19 1/4 to 19 7/8
AP12	10 5/8	11	19
AP13	6 3/8	12 3/4	19 3/8
AP14	9 5/8	11 15/16 to 12 1/16	19 1/8 to 19 7/16
AP15	5 5/8 to 6 1/2	15 1/4 to 15 11/16	23 to 23 5/8
	inside	outside	outside

All apples, except Lady variety, crab apples, and as otherwise provided in Section 1400.2 when in closed containers, shall be in one of the containers listed. Specific packing conditions are listed in Article 7 of this Subchapter.

In addition, wrapped apples shall be packed only in containers AP 1, AP 2, AP 3, AP 4, or AP 11. Tray packed apples shall be packed only in container AP 11 or AP 15. AP 11 shall be placed in layers of 4 to 6 trays, pads, or molded forms, and AP 15 shall be placed in layers of 2 trays,

pads, or molded forms. A collar or liner is permitted, provided it does not reduce the internal capacity of the container.

	Inside Description in Inches		
	Depth	Width	Length
(b) APRICOTS			
6 12–basket			
container	4 1/2	13	19 1/2
10A	5 to 10	9 3/8	16 3/8
12B	2 3/8 to 7 1/8	11 1/2	16 1/8
22A	3 5/8 to 4 3/8	11	14 5/8
22B	4 to 7 1/8	12 1/2	16 1/8
22C	6 5/8 to 7 3/8	13 1/4	15 7/8
	(inside)	(outside)	(outside)
24	3 3/4 to 7 1/8	13 1/2	16 1/8
25	3 7/8 to 6 1/2	11 3/4 to 12	19 3/4
	(inside)	(outside)	(outside)
36	5 to 6 1/2	ì3 1/4	Ì7 1/4
	(inside)	(outside)	(outside)

Specific packing conditions are listed in Article 8 of this subchapter.

	Inside Description in Inches		
	Depth	Width	Length
(c) ARTICHOKES			
21	9 3/4	11	20 5/8
21A	7	11	20 5/8
21B	6 5/8 to 7 5/8	11 1/2	19 5/8
22	4 7/8	11	20 5/8

Specific packing conditions are listed in article 9 of this group.

	Inside Description in Inches		
	Depth	Width	Length
(e) AVOCADOS	•		· ·
9D3	3/8 to 4 1/4	13 to 13 3/4	16 to 16 3/4
9E5	3/4 to 8	13 to 13 3/4	16 to 16 3/4
9F	6 3/4 to 8	12 1/2 to 13 1/8	14 1/4 to 15

Specific packing conditions are listed in article 11 of this group.

(f) [Reserved.]	Insi	de Description i	n Inches
(g) CABBAGE	Depth	Width 1	Length
64	9 1/2 to 11	16	21 7/8

Specific packing conditions are listed in article 16 of this group.

Inside	e Description in Inci	hes
	Width	Length
•		0
12	12	21 7/8
13 or 13 1/2		21 7/8 or 22 1/8
		22 1/2
9 or 9 1/2		21 7/8 or 22
9 to 10		22 or 22 3/8
10 1/2	13	22
15 1/2 to 16	12 7/8	12 7/8
9 3/4 to 10 1/4	12 3/4 to 13 1/4	16 3/4 to 17
10 1/4	13 5/8 to 14	16 1/2
6 3/4 to 8 3/4	16	22 1/8
	14	22 1/8
5 3/4	14 1/2	22 1/8
6 1/2 to 8 3/4	15 1/4	17
10 to 10 3/4	12 3/4	15 1/2
6 1/4 to 7 15/16	15 3/16 to 16	23 3/16 to 24
		(outside)
		18 1/2
		23 to 24
(Inside)	(outside)	(outside)
	Depth 12 13 or 13 1/2 13 1/2 9 or 9 1/2 9 to 10 10 1/2 15 1/2 to 16 9 3/4 to 10 1/4 10 1/4 6 3/4 to 8 3/4 7 3/4 5 3/4 6 1/2 to 8 3/4 10 to 10 3/4	12 12 13 13 142 13 13 142 13 13 142 13 9 or 9 1/2 13 9 to 10 13 10 1/2 13 15 1/2 to 16 12 7/8 9 3/4 to 10 1/4 12 3/4 to 13 1/4 10 1/4 13 5/8 to 14 6 3/4 to 8 3/4 16 7 3/4 14 10 to 10 3/4 12 3/4 6 1/4 to 7 15/16 (inside) (outside) 11 12 3/4 7 to 7 1/4 19 1/2 to 20

Specific packing conditions are listed in article 17 of this group.
(i) [Reserved.]

	Inside Description in Inches		
	Depth	Width	Length
(j) CAULIFLOWER	•		
46D	6 to 7 1/2	17 1/2 to 19 1/16	22-23
46E	6 5/8	16 3/8 to 18 1/4	20 7/16 to 21
46F	5 1/4 to 6	18 11/16 to 19 3/4	22 11/16 to 23

Specific packing conditions are listed in article 19 of this group.

Inside Description in Inches		
Depth	Width	Length
•		Č.
13 3/4	14	17 1/2
8 1/4 to 10 1/2	11	15
8 1/4 to 9	14 to 15	20 1/2 to 22
9 to 14	10 3/4	22
11	15 1/2	19 1/4
8 5/8	15 1/2	18 3/4
8 1/2 to 9 1/2	15 3/4	19 3/4
11 to 12	15 1/2	19 1/4
11	14 to 14 1/2	19 1/4
9 1/4	14 1/8	17 5/8
9 5/8 to 11	15 9/16 to 15 3/4	23 1/2 to 23 5/8
(inside)	(outside)	(outside)
	Depth 13 3/4 8 1/4 to 10 1/2 8 1/4 to 9 9 to 14 11 8 5/8 8 1/2 to 9 1/2 11 to 12 11 9 1/4 9 5/8 to 11 (inside)	Depth Width 13 3/4 14 8 1/4 to 10 1/2 11 8 1/4 to 9 14 to 15 9 to 14 10 3/4 11 15 1/2 8 5/8 15 1/2 8 1/2 to 9 1/2 15 3/4 11 to 12 15 1/2 11 14 to 14 1/2 9 1/4 14 1/8 9 5/8 to 11 15 9/16 to 15 3/4

Specific packing conditions are listed in article 20 of this group. The nonbulge celery container 45L shall only be used when lidded and packed with no more than a slight bulge on top and bottom as defined in section 1426.18. Not more than 10 percent, by count, of container 45L

in any lot may exceed this slight bulge.

Container 45K shall be constructed of expanded molded polystyrene and shall be wrapped with a shrink film. Containers 45E and 45R shall be constructed of expanded molded polystyrene and shall have a snap—on lid. The lid shall be constructed in a manner as to add 1 inch in depth to the container without exceeding the depth requirement listed above. In addition to the depth, width, and length specifications listed above, containers 45E and 45K shall have an internal vertical radii of the corners of not less than 3/8 inch. Container 45K, when empty, shall have a minimum net weight of 13.5 ounces. Container 45E (body and lid), when empty, shall have a minimum net weight of 20 ounces. Width and length measurements of containers 45E, 45K, and 45R, as listed above, shall be taken at a point approximately one—half of the depth of the container. Radii measurements of containers 45E and 45K shall be taken at a point ap-

	Inside i	Description in Inches	
	Depth	Width	Length
(I) CHERRIES	•		Ü
4 (12-basket crate)	2 7/8	12 3/8	18 to 18 1/2
, , , , , , , , , , , , , , , , , , ,	to 3 7/8	to 13 1/2	
4A	4 3/8 to	13 1/4	15 7/8
	4 3/4	(outside)	(outside)
	(inside)	,	,
12A	4	10 1/2	15 1/8
12C	3 1/2 to 4	13 1/2	16 1/8
12D	4 7/8 to 5 3/8	12 1/4 to 12 13/16	14 1/2 to 15 1/8
12E	4 1/2 (inside)	11 3/4 (outside)	19 3/4 (outside)

proximately 1 inch below the top of the container body.

Specific packing conditions are listed in Article 21 of this subchapter.

	Insia	le Description in Inc	hes
(m) CITRUS	Depth	Width	Length
*58 orange, lemon. royal mandarin,	,		
minneola or orland	o		
tangerines	10 1/4 to 11 1/4	10 11/16	16 3/8
59 grapefruit **61 loose	9 3/4	10 11/16	16 3/8
container	15 to 36	38 to 46	46 to 48
63 tangerine or			
mandarin, includin	g		
minneola or			
orlando tangerines			
and royal mandarin	7 1/2 to 8 1/2	10 11/16	16 270
65 all of the	/ 1/2 10 8 1/2	10 11/10	16 3/8
above citrus	9 to 9 7/8	15 5/8 to 15 13/16	23 1/4 to 23 3/4
uoove enrus	(inside)	(outside)	(outside)
66 all of the	(morac)	(outside)	(outside)
above citrus except			
grapefruit	7 7/8 to 7 15/16 (inside)	15 5/8 to 15 13/16 (outside)	23 1/4 to 23 3/4 (outside)

	Inside Description in Inches		
(m) CITRUS	Depth	Width	Length
67 lemons	7	15 3/4	23 1/4
	(inside)	(outside)	(outside)

^{*}When container 58 exceeds 10 1/4 inches in depth, it shall be standard only for oranges and shall be prepared for market only by the volume-fill method.

**This container may be constructed either in a rectangular or semi-octagonal

Specific packing conditions are listed in article 22 of this group.

	Inside Description in Inches		
	Depth	Width	Length
(n) TABLE AND JUIC	E .		· ·
GRAPES			
28 Sawdust Pack	7 3/4	14 15/16	18 5/8
38J Polystyrene			
lug	6 3/4	12 1/2	15 3/8
*38K Standard			
grape	4 1/2 to 8 1/2	13 1/2 to 14 1/2	16 5/8 to 17 1/2
	(inside)	(outside)	(outside)
38L	7 5/8	13 11/16	16
	(inside)	(outside)	(outside)
38M	4 1/4 to 5 3/4	15 3/8 to 16	23 1/2 to 24
	(inside)	(outside)	(outside)
*38Q Polystyrene			
lug	6 1/4 to 8 1/4	11 1/4	18 1/8
*38R Grape lug	4 to 7	15 3/4 to 16	19 11/16 to 20
	(inside)	(outside)	(outside)
*38RPC	6 3/4 to 7	15 3/4	23 3/4
	(outside)	(outside)	(outside)
38S Grape lug	5 to 9	11 11/16 to 12	19 11/16 to 20
	(inside)	(outside)	(outside)
38T Grape lug	5 1/2 to 7 1/2	13 1/8 to 13 5/16	15 5/16 to 16
	(inside)	(outside)	(outside)
38U Grape lug	6 3/16 to 7	13 11/16	20 1/2
	(inside)	(outside)	(outside)
38V Grape lug	5 3/4	14	16
	(inside)	(outside)	(outside)

Specific packing conditions are listed in articles 25 and 25.5 of this subchapter.

In reference to all containers mentioned in this subsection, except when otherwise specifically mentioned, the depth is determined by the actual depth of the head of the container. The sides need not be placed on the head up to the top edge.

Depth measurement of containers with lids closing from the side shall be made vertically at the inside corner opposite the manufacturer's joint. The measurement shall be made from the upper side of the bottom to the manufacturer's score line at the underside of the corresponding top inner flap.

Containers 38J and 38Q shall be constructed of expanded molded polystyrene and shall have a snap—on lid. The depth described above for these containers shall include any measurement in the lid which affects the depth. In addition to the depth, width, and length specifications, 38J shall have an internal vertical radii of the corners of not less than 3/8 inch and the empty container shall have a minimum net weight of 14 ounces, composed of a 9–ounce body and a 5–ounce lid. In addition to the depth, width, and length specifications above, 38Q shall have an internal vertical radii of the corners of not less than 5/8 inch and the empty container shall have a minimum net weight of 13 ounces, composed of an 8–ounce body and a 5–ounce lid.

Width and length measurements of containers 38J, 38K, and 38Q, as listed above, shall be taken at a point approximately one—half the depth of the container. Radii measurements of 38J and 38Q shall be taken at a point approximately 1 inch below the top of the body.

	Inside Description in Inches		
	Depth	Width	Length
(o) LETTUCE	•		v
**45 Loose			
Container	25 to 42	33 to 40	40 to 48
•	(outside)	(outside)	(outside)
45A	9 3/4	14	21
45B Flat pack	10 3/4	16 1/8	21 1/2
45C Flat pack	11	14 7/8	22 3/4
45F	10 3/8	15 1/4	23 1/4

For container 45F, either the top or bottom end and side flaps shall be constructed in accordance with the provisions pertaining to the construction of the flaps on fiberboard containers specified in section 1438.12; the opposite side shall be constructed with interlocking flaps.

Specific packing conditions are listed in article 27 of this group.

 $[\]ast\ast$ This container may be constructed either in a rectangular or semi-octagonal shape, with top cap optional.

	Inside Description in Inches		
	Depth	Width	Length
(p) MELONS	•		
44H	6 3/4 to 8 3/4	16	22 1/8
441	7 3/4	14	22 1/8
44J	5 3/4	14 1/2	22 1/8
44K	6 1/2 to 8 3/4	15 1/4	17
44L	7	12 1/4	18 7/8
44M	36	38	46
44N	7	15 3/8	15 1/2
44Q	7 1/4 to 8 3/4	13 1/8 to 16	19 5/8 to 19 3/4
~	(inside)	(outside)	(outside)

Specific packing conditions are listed in Article 28 of this group.

	Insid	de Description i	n Inches
	Depth	Width	Length
HONEY BALL	MELONS		Ţ.
41	13 or 13 1/2	13	21 7/8 or 22 1/8
44H	6 3/4 to 8 3/4	16	22 1/8
441	7 3/4	14	22 1/8
44J	5 3/4	14 1/2	22 1/8
44K	6 1/2 to 8 3/4	15 1/4	17
44L	7	12 1/4	18 7/8

Specific packing conditions are listed in article 28 of this group.

	Inside Description in Inches		
	Depth	Width	Length
(q) NECTARINES	•		<u> </u>
5 basket crate	4 to 7 1/8	16	16 1/8
9B basket crate	4 to 7 1/8	14 1/2	14 1/2
10A	5 to 10	9 3/8	16 3/8
12B	2 3/8 to 7 1/8	11 1/2	16 1/8
22B	4 to 7 1/8	12 1/2	16 1/8
22D	2 7/8 to 7 1/2	13 1/2	16 1/8
22E	8 3/4	13 1/2	16 1/8
22G	7 3/8 to 10 3/8	13 1/4	15 7/8
	(inside)	(outside)	(outside)
22H	9 ′	9 7/8 [°]	15 7/8
	(inside)	(outside)	(outside)
22I	8 3/4 to 9 1/2	12	20
	(inside)	(outside)	(outside)
31	4 3/4 to 5 1/4	12	19 3/4
32	5 3/4 to 7 1/4	11 3/4	19 3/4
	(inside)	(outside)	(outside)
33	3 to 4	10	16
	(inside)	(outside)	(outside)
34	2 5/8 to 4 1/2	12	19 3/4
	(inside)	(outside)	(outside)
35	3 1/2 to 7 15/16	15 9/16 to	23 1/4 to
	(inside)	15 13/16	23 3/4
		(outside)	(outside)
36	5 to 6 1/2	13 1/4	17 1/4
	(inside)	(outside)	(outside)

Specific packing conditions are listed in article 30 of this subchapter.

	Inside Description in Inches		
	Depth	Width	Length
(r) PEACHES	•		0
5 basket			
crate	4 to 7 1/8	16	16 1/8
9B basket crate	4 to 7 1/8	14 1/2	14 1/2
10A	5 to 10	9 3/8	16 3/8
12B	2 3/8 to 7 1/8	11 1/2	16 1/8
22D	2 7/8 to 7 1/2	13 1/2	16 1/8
22E	8 3/4	13 1/2	15 7/8
22G	7 3/8 to 10 3/8	13 1/4	15 7/8
	(inside)	(outside)	(outside)
22H	9	9 7/8	15 7/8
	(inside)	(outside)	(outside)

shape, with top cap optional.

^{*}Juice grapes may be packed only in these containers.

Standard containers may have a taper (up and in-down and in) at each corner.

	Inside Description in Inches		
	Depth	Width	Length
(r) PEACHES 22I	8 3/4 to 9 1/2	12	20
	(inside)	(outside)	(outside)
31	4 3/4 to 5 1/4	12	19 3/4
32	5 3/4 to 7 1/4	11 3/4	19 3/4
	(inside)	(outside)	(outside)
	Inside Description in Inches		
	Depth	Width	Length
(r) PEACHES	•		<u>.</u>
33	3 to 4	10	16
	(inside)	(outside)	(outside)
34	2 /58 to 4 1/2	12	19 3/4
_	(inside)	(outside)	(outside)
35	3 1/2 to 7 15/16	15 9/16 to	23 1/4 to
	(inside)	15 13/16	23 3/4
26	5 (1/0	(outside)	(outside)
36	5 to 6 1/2	13 1/4	17 1/4
	(inside)	(outside)	(outside)

Specific packing conditions are listed in article 34 of this subchapter. (s) [Reserved.]

	Inside Description in Inches		
	Depth	Width	Length
(t) PLUMS AND			
FRESH PRUNES			
5 basket crate	4 to 7 1/8	16	16 1/8
9C	7	12 1/2	12 1/2
10A	5 to 10	9 3/8	16 3/8
12A	4	10 1/2	15 1/8
12B	2 3/8 to 7 1/8	11 1/2	16 1/8
22B	4 to 7 1/8	12 1/2	16 1/8
22D	2 7/8 to 7 1/2	13 1/2	16 1/8
22G	7 3/8 or 7 1/2	13 1/4	15 7/8
	(inside)	(outside)	(outside)
22H	9	9 7/8	15 7/8
	(inside)	(outside)	(outside)
32	5 3/4 to 7 1/4	11 3/4	19 3/4
	(inside)	(outside)	(outside)
33	3 to 4	10	16
	(inside)	(outside)	(outside)
34	2 5/8 to 4 1/2	12	19 3/4
	(inside)	(outside)	(outside)
35	3 1/2 to 7 15/16		23 1/4 to
	(inside)		23 3/4
		(outside)	(outside)
36	5 to 6 1/2	13 1/4	17 1/4
	(inside)	(outside)	(outside)
34 35	(inside) 2 5/8 to 4 1/2 (inside) 3 1/2 to 7 15/16 (inside) 5 to 6 1/2	(outside) 12 (outside) 15 9/16 to 15 13/16 (outside) 13 1/4	(outside) 19 3/4 (outside) 23 1/4 to 23 3/4 (outside) 17 1/4

Specific packing conditions are listed in article 38 of this subchapter.

	Ins	ide Description in I	Inches
	Depth	Width	Length
(u) SWEET POT	ATOES		O .
27	5 3/4	13 1/2	16 1/8
47	11 1/2	10 11/16	16 3/8
48	10	11	16 3/4
48A	10 1/2	11 1/2	18
48B	7 1/4	11	16 3/4
50A bushel	basket Contains 2150.	42 cubic inches.	

Specific packing conditions are listed in article 42 of this section.

	Inside Description in Inches		
	Depth	Width	Length
(v) TOMATOES (green	1)		-
22C	3 3/4 to 7 1/8	13 1/2	16 1/8
53	11 15/16	11 15/16	18 3/4
54	10 5/8	10 5/8	16 13/16 to 17
			3/16
55	10 to 11	11 to 11 3/8	17 1/2 to 18 1/2
56	9 1/8 to 10	11 3/8	18 to 18 1/2
56A	7 1/2 to 8 1/2	11 to 11 3/8	17 1/2 to 18 1/2
57	10 1/4 to 11 1/4	10 11/16	16 3/8
57A	9 1/8	11	17 1/4
57B	5 3/4 to 8 1/2	12 3/4	15 15/16
57C	9 3/16	10 1/2	17
57D	7 to 8 3/4	10 1/2 to 12 3/4	14 3/4 to 17 1/2

The above description in inches for container 57A includes an "H" divider which shall (a) completely cover the entire area of both sides, and (b) extend the full depth of the container in the center.

Containers 55 and 56, used with an "H" divider, may measure 3/8 inch less in width and 3/8 inch less in length if the side pieces of the "H" divider completely cover the entire area of both sides of the container, and the center divider extends the full depth of the container.

In addition to the above description, container 57D shall have an interior volume of 1,420 cubic inches, plus or minus 5 percent.
(w) BASKETS, FRUIT.

1 Approximately 8 inches square on top, 6 1/2 inches square on bottom, and 4 to 5 inches deep, inside measurements.

1B Approximately 5 1/4 inches square on top, 4 1/4 inches square on bottom, and 3 inches deep, inside measurements.

1C Approximately 6 1/2 inches square on top, 5 3/8 inches square on bottom, and 3 3/4 inches deep, inside measurements.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Amendment of subsection (14) filed 4–8–85; effective thirtieth day thereafter (Register 85, No. 15). For prior history, see Register 84, No. 48.
- Amendment of subsection (11) filed 4-19-85; effective thirtieth day thereafter (Register 85, No. 16).
- Amendment of subsections (14), (17) and (20) filed 4–19–85; designated effective 4–20–85 pursuant to Government Code section 11346.2(d) (Register 85, No. 16).
- Amendment of subsection (6) filed 4–24–85; effective upon filing pursuant to Government Code section 11346.2(d) (Register 85, No. 17).
- Amendment filed 7–31–85; effective upon filing pursuant to Government Code section 11346.2(d) (Register 85, No. 31).
- 6. Amendment of subsection (10) filed 4–11–86; effective upon filing pursuant to Government Code section 11346.2(d) (Register 86, No. 15).
- 7. Amendment of subsections (2), (12), (14), (17), and (18) filed 5–5–86; effective upon filing pursuant to Government Code section 11346.2(d) (Register 86, No. 19).
- 8. Amendment of subsections (2), (17), (18) and (20) filed 4–16–87; operative 4–20–87 (Register 87, No. 16).
- Renumbering of former subsections (1)–(24) to subsections (a)–(x) and amendment of subsections (f) and (x) filed 7–13–87; operative 8–12–87 (Register 87, No. 29).
- 10. Amendment of subsection (e) filed 9–1–87; operative 10–1–87 (Register 87, No. 36).
- 11. Amendment of subsection (j) filed 10–6–87; operative 11–5–87 (Register 87, No. 42).
- 12. Amendment of subsection (c) filed 10–14–87; operative 11–13–87 (Register 87, No. 42).
- Amendment of subsection (j) filed 4–25–90; operative 4–25–90 pursuant to Government Code section 11346.2(d) (Register 90, No. 21).
- 14. Repealer of subsection (u) and renumbering of subsections (v) and (w) to subsections (u) and (v), filed 6-20-91; operative 7-22-91 (Register 91, No. 39).
- 15. Amendment of subsections (f) and (m) filed 8-16-91; operative 9-16-91 (Register 91, No. 50).
- 16. Repealer of subsection (s) filed 7–27–92 as an emergency; operative 7–27–92 (Register 92, No. 31). A Certificate of Compliance must be transmitted to OAL 11–24–92 or emergency language will be repealed by operation of law on the following day.
- 17. Repealer of subsection (f) filed 10–1–92; operative 10–1–92 pursuant to AB 884, article 6.5, sections 42803 and 42806 (Register 92, No. 40).
- 18. Repealer of subsection (i) filed 10-15-92; operative 10-15-92 pursuant to AB 884, article 6.5, sections 42803 and 42806 (Register 92, No. 42).
- 19. Repealer of subsection (d) filed 3–26–93; operative 4–26–93 (Register 93, No. 13).
- 20. Amendment of subsection (m) filed 2–1–94; operative 2–1–94 (Register 94, No. 5).
- 21. Amendment of subsection (m) filed 11-8-94 as an emergency; operative 11-8-94 (Register 94, No. 45). A Certificate of Compliance must be transmitted to OAL by 3-8-95 or emergency language will be repealed by operation of law on the following day.
- 22. Certificate of Compliance as to 11–8–94 order transmitted to OAL 12–22–94 and filed 1–31–95 (Register 95, No. 5).
- Amendment of subsection (h) filed 5-8-95; operative 5-8-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 19).
- 24. Amendment of subsection (n) filed 8-28-95; operative 9-27-95 (Register 95, No. 35).

- 25. Amendment of opening line and subsection (n) filed 7–2–96; operative 8–1–96 (Register 96, No. 27).
- 26. Amendment of subsection (p) filed 12–5–96; operative 1–4–97 (Register 96, No. 49).
- 27. Amendment of subsections (q) and (r) filed 5–29–97; operative 6–28–97 (Register 97, No. 22).
- 28. Amendment of subsection (n) filed 8-4-97; operative 9-3-97 (Register 97, No. 32).
- 29. Amendment of subsections (n), (q), (r) and (t) filed 6–17–98; operative 7–17–98 (Register 98, No. 25).
- 30. Amendment of subsection (a) filed 1–21–99; operative 2–20–99 (Register 99, No. 4).
- 31. Editorial correction restoring inadvertently omitted subsection (b)-Apricots container 25 dimensions (Register 99, No. 30).
- 32. Amendment of subsection (a) adding new container AP14 filed 7–22–99; operative 8–21–99 (Register 99, No. 30).
- 33. Amendment of subsection (b) and NOTE filed 5–4–2000; operative 6–3–2000 (Register 2000, No. 18).
- 34. Amendment of subsection (*l*) and NOTE filed 7–17–2000; operative 8–16–2000 (Register 2000, No. 29).
- 35. Amendment of subsection (a) filed 1–18–2001; operative 2–17–2001 (Register 2001, No. 3).
- 36. Amendment of subsection (k) filed 11–26–2001; operative 12–26–2001 (Register 2001, No. 48).
- 37. Amendment of subsections (n), (q), (r) and (t) filed 5–29–2002; operative 5–29–2002 pursuant to Government Code section 11343.4 (Register 2002, No. 22).
- 38. Amendment of subsection (h) filed 10–9–2002; operative 11–8–2002 (Register 2002, No. 41).
- 39. Amendment of subsection (m) filed 10–24–2002; operative 10–24–2002 pursuant to Government Code section 11343.4 (Register 2002, No. 43).
- 40. Amendment of subsection (*l*) filed 1–6–2003; operative 2–5–2003 (Register 2003, No. 2).
- 41. Amendment of subsections (b), (q), (r) and (t) filed 8–26–2003; operative 8–26–2003 pursuant to Government Code section 11343.4 (Register 2003, No. 35)
- 42. Amendment of subsection (p) filed 6–25–2004; operative 6–25–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 26).
- 43. Amendment of subsection (h) filed 4–28–2006; operative 5–28–2006 (Register 2006, No. 17).
- 44. Amendment of subsection (n) filed 11–1–2007; operative 12–1–2007 (Register 2007, No. 44).

§ 1380.20. Standard Containers "Permissive."

NOTE: Authority cited: Sections 14, 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1386.41 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 7–31–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 31).

§ 1380.21. Determining Inside Dimensions of Fiberboard Cartons.

The inside width and the inside length shall be determined by measuring the respective panels of the carton opposite from the manufacturer's joint. These measurements shall be taken at a point approximately one—half the depth of the container. The depth shall be determined by placing the bottom flaps firmly in a closed position, without crushing them, and then measuring vertically in the corner opposite from the manufacturer's joint from the upper side of the bottom inner flap to the underside of the corresponding top inner flap. The top inner flaps also must be in a closed position. When measuring a telescope—type container without the lid in place, measure from the upper side of the bottom inner flap to the edge of the top of the carton.

NOTE: Authority cited: Sections 14, 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 4–6–61; effective thirtieth day thereafter (Register 61, No. 7).
- 2. Renumbering from Section 1385 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Amendment filed 7-31-85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 31).

§ 1380.22. Mullen Bursting Test, Fibreboard Containers.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 11–16–72; effective thirtieth day thereafter (Register 72, No. 47).
- 2. Renumbering from Section 1387.50 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Repealer filed 11-25-80; effective thirtieth day thereafter (Register 80, No. 48).

§ 1380.23. Citrus Field Picking Box Measurements.

Except as otherwise permitted in Section 1380.25, the standard citrus field picking box shall have a cubic content of 3,115 cubic inches and shall not have cleats over 1 inch high. The volume added to the box by the cleats shall not be considered in computing the cubic content.

NOTE: Authority cited: Sections 14, 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- New Sections 1388, 1388.1 through 1388.3 filed 1-4-71; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 2. Amendment and renumbering from Section 1388 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Amendment filed 7–31–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 31).

§ 1380.24. Citrus Field Picking Box Requirements.

No person shall load, ship, transport, or deliver citrus fruits from the orchard where they were produced or from elsewhere within the state in any nonstandard citrus field picking box designed to hold less than 500 pounds, unless the box is clearly and conspicuously marked on an outside end with the word "irregular" and with the cubic content in cubic inches. Any citrus field picking box designed to hold more than 500 pounds shall be clearly and conspicuously marked on an outside end with the cubic content in cubic inches.

NOTE: Authority cited: Sections 14, 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1388.1 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 7-31-85; effective upon filing (Register 85, No. 31).

§ 1380.25. Citrus Field Picking Boxes Variation Tolerances.

In order to provide for reasonable variation in the cubic content of standard citrus field picking boxes because of atmospheric changes, normal use, and normal manufacturing variations, a tolerance of 4 percent either above or below the standard cubic content is permissible. An equal tolerance is permissible in the case of irregular citrus field picking boxes above or below the cubic content as marked upon such picking boxes. Note: Authority cited: Sections 14, 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1388.2 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. New NOTE filed 7–31–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 31).

§ 1380.26. Citrus Field Picking Boxes Contract Basis.

All contracts which are entered into, and all settlements which are made with growers on the basis of citrus field picking boxes shall be on the basis of the standard box unless such contract or settlement is in writing and expressly provides in type as conspicuous as the balance of the type that the box which is involved is irregular and states its actual cubic content.

NOTE: Authority cited: Sections 14, 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1388.3 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- New NOTE filed 7–31–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 31).

Page 124

§ 1380.27. Consumer Packages of Fresh Fruits, Nuts, or Vegetables.

Fresh fruits, nuts, or vegetables in unbroken consumer—type containers are exempt from the standard container provisions in this group, provided that such consumer—type containers:

(a) have a volume not greater than 85 percent of the smallest size standard container established for a particular commodity provided this provision shall not apply to unbroken consumer—type containers filled entirely with apricots, cherries, grapes, nectarines, peaches, or plums, and

(b) regardless of the smallest size container, are not of a size that will hold more than 15 pounds of the commodity.

In addition, this section shall not apply to containers filled entirely with berries or other commodities for which consumer-type containers are specifically defined by this group.

 $Note: Authority cited: Sections 14,407,42803,42806 \ and \ 42682, Food \ and \ Agricultural \ Code. \ Reference: Section 42941, Food \ and \ Agricultural \ Code.$

HISTORY

- 1. New sections 1386.70 through 1386.72 filed 1–4–71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 2. Renumbering from section 1386.70 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Amendment filed 7–31–85; effective upon filing pursuant to Government Code section 11346.2(d) (Register 85, No. 31).

4. Amendment of subsection (a) and Note filed 7-27-92 as emergency; operative 7-27-92 (Register 92, No. 31). A Certificate of Compliance must be transmitted to OAL 11-24-92 or emergency language will be repealed by operation of law on the following day.

§ 1380.28. General Provisions for Consumer Packages.

NOTE: Authority cited: Sections 14, 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Amendment and renumbering from Section 1386.71 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 7–31–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 31).

Article 5. Emergency Standards for Quality and Appeals

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New Article 5 (Sections 1385–1385.13) filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer of Article 5 (Sections 1385, 1385.1–1385.13) filed 4–16–85; effective thirtieth day thereafter (Register 85, No. 16).

[The next page is 125.]

Article 6. Exempt Fruits, Nuts and Vegetables

§ 1390. Intrastate Exemptions for Fruits, Nuts, and Vegetables.

Except as otherwise provided in Sections 1400.12, 1430.1, 1434, 1434.2 and 1466.7, fruits, nuts, and vegetables which are specified in this group, if they are not wrapped or packed, are exempt from the standards which are established in this group when being transported or delivered to the destinations and for the purposes herein set forth, or when prepared, loaded, shipped, or sold under any of the following conditions:

- (a) from a packing plant which does not have proper or adequate facilities for processing, grading, packing, or reconditioning to another packing plant within the state which has such facilities;
- (b) to a by-product plant within the state for commercial processing, preserving, or manufacturing of by-products for resale;
 - (c) to a feedyard within the state for livestock feeding purposes;
- (d) to a dumping ground or waste disposal plant within the state for disposal;
- (e) from the orchard or field where they were produced to a packing plant within the state for first processing, grading, or packing; or
- (f) to a charitable organization within the state to be used for charitable purposes.

NOTE: Authority cited: Sections 407, 42682 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New Article 6 (Sections 1390–1390.13) filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Amendment filed 10–8–76; effective thirtieth day thereafter (Register 76, No. 41).
- 3. Amendment filed 8–23–83; effective thirtieth day thereafter (Register 83, No. 35).

§ 1390.1. Permits for Exempt Fruits, Nuts, or Vegetables.

Except as otherwise provided in Section 1390.2 or 1390.3, any commissioner may issue a permit to any person who resides or maintains a principal place of business in the county to sell, buy, receive, transport, deliver, or cause to be transported any fruits, nuts, or vegetables which are exempt from the standards established in this group for any one or more of the purposes which are prescribed in Section 1390.

NOTE: Authority cited: Sections 407, 42682 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

1. Amendment filed 8–23–83; effective thirtieth day thereafter (Register 83, No. 35).

§ 1390.2. Permit Not Authorized.

No permit issued pursuant to Section 1390.1 shall authorize any person to sell, buy, receive, transport, deliver, or cause to be transported fruits, nuts, or vegetables which are in conflict with orders or regulations which are issued by the director pursuant to the California Marketing Act of 1937, Chapter 1 (commencing with Section 58601), Part 2, Division 21 of the Food and Agricultural Code, or a marketing program issued pursuant to the Agricultural Producers Marketing Law, Chapter 2 (commencing with Section 59501), Part 2, Division 21 of the Food and Agricultural Code.

NOTE: Authority cited: Sections 407, 42682 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

Amendment filed 8-23-83; effective thirtieth day thereafter (Register 83, No. 35).

§ 1390.3. Permit Requirements.

(a) A permit shall not be issued for the purpose set forth in Section 1390(a) until the commissioner has determined both that:

- (1) The packing plant from which the commodity is transported or delivered does not have proper and adequate facilities for processing, grading, packing, or reconditioning the particular lot; and
- (2) the packing plant to which the commodity is to be transported has such facilities.
- (b) A permit shall not be issued for the purpose set forth in Section 1390(f) until the commissioner has determined that the commodity shall be used solely for charitable purposes and not for resale.

NOTE: Authority cited: Sections 407, 42682 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 10–8–76; effective thirtieth day thereafter (Register 76, No. 41).
- 2. Editorial correction adding NOTE filed 8-23-83 (Register 83, No. 35).

§ 1390.4. Permit Period.

Permits may be issued for a period not exceeding 36 months.

NOTE: Authority cited: Sections 407, 42682 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

1. Editorial correction adding NOTE filed 8-23-83 (Register 83, No. 35).

§ 1390.5. Permit Validity.

A permit which is issued pursuant to Section 1390.1 is only valid in the county where it is issued unless the permit has been approved in writing by the agricultural commissioners of both the county of origin and of destination.

NOTE: Authority cited: Sections 407, 4262 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

1. Amendment filed 8–23–83; effective thirtieth day thereafter (Register 83, No. 35).

§ 1390.6. Permittee Affidavits.

A permittee shall, upon request of any commissioner, furnish such affidavits, receipts and other evidence as is necessary to prove that the commodities have been disposed of in accordance with the terms of the permit issued pursuant to Section 1390.1.

NOTE: Authority cited: Sections 407, 42682 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

1. Amendment filed 8–23–83; effective thirtieth day thereafter (Register 83, No. 35).

§ 1390.7. Permit Refused.

Any commissioner may refuse to issue or to endorse a permit, or may revoke or suspend any permit or endorsement which is issued by him, if after investigation and in his judgment the permittee or applicant for permit comes within any of the following classes:

- (a) Does not have available proper and adequate facilities with which to pack, process, or otherwise dispose of the commodities which are described in Article 6 (commencing with Section 1390) of this article in accordance with the provisions of this group.
- (b) Has previously violated any of the provisions of this group or the terms of any permit which is issued pursuant to this article.
- (c) Has failed or refused to furnish the evidence required by the commissioner.

NOTE: Authority cited: Sections 407, 42682 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

1. Editorial correction adding NOTE filed 8-23-83 (Register 83, No. 35).

§ 1390.8. Permit Refusal in Writing.

Any order of the commissioner refusing to endorse or issue a permit, or suspending or revoking a permit, shall be in writing.

NOTE: Authority cited: Sections 407, 42682 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

1. Editorial correction adding NOTE filed 8-23-83 (Register 83, No. 35).

§ 1390.9. Permit Appeal.

(a) Any person may appeal to the director, within 10 days, for a hearing upon a written order of the commissioner refusing to endorse or issue a permit, or suspending or revoking a permit.

(b) The proceedings for such hearing shall be conducted in accordance with Chapter 5 (commencing with Section 11500) Part 1, Division 3, Title 2 of the Government Code. However, the provisions of Sections 11505 and 11506 of such code shall not apply and the statement of issues or accusation, as the case may be, shall be delivered or mailed to the parties as provided in Section 11509 of such code.

NOTE: Authority cited: Sections 407, 42682 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 10–8–76; effective thirtieth day thereafter (Register 76, No. 41).
- 2. Editorial correction adding NOTE filed 8-23-83 (Register 83, No. 35).

§ 1390.10. Permittee Operation Pending Disposition of Application.

This article does not allow a permittee or applicant to operate pending the disposition of his application or petition.

NOTE: Authority cited: Sections 407, 42682 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

1. Editorial correction adding NOTE filed 8-23-83 (Register 83, No. 35).

§ 1390.11. Permit Suspended or Revoked.

This article does not prevent the commissioner from suspending or evoking a permit forthwith, and without notice or hearing. Such peremptory action shall, however, be supported by previous investigation, the results of which reasonably indicate to the commissioner that to allow an existing permit to remain in use pending a hearing would encourage, allow, or permit additional or other violations of any provision of this group.

NOTE: Authority cited: Sections 407, 42682 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

1. Editorial correction adding NOTE filed 8-23-83 (Register 83, No. 35).

§ 1390.12. Permit Inspection.

A permit shall be submitted for inspection upon demand of any enforcing officer.

NOTE: Authority cited: Sections 407, 42682 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

1. Editorial correction adding NOTE filed 8-23-83 (Register 83, No. 35).

§ 1390.13. Permit Records.

Every person who sells, delivers, or receives any fruits, nuts, or vegetables which do not conform to the standards prescribed by this group shall keep an accurate record of all such transactions in such form as the commissioner shall require. All such records shall be kept for at least one year and shall be delivered to the commissioner for inspection on demand at any time within that period.

NOTE: Authority cited: Sections 407, 42682 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

1. Amendment filed 8–23–83; effective thirtieth day thereafter (Register 83, No. 35)

§ 1390.14. Exemptions for Out-of-State Processing.

Any person, under a permit issued pursuant to Section 1390.15, may transport out of state any commodity that fails to comply with the quality, packing, container, or marking requirements of this group, except as provided in Sections 1430, 1434, 1434.2, 1436, 1438.33, and 1466.1. Such commodity shall be used for commercial processing, preserving, or manufacturing on the purchaser's premises. The requirements are:

- (a) the permit shall be issued for and accompany each load or lot which is transported; and
- (b) the commodity shall be loose in containers holding 200 pounds or more or in bulk.

NOTE: Authority cited: Sections 407, 42682 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

1. New section filed 8–23–83; effective thirtieth day thereafter (Register 83, No. 35)

§ 1390.15. Out-of-State Permit Requirements.

Except as otherwise provided in Section 1390.17, a permit may be issued by the enforcing officer if there is satisfactory verification by a like official in the state of destination that the produce is to be transported to a purchaser for commercial processing, preserving, or manufacturing on the premises of the purchaser.

NOTE: Authority cited: Sections 407, 42682 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

 New section filed 8-23-83; effective thirtieth day thereafter (Register 83, No. 35).

§ 1390.16. Proof of Compliance.

The permittee shall, upon request of the enforcing officer, furnish such affidavits, receipts, and other evidence as is necessary to prove that the commodities have been disposed of in accordance with the terms of the permit issued pursuant to Section 1390.15.

NOTE: Authority cited: Sections 407, 42682 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

1. New section filed 8-23-83; effective thirtieth day thereafter (Register 83, No. 35)

§ 1390.17. Permit Not Authorized.

No permit issued pursuant to Section 1390.15 shall authorize any person to sell, buy, receive, transport, deliver, or cause to be transported fruits, nuts, or vegetables which are in conflict with orders or regulations which are issued by the director pursuant to the California Marketing Act of 1937, Chapter 1 (commencing with Section 58601), Part 2, Division 21 of the Food and Agricultural Code, or a marketing program issued pursuant to the Agricultural Producers Marketing Law, Chapter 2 (commencing with Section 59501), Part 2, Division 21 of the Food and Agricultural Code.

NOTE: Authority cited: Sections 407, 42682 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

1. New section filed 8–23–83; effective thirtieth day thereafter (Register 83, No. 35).

Article 6.1. State Organic Program Appeal and Mediation Procedures

§ 1391. Appeal of Denial, Suspension or Revocation of Organic Certification.

- (a) A certification agent or the Secretary may propose denial, suspension or revocation of the organic certification of agricultural production and handling operations consistent with the provisions of Title 7, Code of Federal Regulations, Section 205.662.
- (b) An applicant for certification may appeal a certification agent's or Secretary's notice of denial of certification, and a certified operation may appeal a certification agent's or Secretary's notification of the proposed suspension or revocation, to the Secretary consistent with the provisions of Title 7, Code of Federal Regulations, Section 205.681.
- (c) Upon receipt of the appeal, the Secretary will evaluate the proposal of the certification agent or Secretary to deny, suspend or revoke a certification in order to determine if there is sufficient evidence to proceed to initiate formal administrative action to do so.
- (1) A decision by the Secretary to decline to initiate a formal administrative proceeding shall be deemed a granting of the appeal, and the Secretary shall communicate the decision in writing to the appellant and the certification agent.
- (2) A decision by the Secretary to proceed to initiate a formal administrative proceeding shall be deemed a denial of the appeal, and the service of the accusation shall be construed as the communication of the denial to the appellant and the certification agent.

Page 126 Register 2008, No. 4; 1-25-2008

- (d) Formal administrative proceedings shall be conducted in accordance with the provisions of Government Code, Section 11500 et seq. Note: Authority cited: Sections 407, 46000, 46001 and 46002, Food and Agricultural Code. Reference: Sections 401 and 46016.5, Food and Agricultural Code. HISTORY
- 1. New article 6.1 (sections 1391–1391.1) and section filed 9–10–2007; section operative upon approval by the Secretary of the U.S. Department of Agriculture (Register 2007, No. 37).
- Change without regulatory effect amending section, and attaching letter by the Secretary of the U.S. Department of Agriculture approving the State Organic Program appeal procedures effective 11–5–2007, filed 1–24–2008 pursuant to section 100, title 1, California Code of Regulations (Register 2008, No. 4).

§ 1391.1. Mediation of Denial, Suspension or Revocation of Organic Certification.

- (a) If a certification agent proposes the denial, suspension or revocation of the organic certification of an agricultural production or handling operation, pursuant to 1391(a), they may voluntarily participate in mediation prior to the filing of a formal administrative proceeding by the Secretary. If they enter into mediation after the filing of an appeal with the Secretary, but before the commencement of a formal administrative proceeding, pursuant to 1391(c), they shall inform the Secretary of their decision to do so. Upon the conclusion of a mediation session, they have 30 days to reach a settlement agreement. Mediation process must be consistent with Title 7, Code of Federal Regulations, Section 205.663.
- (1) Any settlement agreement shall be in compliance with the requirements of the State Organic Program.
- (2) The parties shall submit any proposed settlement agreement to the Secretary for review.
- (3) Upon receipt, the Secretary shall review proposed settlements for conformity with the requirements of the State Organic Program, and reject any agreement or provision that does not comply with the requirements of the Program. If the Secretary rejects a provision or provisions of the proposed settlement, the parties must affirmatively agree to accept the settlement in the form as approved by the Secretary.
- (b) The Secretary may establish a list of qualified mediators, but the certification agent and the certified operation or applicant for certification may voluntarily agree upon the choice of a mediator that is not on the list.
- (c) Compensation of the mediator, if other than the County Agricultural Commissioners or Secretary, and any other associated costs shall be the responsibility of the certification agent and the certified operation or applicant for certification. The mediator, the certification agent and the certified operation or applicant for certification shall enter into a written agreement regarding compensation and costs before the commencement

- of mediation. County Agricultural Commissioners may be reimbursed for expenses incurred in conducting mediation by the Secretary as agreed to within the organic program contract or memorandum of understanding.
- (d) Formal administrative proceedings shall be conducted in accordance with the provisions of Government Code, Section 11500 et seq. Note: Authority cited: Sections 407, 46000, 46001 and 46002, Food and Agricultural Code. Reference: Sections 401 and 46016.5, Food and Agricultural Code. HISTORY
- 1. New section filed 9–10–2007; section operative upon approval by the Secretary of the U.S. Department of Agriculture (Register 2007, No. 37).
- Change without regulatory effect amending section, and attaching letter by the Secretary of the U.S. Department of Agriculture approving the State Organic Program appeal procedures effective 11–5–2007, filed 1–24–2008 pursuant to section 100, title 1, California Code of Regulations (Register 2008, No. 4).

Article 6.5. Direct Marketing

§ 1392. Intent.

The intent of this article is to facilitate the sale of agricultural products from producers and certified producers within the state directly to consumers while maintaining sufficient regulatory control to ensure that the agricultural products are of acceptable quality and that the selling activities are conducted honestly and fairly.

NOTE: Authority cited: Sections 14, 407, 42682, 42684, 58101, 58101.5, 58102, 58103 and 58104, Food and Agricultural Code. Reference: Sections 42941, 58101, 58101.5, 58102, 58103, and 58104, Food and Agricultural Code.

HISTORY

- 1. New article 6.5 (sections 1392–1392.11) filed 3–31–77; effective thirtieth day thereafter (Register 77, No. 14).
- 2. Amendment filed 3–30–79; effective thirtieth day thereafter (Register 79, No. 13).
- Amendment of section filed 7–26–91; operative 7–26–91 pursuant to Government Code section 11346.2(d) (Register 91, No. 47).

§ 1392.1. Direct Marketing Authorized.

- (a) Notwithstanding other provisions of this Group, this article authorizes producers or certified producers of certified or noncertifiable agricultural products to sell their products, as defined in this article, directly to consumers, subject to the provisions of this article.
- (b) A certified producer may sell agricultural products, which he/she has produced, at a certified farmers' market.
- (c) A producer may only sell noncertifiable agricultural products which he/she has produced, at a certified farmers' market, or agricultural products which he/she has produced, at or near the point of production.

[The next page is 127.]

- (d) Fresh fruits, nuts, and vegetables may be sold directly to consumers exempt from size, standard pack, container, and labeling requirements only by:
- (1) The certified producer of the agricultural products at a stand at a certified farmers' market; or
- (2) The producer of the agricultural products at a retail stand located at or near the point of production.
- (e) All fresh fruits, nuts, and vegetables sold pursuant to this article shall comply with the regulations of the California Code of Regulations, title 3, subchapter 4, beginning with section 1359, governing maturity and quality.
- (f) Excluding fresh fruits, nuts, and vegetables, agricultural products, as defined in this article, which are sold or offered for sale at a certified farmers' market or at or near the point of production, must comply with all applicable laws and regulations pertaining to quality and labeling.
- (g) This article does not supersede the provisions of federal marketing orders, state marketing orders, state laws and regulations enforced by any state agency, or any other local health and safety laws, regulations, or ordinances.

NOTE: Authority cited: Sections 407, 42681, 42682, 42684, 47000, 47001 and 47003, Food and Agricultural Code. Reference: Sections 42941, 47002 and 47003, Food and Agricultural Code.

HISTORY

- 1. Amendment and numbering of undesignated introductory paragraph as subsection (a), repealer of remaining paragraphs with new subsections (b)–(c) and NOTE filed 7–26–91; operative 7–26–91 pursuant to Government Code section 11346.2(d) (Register 91, No. 47).
- Amendment of subsection (d) and Note filed 2-4-2002 as an emergency; operative 2-4-2002 (Register 2002, No. 6). A Certificate of Compliance must be transmitted to OAL by 6-4-2002 or emergency language will be repealed by operation of law on the following day.
- 3. Amendment of subsection (d) and NOTE refiled 7-3-2002 as an emergency; operative 7-3-2002 (Register 2002, No. 27). A Certificate of Compliance must be transmitted to OAL by 10-31-2002 or emergency language will be repealed by operation of law on the following day.
- 4. Certificate of Compliance as to 7-3-2002 order transmitted to OAL 10-25-2002 and filed 12-2-2002 (Register 2002, No. 49).

§ 1392.2. Definitions.

Unless the context otherwise requires, the following definitions govern the construction of the language in this article.

- (a) Certified Farmers' Market. A location approved by the county agricultural commissioner of that county where agricultural products are sold by producers or certified producers directly to consumers. A certified farmers' market may be operated by one or more certified producers, by a nonprofit organization, or by a local government agency.
- (b) Certified Farmers' Market Certificate. A certificate issued by the county agricultural commissioner authorizing the location where agricultural products are sold by the producers directly to consumers. The certificate is valid only when bearing the original signatures of the county agricultural commissioner and the authorized representative of the certified farmers' market.
- (c) Land Which the Producer or Certified Producer Controls. Land that the producer or certified producer farms and owns, rents, leases, or sharecrops.
- (d) Producer. A person or separate entity that produces agricultural products by practice of the agricultural arts upon land which the person or separate entity controls. Producer may be, for the purposes of this article, a person, partnership, corporation or any other entity.
- (e) Certified Producer. A producer authorized by the county agricultural commissioner to sell certified agricultural products, produced by practice of the agricultural arts upon land which the certified producer controls, directly to consumers at a certified farmers' market.
- (f) Certified Producer's Certificate. A certificate issued by the county agricultural commissioner in the county of production authorizing the transportation and sale of certified agricultural products pursuant to this article
- (g) Consumer. A person who purchases and receives agricultural products at or near the point of production or at a certified farmers' mar-

ket. It excludes a person who purchases fresh fruits, nuts, and vegetables for commercial resale unless such products comply with all applicable size, standard pack, containers, and labeling requirements.

- (h) Direct Marketing. The sale:
- (1) At a certified farmers' market of agricultural products by a certified producer to a consumer: or
- (2) At a certified farmers' market of noncertifiable agricultural products by a producer to a consumer; or
- (3) At or near the point of production of agricultural products by a producer to a consumer.
- (i) Immediate Family. Parents, children, grandparents, or grandchildren of the certified producer or a family member regularly residing in the certified producer's household.
- (j) Employee. Any person employed by a certified producer at a regular salary or wage, on either a full or part time basis. It does not include any person who is reselling or whose compensation is primarily based on a commission of sales.

Notwithstanding the above, an employee of an agricultural cooperative organized under the laws of California may sell the agricultural products of one of its members in accordance with the provisions of this article

- (k) Agricultural Products. Agricultural products include all certified and noncertifiable agricultural products as defined in section 1392.2(1) and section 1392.2(m).
- (1) Certified Agricultural Products. Agricultural products, which are certified under the jurisdiction of the county agricultural commissioner relative to inspection and verification of compliance with the provisions of this article, include fresh fruits, nuts, vegetables, shell eggs, honey, flowers, and nursery stock.
 - (m) Noncertifiable Agricultural Products.

Noncertifiable agricultural products include all certified agricultural products that have been processed, those products other than certified agricultural products noted in (*l*) above from any tree, vine or plant and their flowers (including processed products), livestock (including rabbits) and livestock products, and fish and shellfish produced under controlled conditions in waters or ponds located in California.

- (n) Nonprofit Organization. An organization which qualifies for non-profit status for California income tax purposes.
- (o) Market Manager. A person or persons empowered to implement the rules, regulations, policies, and directives of the governing body of a certified farmers' market.
- (p) Market Rules. A set of written rules or regulations approved by each certified farmers' market. The rules and regulations may be more stringent than established state regulations, provided they do not violate or conflict with any state law or regulation governing their activities.
- (q) Notice and Hearing Process. A process initiated at the discretion of a county agricultural commissioner after alleged violation(s) of the provisions of this article has occurred.
- (r) Agricultural Production and Practice of the Agricultural Arts. To be involved in and make decisions regarding all phases of producing an agricultural product, which includes, but is not limited to, planting, growing, fertilizing, irrigating, cultivating, pest control, and harvesting.
- (s) Partnership. A partnership is a separate entity distinct from its individual members. As a separate entity, a partnership must obtain a certified producer's certificate to market, directly to consumers, its agricultural products, which shall be produced by practice of the agricultural arts upon land that the partnership, as a separate entity, exclusively controls.
- (t) Sprouts. Sprouts are germinated seeds, legumes and nuts such as, but not limited to, pumpkin seeds, peanuts, flax, soybeans and fenugreek. For the purpose of practicing the agricultural arts to sell sprouts at a certified farmers' market, a minimum of fifty percent of the seeds, legumes, or nuts, in any package or container offered or displayed for sale, must have sprouts that have emerged from the seed, legume or nut coat, husk, pericarp or other type of covering. No requirement for a minimum measurement of the sprout shall apply nor shall a minimum time of seed hydration be required.

NOTE: Authority cited: Sections 407, 42681, 42684, 47000, 47001, 47002, 47003 and 47004, Food and Agricultural Code. Reference: Sections 42941, 47000, 47001 and 47003, Food and Agricultural Code.

HISTORY

- 1. Amendment of subsection (a) filed 3–30–79; effective thirtieth day thereafter (Register 79, No. 13).
- 2. Amendment of undesignated paragraph and subsection (a), amendment and renumbering of subsections (k) to (c), (b) to (d), (c) to (e), (i) to (f), (d) to (g), (e) to (h), (g) to (i), (f) to (j), (h) to (m) and (j) to (n), with new subsections (b), (k), (/), (o), (p) and (q) filed 7–26–91; operative 7–26–91 pursuant to Government Code section 11346.2(d) (Register 91, No. 47).
- 3. New subsection (r) and amendment of Note filed 12–9–99; operative 1–8–2000 (Register 99, No. 50).
- Amendment of subsections (d) and (f), new subsection (s) and amendment of NOTE filed 2-4-2002 as an emergency; operative 2-4-2002 (Register 2002, No. 6). A Certificate of Compliance must be transmitted to OAL by 6-4-2002 or emergency language will be repealed by operation of law on the following day.
- 5. Amendment of subsections (d) and (f), new subsection (s) and amendment of Note refiled 7-3-2002 as an emergency; operative 7-3-2002 (Register 2002, No. 27). A Certificate of Compliance must be transmitted to OAL by 10-31-2002 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 7–3–2002 order, including amendment of subsection (s), transmitted to OAL 10–25–2002 and filed 12–2–2002 (Register 2002, No. 49).
- 7. New subsection (t) and amendment of Note filed 5-9-2005; operative 6-8-2005 (Register 2005, No. 19).

§ 1392.3. Where Direct Marketing Permitted.

HISTORY

1. Repealer filed 7–26–91; operative 7–26–91 pursuant to Government Code section 11346.2(d) (Register 91, No. 47).

§ 1392.4. Conditions of Direct Marketing.

- (a) Except as provided in subsection (f) below, producers or certified producers may sell or offer to sell only agricultural products which they have produced to consumers at a certified farmers' market. The certified producer's immediate family or employee(s) may also act for and sell the certified producer's agricultural products. No certifiable agricultural products may be sold at a certified farmers' market unless such products are listed on the certified producer's certificate.
- (b) All agricultural products, when sold or offered for sale at a certified farmers' market or at or near the point of production, shall comply with all applicable requirements of Article 1 (beginning with Section 113700), 2, 3, 4, 5, 6, 7, 11, 13, and 15 of Chapter 4 (California Uniform Retail Food Facilities Law), Division 104, Part 7, of the California Health and Safety Code, and Chapters 1 (beginning with Section 109875), 2, 4, 5, and 8 (California Sherman Food, Drug, and Cosmetic Law), and Division 104, Part 5, of the California Health and Safety Code.
- (c) Only agricultural products may be sold or offered for sale at a certified farmers' market. The sale of nonagricultural products shall not be permitted in the area designated as a certified farmers' market.
- (d) The certified producer's embossed photocopy certificate shall accompany the certified agricultural products during transportation and shall be conspicuously posted at the point of sale.
- (e) When any agricultural products are sold by weight, the type of scale used shall be approved by the Department of Food and Agriculture, and shall be tested and sealed for use by the county sealer—director of weights and measures.
- (f) A certified farmers' market may allow, or prohibit, a certified producer or his/her immediate family member or employee to sell at that market certified agricultural products on behalf of a maximum of two other certified producers including, but not limited to, separate entities, such as partnerships, in which the certified producer has an interest as an individual member. If such a practice is allowed, the following provisions shall be met by the certified producer and shall be specified in the certified farmers' market's rules and regulations:
- (1) A certified producer shall not represent, nor be represented by more than two other certified producers in a 12-month period.
- (2) Each certified producer's certified agricultural products to be sold or offered for sale shall be separated and identifiable by each certified producer's valid certificate at the point of sale.

- (3) The name of the certified producer for whom another certified producer is selling shall appear on the certificate of the certified producer that is conducting sales at a certified farmer's market.
- (4) The name of the certified producer who is selling the products of another certified producer shall appear on the certificate of the person or entity for whom the certified producer is selling.
- (5) The certified producer selling for another certified producer shall be selling or offering for sale, at the same certified farmers' market on the same day, certified agricultural products which the certified producer conducting the sales has produced and which are in greater volume than the volume offered for sale for the other certified producer. For purposes of this section, the volume shall be measured by the weight or dollar value of the products at the time and point of sale. This volume requirement shall apply only at the beginning of each day of sale.
- (6) The producer applying for certification shall obtain and submit to the agricultural commissioner, prior to certification, written authority from said other certified producers to sell on their behalf.
- (7) Commission sales and buying and selling between certified producers is prohibited. Any payment made for the service of one certified producer selling for another certified producer shall not be related to the volume or value of the products sold.
- (8) The operator of a certified farmers' market may prohibit or otherwise establish rules regarding sales permitted under this subsection that are more restrictive, provided that such prohibition or restriction is contained in the market's written rules and regulations.
- (9) A certified producer who sells certified agricultural products on behalf of another certified producer or whose products are sold by another certified producer at a certified farmers' market shall keep for a period of not less than three years, the following records relating to such products:
- (i) Date of transfer to seller and accurate amount of products, by weight, dry measure, or count, transferred. Each separate product and amount shall be recorded according to variety.
- (ii) Date of sale and accurate amount of products, by weight, dry measure, or count, sold. Each separate product and amount shall be recorded according to variety.
 - (iii) Names of both certified producers involved.
- (10) A certified producer subject to this subdivision shall produce, for inspection, records required by this section upon demand of a representative of the department or county agricultural commissioner.
- (g) The provisions of this section, and any amendments thereof, shall apply to all new certified producer's certificates, including renewals, upon filing with the Secretary of State, unless another effective date has been designated by the Office of Administrative Law. Certified producer's certificates already issued shall conform to the requirements of this section, and any amendments, within twelve (12) months of the certificate issue date.
- (h) Any person selling organic products or representing products as organic at a certified farmers' market shall conspicuously post at the point of sale a photocopy of his or her current State of California organic registration and, if applicable, documentation of his or her organic certification. Prior to posting organic documents, it is permissible to conceal from public view acreage and dollar amounts pertaining to annual sales. A complete photocopy of the original, unaltered, current organic document(s) shall, upon the request of an enforcement officer, be made available for review at any time during participation in a certified farmers' market.
- (i) Any person selling organic products or representing products as organic on behalf of another certified producer at a certified farmers' market shall conspicuously post at the point of sale a photocopy of the represented certified producers' current State of California organic registration and, if applicable, documentation of the represented certified producers' organic certification. Prior to posting organic documents, it is permissible to conceal from public view acreage and dollar amounts pertaining to annual sales. A complete photocopy of the original, unaltered, current organic document(s) shall, upon the request of an enforce-

ment officer, be made available for review at any time during participation in a certified farmers' market.

(j) A certified producer shall not sell or represent sprouts as his or her own production resulting from practicing the agricultural arts if less than 50 percent of the seeds, legumes or nuts in any package or container have sprouts that have emerged from the seed, legume or nut coat, husk, pericarp or other type of covering.

NOTE: Authority cited: Sections 407, 42682, 47000, 47001, 47002, 47003, 47004 and 47005, Food and Agricultural Code. Reference: Sections 47000, 47002, 47003, 47004, 47005 and 47022, Food and Agricultural Code.

HISTORY

- Amendment of subsection (a) filed 3-30-79; effective thirtieth day thereafter (Register 79, No. 13).
- 2. Amendment of subsection (a) filed 4–4–79; effective thirtieth day thereafter (Register 79, No. 13).
- 3. Amendment of subsection (a) filed 2–3–82; effective thirtieth day thereafter (Register 82, No. 6).
- 4. Amendment of subsection (a), amendment and renumbering of subsections (b) to (e), (c) to (f), with new subsections (b), (c), (d) and (g) filed 7–26–91; operative 7–26–91 pursuant to Government Code section 11346.2(d) (Register 91, No. 47).
- 5. Amendment of subsections (g)–(g)(3) and amendment of NOTE filed 1–30–97; operative 3–1–97 (Register 97, No. 5).
- Amendment of subsections (a) and (g), new subsections (g)(1), (g)(3) and (g)(4), subsection renumbering, amendment of subsections (g)(7)–(10) and amendment of Note filed 12–9–99; operative 1–8–2000 (Register 99, No. 50).
- Amendment of section and Note filed 5–4–2001 as an emergency; operative 5–4–2001 (Register 2001, No. 18). A Certificate of Compliance must be transmitted to OAL by 9–4–2001 or emergency language will be repealed by operation of law on the following day.
- 8. Reinstatement of section as it existed prior to 5–4–2001 emergency action by operation of Government Code section 11346.1(f) (Register 2001, No. 48).
- 9. Amendment of section and Note filed 11-28-2001; operative 12-28-2001 (Register 2001, No. 48).
- 10. Amendment of subsections (f) and (f)(3)–(5), new subsection (g) and amendment of Note filed 2–4–2002 as an emergency; operative 2–4–2002 (Register 2002, No. 6). A Certificate of Compliance must be transmitted to OAL by 6–4–2002 or emergency language will be repealed by operation of law on the following day.
- 11. Amendment of subsections (f) and (f)(3)–(5), new subsection (g) and amendment of Note refiled 7–3–2002 as an emergency; operative 7–3–2002 (Register 2002, No. 27). A Certificate of Compliance must be transmitted to OAL by 10–31–2002 or emergency language will be repealed by operation of law on the following day.
- 12. Certificate of Compliance as to 7–3–2002 order, including further amendment of subsections (f), (f)(3)–(5) and (f)(8)–(10), transmitted to OAL 10–25–2002 and filed 12–2–2002 (Register 2002, No. 49).
- 13. New subsections (h)–(j) and amendment of NOTE filed 5–9–2005; operative 6–8–2005 (Register 2005, No. 19).

§ 1392.5. Producer Certification Procedures.

- (a) A producer may become certified by applying to the agricultural commissioner of the county where the producer's farm is located. A producer who farms in more than one county must be certified in each county where he/she produces certifiable agricultural products for sale at a certified farmers' market.
- (b) The certificate and application shall be on a form authorized by the director and include an agreement signed by the applicant that the applicant will comply with the terms of this article.
- (c) Any producer shall provide, upon request by an enforcing officer or market manager, certificates, documentation, information, or any other identification that may be reasonably required to show that the conditions of this article are being met.
- (d) The county agricultural commissioner shall issue only one original certificate, which bears the signatures of the agricultural commissioner and the certified producer, and the name of each destination county where the certified producer will be selling. The original certificate shall be maintained in the issuing county agricultural commissioner's office.
- (e) The county agricultural commissioner shall issue an embossed photocopy of the original certificate to the certified producer, which will serve as the valid certified producer's certificate. Certified producers who intend to sell at more than one certified farmers' market must obtain

the necessary number of embossed photocopies of the original certificate to comply with the provisions of this article.

(f) The issuing county agricultural commissioner shall send a photocopy of the original certificate to each destination county listed on the certified producer's certificate.

NOTE: Authority cited: Sections 14, 407, 42681, 42682, 42684, 58101.5, 58102 and 58103, Food and Agricultural Code. Reference: Sections 42941, 58101, 58101.5, 58102, 58103 and 58104, Food and Agricultural Code.

HISTORY

 Amendment of heading, amendment and numbering of first three undesignated paragraphs as subsections (a)–(c), with repealer of remaining undesignated paragraphs, and new subsections (d)–(f) and NOTE filed 7–26–91; operative 7–26–91 pursuant to Government Code section 11346.2(d) (Register 91, No. 47).

§ 1392.6. Certification Requirements of a Certified Farmers' Market.

- (a) A county agricultural commissioner may issue a certified farmers' market certificate, which specifies a location where agricultural products may be sold or offered for sale. The certificate shall indicate that the marketplace is a certified farmers' market.
- (b) Application shall be made by the proposed operator(s) of a certified farmers' market and shall include a signed agreement by the operator(s) to comply with the terms of this article. The application and certificate shall be on a form authorized by the director.
- (c) The county agricultural commissioner shall not issue a certificate for a certified farmers' market when notified that a permit for the operation of such market has been denied by an agency of local government.
- (d) The governing body of a certified farmers' market operation for or by more than one certified producer shall promulgate a set of market rules and regulations which specify procedural criteria pertaining to:
 - (1) Admission of any producer to the market(s).
 - (2) Admission of any agricultural products to the market(s).
 - (3) Removal of any producer from the market(s).
- (4) Allowance of a certified producer selling on behalf of another certified producer as provided in Section 1392.4.
- (e) The governing body of a certified farmers' market has authority to establish specific rules and regulations for any market(s) under its control which regulate the:
 - (1) Type and number of producers and certified producers admitted.
 - (2) Type and number of certified and noncertifiable products admitted.
- (3) Methods of selling certified and noncertifiable agricultural products.
- (f) The certified farmers' market's rules and regulations shall contain a clause, which states that the governing body and its designated agents shall implement and enforce all rules and regulations pertaining to the operation of a certified farmers' market in a fair and equitable manner.
- (g) A current copy of the certified farmers' market's rules and regulations shall be sent to the Department of Food and Agriculture, Fruit and Vegetable Quality Control—Standardization, and to the agricultural commissioner of the county in which the certified farmers' market is located.

NOTE: Authority cited: Sections 14, 407, 42681, 42682, 42684, 47000, 47002 and 47003, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Amendment of heading, repealer of undesignated 1st, 3rd and 4th paragraphs, amendment and numbering of undesignated second paragraph as subsections (b) and (c), and new subsections (a), (d)–(g) and NOTE filed 7–26–91; operative 7–26–91 pursuant to Government Code section 11346.2(d) (Register 91, No. 47).
- 2. New subsection (d)(4) and amendment of NOTE filed 1-30-97; operative 3-1-97 (Register 97, No. 5).

§ 1392.7. Certificates Issued.

(a) A county agricultural commissioner shall issue a certified producer's certificate upon review of application and determination that the applicant meets the requirements of a certified producer. When issuing the certified producer's certificate, the county agricultural commissioner should:

- (1) Consider seasonal production and varieties of the products when listing the products.
- (2) Insofar as practicable, include an on-site inspection of the land controlled by the producer.
- (b) A county agricultural commissioner shall issue a certified farmers' market certificate upon review of application and determination that the applicant meets the requirements to operate a certified farmers' market.
- (c) A certified producer's certificate shall be valid for not more than 12 months from the date of issue.
- (d) A certified farmers' market certificate shall be valid for 12 months from the date of issue.

NOTE: Authority cited: Sections 14, 407, 42681, 42682, 42684, 58101.5, 58102 and 58103, Food and Agricultural Code. Reference: Sections 42941, 58101, 58101.5, 58102, 58103 and 58104, Food and Agricultural Code.

HISTORY

Amendment of subsection (a), amendment and renumbering of subsection (b) to (c), and new subsections (b) and (d), and NOTE filed 7-26-91; operative 7-26-91 pursuant to Government Code section 11346.2(d) (Register 91, No. 47).

§ 1392.8. Fees.

The county agricultural commissioner may charge a fee for issuing, modifying, verifying, or renewing any certificate, including embossed photocopies, as set by the board of supervisors of that county.

NOTE: Authority cited: Sections 14, 407, 42681, 42682, 42684, 58101.5, 58102 and 58103, Food and Agricultural Code. Reference: Sections 42941, 58101, 58101.5, 58102, 58103 and 58104, Food and Agricultural Code.

HISTORY

1. Amendment of heading and section with new NOTE filed 7– 26–91; operative 7–26–91 pursuant to Government Code section 11346.2(d) (Register 91, No. 47).

§ 1392.8.1. Certified Farmers' Market Fees.

- (1) Every operator of every certified farmers' market shall remit to the Department of Food and Agriculture sixty cents (\$0.60) for each certified producer represented by each certified producer's certificate and other agricultural producers participating in the market(s) on each market day for the entire quarter. The fee shall be submitted within 30 days after the end of each quarter with a form containing the following information:
 - (a) Name of market sponsor
 - (b) Market certificate number
 - (c) Name and address of the market
 - (d) Name of market contact person
 - (e) Market day(s) and hours of operation
- (f) Telephone number and fax number through which the market representative can be reached during normal work hours.
 - (g) Quarterly period for which the report is submitted.
- (h) Total number of certified producer certificates and other agricultural producers participating on each market day of the entire quarter.
 - (i) Amount of fees submitted.
 - (j) Signature of authorized market representative.
- (2) Any operator who fails to pay the required fee within thirty (30) days after the end of the quarter in which it is due shall pay interest at the rate of one and one half (1 1/2) percent per month on the entire unpaid balance including any late penalty fees that may apply, until payment is received in full.
- (3) In addition to monthly interest charges referenced in Section 1392.8.1(2), any operator who fails to pay the required fee within sixty (60) days after the end of the quarter in which it is due shall pay a late penalty fee of one hundred dollars (\$100), and for every thirty (30) days thereafter, until payment is received in full or the certificate expires.

NOTE: Authority cited: Sections 407, 47000, 47001, 47003, 47011 and 47021, Food and Agricultural Code. Reference: Sections 47002, 47003, 47004, 47011 and 47021, Food and Agricultural Code.

HISTORY

 New section filed 12–30–99 as an emergency; operative 1–1–2000 (Register 99, No. 53). A Certificate of Compliance must be transmitted to OAL by 5–1–2000 or emergency language will be repealed by operation of law on the following day.

- Certificate of Compliance as to 12–30–99 order transmitted to OAL 4–19–2000 and filed 5–17–2000 (Register 2000, No. 20).
- 3. Amendment of subsection (2), new subsection (3) and amendment of Note filed 3–7–2005; operative 4–6–2005 (Register 2005, No. 10).

§ 1392.9. Direct Marketing, Compliance Requirements for the Operator of a Certified Farmers' Market.

- (a) The operator of a certified farmers' market shall ensure that each person participating in the sale of agricultural products in the area designated as a certified farmers' market:
- (1) Is a producer, certified producer, or their immediate family member or employee.
 - (2) Sells only certified and noncertifiable agricultural products.
- (3) Has in their possession, in the case of certifiable agricultural products, a valid certificate that is posted at the point of sale.
- (4) Has each certifiable agricultural product in their possession listed on the certified producer's certificate.
- (5) Who sells noncertifiable agricultural products sells only those products which were produced in accordance with the certified farmers' market's rules and regulations.
- (6) Who represents another certified producer under an additional certificate, separates and identifies the items listed on each respective certificate, and that the name of the certified producer they are selling for appears on both of the certificates.
- (b) The operator of a certified farmers' market shall obtain from each person participating in the sale of agricultural products in the area designated as a certified farmers' market an itemized list of all products sold at the certified farmers' market each market day.
- (1) The product list shall state the name of the certified producer, the identity of each product sold as it appears on the certified producer's certificate, and the quantity of each product sold at the market.
- (2) The market operator shall keep the list of products sold for a period of not less than eighteen months.
- (c) No person shall operate a certified farmers' market unless he or she has in his or her possession a current, valid certified farmers' market certificate issued by the county agricultural commissioner for that market.
- (d) The operator of a certified farmers' market shall, upon the request of an enforcement officer, provide for review his or her current, valid certified farmers' market certificate at any time during the operation of a certified farmers' market.

NOTE: Authority cited: Sections 407, 47000, 47002, 47003, 47004 and 47005, Food and Agricultural Code. Reference: Sections 47000, 47002, 47003, 47004, 47005 and 47022, Food and Agricultural Code.

HISTORY

- 1. New section filed 12–9–99; operative 1–8–2000 (Register 99, No. 50). For prior history, see Register 91, No. 47.
- 2. New subsections (c) and (d) and amendment of Note filed 5-9-2005; operative 6-8-2005 (Register 2005, No. 19).

§ 1392.9.1. Direct Marketing. Requirements for Partnerships, Sharecropping Agreements, and Similar Contractual Agreements.

- (a) Every person or entity that enters into a partnership as defined in Section 1392.2(s), sharecropping, or similar contractual agreement with another person(s) or entity and that applies for a certified producer's certificate under such agreement shall provide the issuing agricultural commissioner, at the time of application, with proof of partnership as defined in the United States and California Tax Codes, or the Partnership's Federal Tax Identification Number and a copy of their current written agreement which shall contain the following:
- (1) A clear, concise and accurate description of the property to be farmed. The description shall include the present use of the property, the dimensions, and the location of the property; and
- (2) Partners shall demonstrate equitable risk by submitting a description of each party's financial and material resource input, which shall include the degree of involvement each party has in agricultural production; and
- (3) The date of the agreement and the signatures of all parties involved; and

- (4) A guarantee of the signatures on the agreement by a notary public executed at the time of signing by all parties. The notarized signatures on the agreement of all parties executing the agreement.
- (5) A statement of verification that the property or properties to be farmed by the partnership or producers cooperating under a similar contractual agreement are under the exclusive control of the partnership as a separate entity from its individual members.
- (b) Notwithstanding the above, an enforcing officer representing the Department or agricultural commissioner may request such additional documentation as is reasonably necessary to show that the conditions of this article are being met.
- (c) To qualify for a certified producer's certificate, all parties listed on the certificate shall:
- (1) Have entered into the agreement prior to planting of annual and biannual crops; and
- (2) Have entered into the agreement prior to or within 30 days after preparing perennial field crops for the subsequent cropping pattern (e.g., prior to the fern stage of asparagus or prior to cut back of artichokes); and
- (3) Have entered into the agreement prior to bloom of tree and vine crops; and
- (4) Be engaged in agricultural production upon the land which is the subject of the agreement.
- (d) Any change in the terms of this agreement shall invalidate a certified producer's certificate issued under such terms. Any such change shall be reported immediately and all embossed copies of certificates issued to the partnership shall be surrendered to the issuing agricultural commissioner.

NOTE: Authority cited: Sections 407, 42682, 47000, 47001, 47002, 47003 and 47004, Food and Agricultural Code. Reference: Sections 42941, 47000, 47001 and 47003, Food and Agricultural Code.

HISTORY

- 1. New section filed 12-9-99; operative 1-8-2000 (Register 99, No. 50).
- 2. Amendment of subsection (a), new subsection (a)(5) and amendment of Note filed 2-4-2002 as an emergency; operative 2-4-2002 (Register 2002, No. 6). A Certificate of Compliance must be transmitted to OAL by 6-4-2002 or emergency language will be repealed by operation of law on the following day.
- Amendment of subsection (a), new subsection (a)(5) and amendment of Note refiled 7–3–2002 as an emergency; operative 7–3–2002 (Register 2002, No. 27). A Certificate of Compliance must be transmitted to OAL by 10–31–2002 or emergency language will be repealed by operation of law on the following day.
- 4. Editorial correction of History 3 (Register 2002, No. 49).
- 5. Certificate of Compliance as to 7–3–2002 order, including further amendment of subsections (a)(1) and (a)(5), transmitted to OAL 10–25–2002 and filed 12–2–2002 (Register 2002, No. 49).

§ 1392.9.2. Direct Marketing. Requirements for Farm Leases.

- (a) Every person or entity who enters into a farm lease with another person(s) or entity and who applies for a certified producer's certificate under such agreement shall provide the issuing agricultural commissioner, at the time of application, with a copy of the current written lease agreement which shall contain the following:
- (1) A clear and concise accurate description of the leased property. The description shall include the present use of the property, the dimensions of the leased property and the location; and
 - (2) The purchase price (cost) of the lease; and
- (3) The date of the agreement and the signatures of all parties involved; and
- (4) A guarantee of the signatures on the agreement by a notary public executed at the time of signing by all parties. The notarized signatures on the agreement of all executing the agreement.
- (b) Notwithstanding the above, an enforcing officer representing the Department or agricultural commissioner may request such additional documentation as is reasonably necessary to show that the conditions of this article are being met.
- (c) To qualify for a certified producer's certificate, the person applying for the certificate shall:

- (1) Assume all financial risks associated with producing agricultural products; and
- (2) Enter into the agreement prior to planting of annual and biannual crops; and
- (3) Enter into the agreement prior to or within 30 days after preparing perennial field crops for the subsequent cropping pattern (e.g., prior to the fern stage of asparagus or price to cut back of artichokes), and
 - (4) Enter into the agreement prior to bloom of tree and vine crops, and
- (5) Perform agricultural production upon the land which is the subject of the agreement.
- (d) Any change in the terms of this agreement shall invalidate a certified producer's certificate issued under such terms. Any such change shall be reported immediately and all embossed copies of certificates issued to the partnership shall be surrendered to the issuing agricultural commissioner.

NOTE: Authority cited: Sections 407, 42682, 47000, 47002, 47003 and 47004, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

1. New section filed 12-9-99; operative 1-8-2000 (Register 99, No. 50).

§ 1392.10. Penalties.

- (a) Any county agricultural commissioner may, at any time, initiate a notice and hearing process to determine whether a violation of these provisions has occurred. The hearing process may review the actions of:
 - (1) The certificate holder; or
- (2) A family member, employee, or another certified producer acting on behalf of the certificate holder; or
 - (3) Any other person whose actions may have resulted in the violation.
- (b) The notice of hearing shall be on a form approved by the director and contain:
 - (1) Specific provisions violated; and
 - (2) A warning to cease such violations; and
- (3) A hearing date to determine if the certificate(s) involved in the violations or participation privileges should be revoked.
- (c) The county agricultural commissioner, upon determination that a violation has been made in accordance with (a), above, may:
- (1) Suspend and/or refuse, for a period of up to 18 months, to issue a certificate to the violator; and/or
- (2) Suspend, for a period of up to 18 months, the privilege of participation, under the provisions of this article, of any person whose action resulted in the violation.

NOTE: Authority cited: Sections 14, 407, 42681, 42682, 42684, 58101.5, 58102 and 58103, Food and Agricultural Code. Reference: Sections 42941, 58101, 58101.5, 58102, 58103 and 58104, Food and Agricultural Code.

HISTORY

1. Repealer with new subsections (a)–(c) and NOTE filed 7– 26–91; operative 7–26–91 pursuant to Government Code section 11346.2(d) (Register 91, No. 47).

§ 1392.11. Appeals.

Any person may appeal to the director for a hearing if aggrieved by any one of the following actions or decisions:

- (a) Denial of any certificate.
- (b) Suspension of any certificate.
- (c) Suspension of participation privileges.
- (d) Adoption of more stringent rules or regulations pertaining to the operation of certified farmers' markets.

In all cases, the appeal must be submitted to the director in writing within 30 days of the date the action or decision was made. The director's proceeding shall, insofar as practicable, comply with the provisions of the Administrative Procedure Act (Government Code, Section 11500, et seq.), except that a department hearing officer may be used.

NOTE: Authority cited: Sections 14, 407, 42681, 42682, 42684, 58101.5 and 58104, Food and Agricultural Code. Reference: Sections 42941, 58101, 58101.5, 58102, 58103 and 58104, Food and Agricultural Code.

HISTORY

1. Repealer with new undesignated introductory paragraph, subsections (a)–(d), and undesignated final paragraph and NOTE filed 7–26–91; operative 7–26–91 pursuant to Government Code section 11346.2(d) (Register 91, No. 47).

§ 1392.12. Emergency Declaration.

- (a) The director may, on an as needed, case by case basis, waive or modify specific restrictions within this Article on the direct marketing of agricultural products, including, but not limited to, restrictions or limitations on production acreage and commodities, as well as certification requirements, if a declared plant, pest or animal quarantine, or a declared state of emergency, as defined by Government Code Section 8558, interferes with the normal operative effect of the rules.
- (b) Any waivers or modifications shall be consistent with any quarantine, and the response to any declared state of emergency as defined by Government Code Section 8558.
- (c) Prior to the utilization of any waivers or modifications, certified producers and certified farmers' markets shall enter into compliance agreements with California Department of Agriculture through the county agricultural commissioner in the county in which their certificates have been issued.

NOTE: Authority cited: Sections 407, 47000, 47001, 47002, 47003, 47004, 47005, 47005.1 and 47020, Food and Agricultural Code. Reference: Sections 47000, 47001, 47002, 47003, 47022, 47022.3 and 47022.6, Food and Agricultural Code. HISTORY

- New section filed 12–24–2002 as an emergency; operative 12–24–2002 (Register 2002, No. 52). A Certificate of Compliance must be transmitted to OAL by 4–23–2003 or emergency language will be repealed by operation of law on the following day.
- 2. Certificate of Compliance as to 12-24-2002 order, including amendment of subsections (a) and (b), transmitted to OAL 4-15-2003 and filed 5-28-2003 (Register 2003, No. 22).

Article 7. Apples

§ 1400. Apples, Standards.

NOTE: Authority cited: Sections 407, 42682, and 42684, Food and Agricultural Code. Reference: Sections 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Amendment filed 6-5-81; effective thirtieth day thereafter (Register 81, No. 23).
- 3. Editorial correction (Register 81, No. 34).
- 4. Repealer filed 2-22-85; effective thirtieth day thereafter (Register 85, No. 8).

§ 1400.1. Apples, Exceptions for By-Product Use.

NOTE: Authority cited: Sections 407, 42682, and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Amendment filed 6-5-81; effective thirtieth day thereafter (Register 81, No. 23).
- 3. Repealer filed 2–22–85; effective thirtieth day thereafter (Register 85, No. 8).

§ 1400.2. Apples, Permit By-Product Use.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 6-5-81; effective thirtieth day thereafter (Register 81, No. 23).
- 3. Editorial correction (Register 81, No. 34).
- 4. Repealer filed 2-22-85; effective thirtieth day thereafter (Register 85, No. 8).

§ 1400.3. Apples, Exceptions.

Except for maturity, grade, and labeling requirements, Lady and crab apples are exempt from the requirements of this article.

NOTE: Authority cited: Sections 407, 42682, and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

History

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Repealer and new section filed 6-5-81; effective thirtieth day thereafter (Register 81, No. 23).

3. Amendment filed 2–22–85; effective thirtieth day thereafter (Register 85, No. 8)

§ 1400.4. Apples, Properly Matured Defined.

"Properly matured" means that the apple, at the time it was taken from the tree, had reached that stage of minimum maturity, based upon the known and defined factors of maturity, which ensures palatability and proper completion of the ripening process.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

Renumbering and amendment of Section 1400.14 to Section 1400.4 and renumbering and amendment of former Section 1400.4 to Section 1400.5 filed 6-5-81; effective thirtieth day thereafter (Register 81, No. 23). For history of former Section 1400.4, see Register 75, No. 4.

§ 1400.5. Apples, Minimum Maturity Standards.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Renumbering and amendment of Section 1400.4 to Section 1400.5 and renumbering and amendment of former Section 1400.5 to Section 1400.11 filed 6-5-81; effective thirtieth day thereafter (Register 81, No. 23).
- 3. Repealer filed 2-22-85; effective thirtieth day thereafter (Register 85, No. 8).

§ 1400.6. Apples, Maturity Exemptions.

The maturity provisions of this article do not apply to apples that are shipped into this state from outside of the state. Such apples shall, however, be properly matured as required in Section 1400.4 of this article or shall be accompanied by an official certificate that states such apples, at the time of harvest, met the maturity requirements of the state of origin. NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Repealer of Section 1400.6 and renumbering and amendment of Section 1400.7 to Section 1400.6 filed 6-5-81; effective thirtieth day thereafter (Register 81, No. 23).
- 3. Amendment filed 2–22–85; effective thirtieth day thereafter (Register 85, No. 8).

§ 1400.7. Apples, Overripe Defined.

"Overripe" means that the apple has attained that degree of maturity where the condition of the flesh is very mealy or soft, having passed the last stages of firmness for commercial use.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

1. Renumbering and amendment of Section 1400.18 to Section 1400.7 and renumbering and amendment of former Section 1400.7 to Section 1400.6 filed 6-5-81; effective thirtieth day thereafter (Register 81, No. 23). For history of former Section 1400.7, see Register 75, No. 4.

§ 1400.8. Apples, Maturity Standards for Gravensteins.

Gravenstein apples shall be considered properly matured when a composite sample of the juice taken from the representative portion of each of 10 representative apples in any lot, tests not less than 10.5 percent soluble solids as shown by a standard hand refractometer instrument.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer of Section 1400.8 and renumbering and amendment of Section 1400.16 to Section 1400.8 filed 6–5–81; effective thirtieth day thereafter (Register 81, No. 23). For history of former Section 1400.16, see Registers 75, No. 4, and 71, No. 2.

§ 1400.9. Apples, Maturity Standards for Designated Varieties.

(a) Standard Tests. The commissioner shall consider apples properly matured if each variety listed in Column A at least complies with the standard maturity tests specified in Column B or the alternative sliding scale

application of these tests as provided in subsection (b) below:

Column A	Column B	
	Soluble	
Apple Variety	Solids	Pressure
Red Delicious	11%	18 lbs. ¹
Golden Delicious	12%	18 lbs ^{.2}
Jonathan	12%	19 lbs.
Rome	12.5%	21 lbs. ³
Newtown Pippin	11%	23 lbs.
McIntosh	11.5%	19 lbs.

- No pressure test required. However, any decrease in pressure below 18 lbs. may be applied as provided in subsection (b) "Sliding Scale Test." Above the elevation of 1,900 feet in El Dorado County, any decrease in pressure below 19 lbs. may be applied.
- 20 lbs. for San Joaquin Valley area of Kern County; 19 lbs. above the elevation of 1,900 feet in El Dorado County.
- 3. 23 lbs. for San Bernardino County GTP the Tehachapi–Cummings Valley area of Kern County, and above the elevation of 1,900 feet in El Dorado County.
- (b) Sliding Scale Test. The soluble solids test and the pressure test may be applied on the basis that a 1/2 percent increase of soluble solids will compensate for a one–pound increase in pressure test, or a one–pound decrease in pressure will compensate for 1/2 percent decrease in soluble solids, or other amounts of change that are proportional to this rate of change.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer of Section 1400.9 and renumbering and amendment of Section 1400.17 to Section 1400.9 filed 6–5–81; effective thirtieth day thereafter (Register 81, No. 23). For history of former Section 1400.17, see Registers 78, No. 34; 76, No. 47; 76, No. 32; and 75, No. 4.

§ 1400.9.1. Apples, Granny Smith Maturity, Sampling and Testing Procedures.

- (a) Granny Smith apples shall be considered mature when attaining a numerical value of 2.5 on the starch scale entitled "Granny Smith Apple Starch Scale," F. G. Mitchell and G. Mayer, Pomology Department, University of California, Davis, CA 95616, 7/88.
- (b) The numerical value on the starch scale shall be determined by use of a standard iodine–potassium iodide (iodine) solution with a normality of 0.057. The iodine solution strength may be checked by use of a standard solium thiosulfate solution with a normality of 0.057. Transfer 50 milliliters of thiosulfate solution to a flask and add to it 50 milliliters of iodine solution. The end point is reached when the combined solution turns blue.
- (c) The numerical value specified in (a), above, shall be based on the mathematical average of 30 sample apples. Each apple shall be cut in half horizontally to a center line between the stem and blossom ends. The stemmed half shall be used for testing; however, when an error is made in the testing of such half, the matching blossom end half shall be tested and the results shall be included in any official test. In a shallow dish or pan, place an amount of iodine sufficient to completely submerse the cut surface of the apple half or halves to be tested. An apple half shall remain in the solution for approximately 30 seconds then transferred to a distilled water rinse for approximately 10 seconds. Approximately one minute after removal from the rinse, the extent of color development shall be determined and a numerical value assigned the apple half in accordance with the starch scale.

NOTE: Authority cited: Section 14, 407, 42681 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

1. New section filed 5-8-92; operative 6-8-92 (Register 92, No. 19).

§ 1400.10. Apples, Maturity: Release Dates Established by Commissioners.

Dates of maturity may be established prior to the harvesting season by the commissioners for areas, counties, or districts within counties. The commissioner may take into consideration location, climatic conditions, or other factors that are known to produce apples that vary as to the time they reach maturity. Testing shall be based on representative orchards in each area, county, or district. The maturity dates shall be set when such tests generally indicate that the apples are, or will be, properly matured. These dates of maturity shall be announced by the commissioner. The commissioner shall prepare records, based on the factors of maturity that are used each year.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4)
- 2. Amendment filed 6–5–81; effective thirtieth day thereafter (Register 81, No. 23).

§ 1400.10.1. Apples, Certification Prior to Release Date.

The county agricultural commissioner may, upon request, sample apples intended for shipment prior to the release date. If the fruits meet minimum maturity requirements and all other provisions of this article, they may be certified by placing an official stamp on each container. The county involved may, pursuant to Section 42793 of the Food and Agricultural Code, establish a fee for such certification.

NOTE: Authority cited: Sections 407, 42681 and 42684, Food and Agricultural Code. Reference: Sections 42941 and 42793, Food and Agricultural Code.

HISTORY

- 1. New section filed 6-5-81; effective thirtieth day thereafter (Register 81, No. 23).
- 2. Amendment filed 2–22–85; effective thirtieth day thereafter (Register 85, No. 8).

§ 1400.11. Apples, Maturity Testing Prior to and After Maturity Release Dates.

Where the commissioner establishes a harvest release date for any variety of apple, such variety shall not be subject to maturity testing after the established release date. Apples harvested prior to the release date shall be subject to testing at any time after harvest or shipment unless they have been certified by the commissioner as complying with the standards established by this article.

NOTE: Authority cited: Sections 14, 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer of section 1400.11 and renumbering and amendment of section 1400.5 to section 1400.11 filed 6-5-81; effective thirtieth day thereafter (Register 81, No. 23)
- Editorial correction (Register 81, No. 34).
- 4. Amendment filed 2–22–85; effective thirtieth day thereafter (Register 85, No. 8)
- 5. Amendment filed 5-8-92; operative 6-8-92 (Register 92, No. 19).

§ 1400.12. Apples, Mature While Transported to Another County.

Notwithstanding the provisions of Article 6 (commencing with Section 1390) of this Group, apples which are being transported to another county or district within a county for grading or packing shall be properly matured before such movement. A disposal order may be issued for mature apples which are being transported from one county to another county.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 6–5–81; effective thirtieth day thereafter (Register 81, No. 23).

§ 1400.13. Apples, Standard Grades.

Apples shall be packed to comply with one of the following grades: Extra Fancy, Fancy, "C" grade, or a combination grade of Extra Fancy and Fancy. When apples are in combination grade, at least 50 percent, by count, shall conform to the Extra Fancy grade. However, notwithstanding any provision of this article, all varieties of Gravenstein apples intended for sale within the North American continent shall at least comply with the Fancy grade.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1-21-75; effective thirtieth day thereafter (Register 75, No.
- 2. Repealer of Section 1400.13 and renumbering and amendment of Section 1400.20 to Section 1400.13 filed 6-5-81; effective thirtieth day thereafter (Register 81, No. 23).
- 3. Amendment filed 2-22-85; effective thirtieth day thereafter (Register 85, No.

§ 1400.14. Apples, Extra Fancy Grade.

The Extra Fancy grade consists of properly matured but not overripe apples of one variety which are hand picked, clean, well colored as defined in Section 1400.19, and fairly well formed. These apples shall be free from decay, visible bitter pit, Jonathan spot, scald (including storage and soft scald), internal breakdown, visible watercore, bruises except those that are necessarily caused in proper sorting or packing, broken skin except those that are well healed and slight or unhealed according to Section 1400.25, insect pests, limb rub, spray burn, sunburn, sunscald, russeting except within the basin of the stem, hail mark, frost injury, internal browning, apple scab, insect stings, and other diseases or defects. NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1-21-75; effective thirtieth day thereafter (Register 75, No.
- 2. Renumbering and amendment of Section 1400.26 to Section 1400.14 and renumbering and amendment of former Section 1400.14 to Section 1400.4 filed 6-5-81; effective thirtieth day thereafter (Register 81, No. 23).
- 3. Editorial correction (Register 81, No. 34)
- 4. Amendment filed 2–22–85; effective thirtieth day thereafter (Register 85, No.

§ 1400.15. Apples, Fancy Grade.

The Fancy grade consists of properly matured but not overripe apples of one variety which are hand picked, clean, fairly well colored, and fairly well formed. These apples shall be free from decay, visible bitter pit, Jonathan spot, soft scald, internal breakdown, visible watercore, and insect pests (except San Jose and similar scales). In addition, these apples shall be free from appreciable damage from limb rub, spray burn, bruises (except such bruises as are necessarily caused in proper sorting or packing), sunscald, sunburn, russeting, hail mark, frost injury, internal browning, scald (including storage scald), apple scab, flyspeck fungus, stem or calyx cracks, broken skin, insect pests, and other diseases or defects.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

- 1. Originally filed as Section 1400 on 4-26-46 (Register 3).
- 2. Renumbered from Section 1400, filed 7-7-55; effective thirtieth day thereafter (Register 55, No. 10).
- 3. Amendment filed 1-4-71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2)
- 4. Amendment and renumbering from Section 1392 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).
- 5. Repealer of Section 1400.15 and renumbering and amendment of Section 1400.27 to Section 1400.15 filed 6-5-81; effective thirtieth day thereafter (Register 81, No. 23).
- 6. Amendment filed 2–22–85; effective thirtieth day thereafter (Register 85, No. 8).

§ 1400.16. Apples, Appreciable Damage Defined.

As used in this article, "appreciable damage" means any injury or defect which appreciably affects the appearance or quality of the apple. The following defects are considered appreciable damage:

- (a) Limb rubs that are soft or exceed an aggregate area of 3/4 inch in diameter.
- (b) Sunscald, sunburn, and spray burn if the normal color of the skin is more than slightly changed, the skin is blistered or cracked, and the flesh contains more than a trace of discoloration.
- (c) Russeting that is excessively rough or barklike which exceeds an aggregate area of 3/4 inch in diameter.
- (1) Russeting that is not excessively rough, but appears on more than 15 percent of the surface of any apple in the aggregate, is also considered

- appreciable damage. However, for Pippin and Greening varieties russeting must appear on more than 25 percent of the surface in the aggregate.
- (2) Russeting in the stem cavity that cannot be seen when the apple is placed stem end down on a flat surface, and viewed from the side at eye level, is not appreciable damage.
- (d) Hail marks when exceeding two such marks, provided injury is more than superficial and the skin has been broken.
- (1) "More than superficial" is defined as injury when corky tissue beneath the mark extends more than 1/16 inch into the apple flesh.
- (2) Also, blemished areas or spots that are 1/8 inch or more in diameter and more than 1/16 inch in depth (excluding any corky condition beneath the affected area) shall be considered appreciable damage.
- (e) Frost injury that is more than skin deep and affects an aggregate area that exceeds 1/2 inch in diameter.
- (f) Internal browning that shows more than a trace of discoloration in
- (g) Scab spots on any apple that in the aggregate exceed 1/4 inch in di-
 - (h) More than slight flyspeck fungus.
- (i) Two casebearer, codling moth, or aphid stings which are not well healed or exceed 1/8 inch in diameter exclusive of any encircling ring.
- (j) Stinkbug injury that exceeds an aggregate area of 3/4 inch in diameter on an individual apple.
- (k) San Jose and similar scales or marks when the number occurring on a green or yellow surface exceeds three, or when the number occurring on a red surface exceeds five.
- (1) Stem or calyx cracks that are not well healed and exceed 1/4 inch in aggregate length.
- (m) Scald (including storage scald) that has begun to affect the flesh, or that is a solid brown (not tan) with a definite outline around the circumference of the damaged area. The defect must cover more than an aggregate area of 3/4 inch in diameter.
- (n) Broken skin that is well healed but exceeds 1/4 inch in aggregate length. Broken skin that is unhealed according to Section 1400.25.
- (o) Other diseases or defects that cause a waste of more than 5 percent of the surface area of the fruit.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941. Food and Agricultural Code.

HISTORY

- 1. Amendment and renumbering from Section 1392.1 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4). For history of former section, see Register 71, No. 2.
- 2. Renumbering and amendment of Section 1400.28 to Section 1400.16 and renumbering and amendment of former Section 1400.16 to Section 1400.8 filed 6-5-81; effective thirtieth day thereafter (Register 81, No. 23).
- Editorial correction (Register 81, No. 34).
 Amendment filed 2-22-85; effective thirtieth day thereafter (Register 85, No.

§ 1400.17. Apples, "C" Grade.

The "C" grade consists of properly matured but not overripe apples of one variety which are hand picked, virtually clean, and free from decay, soft scald, internal breakdown, visible watercore, and insect pests (except San Jose and similar scales). These apples shall be free from serious damage due to visible bitter pit, Jonathan spot, sunscald, sunspots, sunburn, spray burn, hail marks, frost injury, internal browning, bruises (except such bruises as are necessarily caused in proper sorting or packing), apple scab, insect pests, stem or calyx cracks, broken skin, scald (including storage scald), Jonathan freckle, and other diseases or defects.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 8-6-76; effective thirtieth day thereafter (Register 76, No. 32). For prior history, see Register 75, No. 4.
- 2. Editorial correction of subsection (a) (Register 76, No. 47)
- 3. Amendment of subsection (a) filed 8-25-78; effective thirtieth day thereafter (Register 78, No. 34).
- Renumbering and amendment of Section 1400.29 to Section 1400.17 and renumbering and amendment of former Section 1400.17 to Section 1400.9 filed 6-5-81; effective thirtieth day thereafter (Register 81, No. 23).
- 5. Editorial correction (Register 81, No. 34).

 Amendment filed 2–22–85; effective thirtieth day thereafter (Register 85, No. 8).

§ 1400.18. Apples, Serious Damage Defined.

As used in this article, "serious damage" means any injury or defect that seriously detracts from the appearance or quality of the apple. The following defects are considered serious damage:

- (a) Jonathan spot or visible bitter pit in any extent is considered serious damage. However, the defects are serious on Newtown Pippin or Bellefleur varieties only when more than 25 percent, by count, of apples in any container or bulk lot are affected by more than three spots each.
- (b) Sunscald, sunburn, sunspots, and spray burn, if there is blistering or cracking of the skin, or the flesh is seriously discolored or injured.
- (c) Hail marks or frost injury, when defects, singly or in combination, affect an aggregate area of more than one-tenth of the apple surface or seriously deform or disfigure the fruit.
- (d) Internal browning that can be detected by external examination or pressure.
- (e) Scab spots on any apple that in the aggregate exceed 1/2 inch in diameter.
- (f) More than five well healed casebearer, codling moth, or aphid stings on an apple, any of which exceeds 1/8 inch in diameter excluding any encircling ring.
- (g) Stinkbug injury that exceeds an aggregate area of 1 1/2 inches in diameter on an individual apple.
- (h) Jonathan freckle on any apple that in the aggregate exceeds 1/2 inch in diameter.

- (i) San Jose and similar scales or marks scattered over more than 10 percent of the surface.
- (j) Scald (including storage scald) that has begun to affect the flesh, or that is a solid brown (not tan) with a definite outline around the circumference of the damaged area. The defect must cover an aggregate area of more than 1 inch in diameter.
- (k) Broken skin that is well healed but exceeds 1/2 inch in aggregate length. Broken skin that is unhealed according to Section 1400.25.
- (1) Other diseases or defects that cause a waste of more than 10 percent of the surface area of the fruit.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New Sections 1390 and 1390.1 filed 1-9-68; effective thirtieth day thereafter (Register 68, No. 2).
- 2. Renumbering from Section 1390 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Renumbering and amendment of Section 1400.30 to Section 1400.18 and renumbering and amendment of former Section 1400.18 to Section 1400.7 filed 6–5–81; effective thirtieth day thereafter (Register 81, No. 23).
- 4. Amendment filed 2–22–85; effective thirtieth day thereafter (Register 85, No. 8).

§ 1400.19. Apples, Color Requirements for California Extra Fancy and Fancy Grades.

Apples of Extra Fancy and Fancy grades shall have the percentage of color specified for the variety in Table 1 appearing in this section. For the solid red or striped red varieties, the percentage stated refers to the area of the surface which must be covered with a good shade of solid red or

[The next page is 131.]

striped red characteristic of the variety. However, a lighter shade of solid red or striped red may be acceptable for the variety and grade, provided a larger percentage of the surface area is covered by the lighter shade. Sufficient additional area must be covered so that the apple has as good an appearance as one with the minimum percentage of good red characteristic of the variety and required for the grade. For the striped red varieties, the percentage stated refers to the area of the surface in which the stripes of a good shade of red characteristic of the variety shall predominate over stripes of lighter red, green, or yellow. Faded brown stripes shall not be considered as color except in the case of the Gray Baldwin variety.

TABLE I—COLOR REQUIREMENTS FOR APPLES BY VARIETIES

	Extra	
	Fancy	Fancy
Variety	(Percent)	(Percent)
Solid red:	,	,
Winesap	. 40	25
Other Similar Varieties ¹	. 40	25
Red Sport varieties ²	. 40	25
Striped or partially red:		
Jonathan	. 33	25
McIntosh	. 33	25
Other similar varieties ³	. 33	25
Rome Beauty	. 33	15
Baldwin		15
Delicious	. 25	15
Black Twig	. 25	15
Other similar varieties ⁴	. 25	15
Red Gravenstein	. 15	5
Gravenstein	. 10	8
Other similar varieties ⁶	. 10	5
Red cheeked or blushed:		
Winter Banana	5	8
Other similar varieties ⁷	5	8
Green varieties		9
Yellow varieties	9	9
Golden Delicious		9

¹ Arkansas Black, Beacon, Black Ben, Gano, King David.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 7–7–55; effective thirtieth day thereafter (Register 55, No. 10).
- 2. Amendment filed 1–9–68; effective thirtieth day thereafter (Register 68, No. 2).
- 3. Renumbering from Section 1391 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 4. Amendment filed 6–5–81; effective thirtieth day thereafter (Register 81, No. 23).
- 5. Editorial correction (Register 81, No. 34).
- Amendment filed 2–22–85; effective thirtieth day thereafter (Register 85, No. 8).

§ 1400.20. Apples, Hand Picked Defined.

"Hand picked" means that the apples do not show evidence of having been on the ground.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

2. Renumbering and amendment of Section 1400.35 to Section 1400.20 and renumbering and amendment of former Section 1400.20 to Section 1400.13 filed 6–5–81; effective thirtieth day thereafter (Register 81, No. 23).

§ 1400.21. Apples, Fairly Well Formed Defined.

"Fairly well formed" means that the apple may be slightly abnormal in shape. Models to be used as guides are available at the Sacramento office, Fruit and Vegetable Quality Control—Standardization.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer of Section 1400.21 and renumbering and amendment of Section 1400.43 to Section 1400.21 filed 6–5–81; effective thirtieth day thereafter (Register 81, No. 23).

§ 1400.22. Apples, Bruises.

Bruising shall be considered beyond that necessarily caused in proper sorting or packing when an individual bruise affects an area greater than 1 inch in diameter, or the aggregate area of all bruises is greater than 2 inches in diameter, or the depth of any bruise at any point exceeds 1/4 inch

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Renumbers and amends Section 1400.40 to Section 1400.22 and renumbers and amends former Section 1400.22 to Section 1400.27 filed 6–5–81; effective thirtieth day thereafter (Register 81, No. 23).
- 3. Amendment filed 2–22–85; effective thirtieth day thereafter (Register 85, No. 8)

§ 1400.23. Apples, Insect Pests.

"Insect pests" include San Jose scale, codling moth, and other insects or their larvae, nymphs, or pupae. This includes evidence of previous infestations by insect pests, with the exception of superficial, well healed insect pest stings.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 7–7–55; effective thirtieth day thereafter (Register 55, No. 10).
- 2. Amendment filed 1–9–68; effective thirtieth day thereafter (Register 68, No. 2).
- 3. Amendment and renumbering filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 4. Repealer of Section 1400.23 and renumbering and amendment of Section 1400.36 to Section 1400.23 filed 6–5–81; effective thirtieth day thereafter (Register 81, No. 23).
- 5. Amendment filed 2–22–85; effective thirtieth day thereafter (Register 85, No. 8).

§ 1400.24. Apples, Healed Stings.

Insect stings are generally considered "well healed" when an encircling discolored ring is present. Well healed stings may have an opening through the brownish seal that covers the wound.

Apples with questionable stings may be cut to determine the extent and nature of damage. If it is found that affected tissues are corky and show no decay, the sting shall be considered well healed. However, if affected tissues beneath the sting show soft breakdown or decay, then the sting shall be considered unhealed.

Very recent stings which do not show a ring or corky tissue are not considered well healed. They should be scored against grade. Also, all healed or unhealed stings over 1/8 inch in diameter should be scored against grade.

 $Note: Authority\ cited:\ Sections\ 407\ and\ 42684, Food\ and\ Agricultural\ Code.\ Reference:\ Section\ 42941,\ Food\ and\ Agricultural\ Code.$

HISTORY

New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

Page 131 (4-1-90)

When Red Sport varieties are specified as such, they shall meet the color requirements specified for Red Sport varieties.

³ July Red, Snow (Fameuse).

⁴ Ben Davis, Northern Spy, Wagener, Wealthy, York Imperial.

⁵ Tinge of color.

⁶ Red Astrachan, Duchess.

⁷ Maiden Blush[.]

⁸ None.

⁹ Characteristic ground color.

^{10 75} percent or more of the surface of the apple shall show white or light green predominating over the green color.

- 2. Amendment filed 7–10–75; effective thirtieth day thereafter (Register 75, No. 28).
- 3. Repealer of Section 1400.24 and renumbering and amendment of Section 1400.32 to Section 1400.24 filed 6–5–81; effective thirtieth day thereafter (Register 81, No. 23).
- 4. Amendment filed 2–22–85; effective thirtieth day thereafter (Register 85, No. 8).

§ 1400.25. Apples, Broken Skin.

"Broken skin" includes all stem punctures and all cracks on the stem or calyx end of the apple. Unhealed broken skin is considered a defect in all grades when:

- (a) The break exceeds 1/8 inch in diameter, or
- (b) The break exceeds 1/8 inch in depth, or
- (c) Individual breaks aggregate more than 3/16 inch in diameter.

Damage from well healed broken skin is considered "slight" in the Extra Fancy grade when it is incidental to proper sorting or packing.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer of Section 1400.25 and renumbering and amendment of Section 1400.37 to Section 1400.25 filed 6–5–81; effective thirtieth day thereafter (Register 81, No. 23).
- 3. Amendment filed 2–22–85; effective thirtieth day thereafter (Register 85, No. 8).

§ 1400.26. Apples, Hail Marks.

Blemished areas which cannot be definitely identified as having been caused by hail, including fairly smooth russeted areas which show no depression, shall not be considered hail damage for any grade.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4)
- 2. Renumbering and amendment of Section 1400.38 to Section 1400.26 and renumbering and amendment of former Section 1400.26 to Section 1400.14 filed 6–5–81; effective thirtieth day thereafter (Register 81, No. 23).

§ 1400.27. Apples, Minimum Size Requirement.

Apples of a standard grade or combination of grades shall be of such size that their widest cross section will not pass through a ring 2 1/4 inches in diameter. This requirement does not apply to well packed apples (including tray pack, cell pack, or comparable packs), or to loose "C" grade apples.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Renumbering and amendment of Section 1400.22 to Section 1400.27 and renumbering and amendment of former Section 1400.27 to Section 1400.15 filed 6-5-81; effective thirtieth day thereafter (Register 81, No. 23).
- 3. Editorial correction (Register 81, No. 34).

§ 1400.28. Apples, Uniform in Size Defined.

"Uniform in size" means:

- (a) Apples in containers containing 125 apples or less do not vary in size more than 3/8 inch at the widest cross section.
- (b) Apples in containers containing 138 apples or more do not vary in size more than 1/4 inch at the widest cross section.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Renumbering and amendment of Section 1400.42 to Section 1400.28 and renumbering and amendment of former Section 1400.28 to Section 1400.16 filed 6-5-81; effective thirtieth day thereafter (Register 81, No. 23).
- 3. Amendment filed 2–22–85; effective thirtieth day thereafter (Register 85, No. 8).

§ 1400.29. Apples, Packing Requirements.

Apples that are well packed shall be uniform in size and placed in clean standard containers. Apples that are place packed shall be in clean containers.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Renumbering and amendment of Section 1400.67 to Section 1400.29 and renumbering and amendment of former Section 1400.29 to Section 1400.17 filed 6-5-81; effective thirtieth day thereafter (Register 81, No. 23).
- 3. Editorial correction (Register 81, No. 34).

§ 1400.30. Apples, Well Packed Defined.

"Well packed" (including tray packed, cell packed, and similarly packed apples) means that all fruit in a container is packed in regular, compact, diagonal arrangement, and in such a manner that it will not move in a lidded container.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Renumbering and amendment of Section 1400.47 to Section 1400.30 and renumbering and amendment of former Section 1400.30 to Section 1400.18 filed 6-5-81; effective thirtieth day thereafter (Register 81, No. 23).
- 3. Editorial correction (Register 81, No. 34).

§ 1400.31. Apples, Place Packed Defined.

"Place packed" means that the apples are not wrapped and are arranged compactly in layers throughout the container. Such apples need not be uniform in size or in count among layers.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 7–7–55; effective thirtieth day thereafter (Register 55, No. 10).
- 2. Renumbering from Section 1400.31 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Repealer of Section 1400.31 and renumbering and amendment of Section 1400.46 to Section 1400.31 filed 6–5–81; effective thirtieth day thereafter (Register 81, No. 23).

§ 1400.32. Apples, Wrapped Defined.

"Wrapped" means individual apples are completely enclosed by a wrapper.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 7–7–55; effective thirtieth day thereafter (Register 55, No. 10)
- 2. Amendment and renumbering from Section 1391.2 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Renumbering and amendment of Section 1400.45 to Section 1400.32 and renumbering and amendment of former Section 1400.32 to Section 1400.24 filed 6–5–81; effective thirtieth day thereafter (Register 81, No. 23).

§ 1400.33. Apples, Consumer Package Defined.

"Consumer package" means any closed container or package which will not hold more than 20 pounds net when full. Consumer packages may contain mixed varieties of apples. All apples in consumer packages shall conform to one of the following grades:

Extra Fancy, Fancy, or a combination grade of Extra Fancy and Fancy, as defined in this Code.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 7–7–55; effective thirtieth day thereafter (Register 55, No. 10).
- 2. Renumbering from Section 1391.4 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Repealer of Section 1400.33 and renumbering and amendment of Section 1400.44 to Section 1400.33 filed 6–5–81; effective thirtieth day thereafter (Register 81, No. 23).

Page 132 (4-1-90)

4. Editorial correction (Register 81, No. 34).

§ 1400.34. Apples, Gift Pack.

Apples in containers labeled with the term "gift pack" shall conform to the Extra Fancy grade, except that russeting on Pippin varieties shall only be considered damage if it is appreciable damage as in Section 1400.16(c).

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer of Section 1400.34 and renumbering and amendment of Section 1400.58 to Section 1400.34 filed 6–5–81; effective thirtieth day thereafter (Register 81, No. 23).

§ 1400.35. Apples, Gift Pack Containers.

Containers of apples that are labeled "gift pack" shall be of rigid construction. Gift pack containers are exempt from the container and packing requirements of this article.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Renumbering and amendment of Section 1400.57 to Section 1400.35 and renumbering and amendment of former Section 1400.35 to Section 1400.20 filed 6–5–81; effective thirtieth day thereafter (Register 81, No. 23).
- 3. Amendment filed 2–22–85; effective thirtieth day thereafter (Register 85, No. 8)

§ 1400.36. Apples, Tolerances.

Tolerances for apples are determined as follows:

- (a) 10 percent, by count, for a combination of defects in any lot, not to exceed 5 percent for one cause in any lot. When applying defect tolerances to the combination grade, they shall apply only to Fancy grade.
- (b) In addition, 5 percent, by count, for minimum size and uniform in size in any container or lot.
- (c) Individual containers are permitted double the tolerances, provided the lot averages within the specified tolerances.
- (d) Apples are allowed an additional tolerance for minimum size and uniform size. This tolerance is 5 percent for any lot, 10 percent for any container, provided the lot or container does not exceed the above tolerances allowed for defects.

NOTE: Authority cited: Sections 407, 42682 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Renumbering and amendment of Section 1400.48 to Section 1400.36 and renumbering and amendment of former Section 1400.36 to Section 1400.23 filed 6-5-81; effective thirtieth day thereafter (Register 81, No. 23).
- 3. Amendment filed 2–22–85; effective thirtieth day thereafter (Register 85, No. 8).

§ 1400.37. Apples, Marking Requirements.

In addition to the basic marking requirements of Section 1359, the following markings are required:

- (a) Master containers:
- (1) The name of the variety or varieties; and
- (2) Grade designation.
- (b) Consumer packages:
- (1) Grade designation.
- (c) Nonconsumer packages:
- (1) Grade designation or equivalent U.S. Grade; and
- (2) The minimum diameter when apples are loose in containers, except when sold by producer directly to ultimate consumer on the premises where grown. The minimum diameter shall be plainly marked on the container in terms of whole inches and not less than eighth–inch fractions followed by the words "minimum diameter" or their abbreviations; and
- (3) Variety, if known, or, if not known, "unknown variety" on all closed containers.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Renumbering and amendment of Section 1400.51 to Section 1400.37 and renumbering and amendment of former Section 1400.37 to Section 1400.25 filed 6–5–81; effective thirtieth day thereafter (Register 81, No. 23).
- 3. Amendment filed 2–22–85; effective thirtieth day thereafter (Register 85, No. 8).

§ 1400.38. Apples, Use of Terms Other Than Standard Grades and Abbreviations.

No superlative designation may be used in conjunction with the grades "Extra Fancy," "Fancy," "C" Grade, or "Extra Fancy and Fancy," such as "Selected . . ." or ". . . Better." "Extra" may be abbreviated to "Ex.," and "Fancy" may be abbreviated to "Fcy." The abbreviation for "minimum diameter" shall be "min. dia." or "Min."

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 3–16–56; effective thirtieth day thereafter (Register 56, No. 5).
- 2. Amendment filed 6-6-57; effective thirtieth day thereafter (Register 57, No. 9).
- 3. Renumbering from Section 1391.6 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Renumbering and amendment of Section 1400.52 to Section 1400.38 and renumbering and amendment of former Section 1400.38 to Section 1400.26 filed 6-5-81; effective thirtieth day thereafter (Register 81, No. 23).
- 5. Amendment filed 2–22–85; effective thirtieth day thereafter (Register 85, No. 8).

§ 1400.39. Apples, USDA Grades in Lieu of California Grades.

In lieu of the standard grade markings required by this article, any container of apples may be marked with one of the grades established in the official United States standards for apples, if the apples conform to the grade as marked. The provisions of this section shall in no way permit apples to be of a lower grade or size requirement than California standards

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 8-14-69; effective thirtieth day thereafter (Register 69, No. 33). For prior section see Register 68, No. 2.
- Renumbering from Section 1391.7 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Repealer of Section 1400.39 and renumbering and amendment of Section 1400.63 to Section 1400.39 filed 6-5-81; effective thirtieth day thereafter (Register 81, No. 23).
- 4. Amendment filed 2–22–85; effective thirtieth day thereafter (Register 85, No. 8).

§ 1400.40. Apples, Controlled Atmosphere.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 8-14-69; effective thirtieth day thereafter (Register 69, No. 33).
- 2. Renumbering from Section 1391.8 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Renumbering and amendment of Section 1400.68 to Section 1400.40 and renumbering and amendment of former Section 1400.40 to Section 1400.22 filed 6–5–81; effective thirtieth day thereafter (Register 81, No. 23).
- 4. Repealer filed 2–22–85; effective thirtieth day thereafter (Register 85, No. 8).

§ 1400.41. Apples, Controlled Atmosphere Requirements.

Apples prepared, packed, sold, or transported for sale which are represented as having been exposed to controlled atmosphere shall comply with the following requirements:

- (a) Apples must have been kept under conditions of not more than 5 percent oxygen for at least:
 - (1) 45 days for Gala and Jonagold varieties.
 - (2) 60 days for all other apple varieties.
- (b) The oxygen level must have been reduced to 5 percent within 20 days after sealing the apples in the storage room.

The secretary may require an agreement in writing from registered handlers of controlled atmosphere apples that these conditions have been met. The secretary may refuse to approve an application for registration if the applicant does not fulfill these requirements or other provisions of this Article, or has failed to furnish information or evidence required by these sections pertaining to controlled atmosphere apples.

NOTE: Authority cited: Sections 407, 42681 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer of Section 1400.41 and renumbering and amendment of Section 1400.69 to Section 1400.41 filed 6-5-81; effective thirtieth day thereafter (Register 81, No. 23).
- 3. Amendment of section and NOTE filed 9–30–99; operative 10–30–99 (Register 99, No. 40).

§ 1400.42. Apples, Controlled Atmosphere Registration.

(a) The identity of all apples represented as having been exposed to controlled atmosphere storage shall be maintained from the original room or building where they were treated through the various channels of trade to the retailer.

Enforcing officers may investigate and examine records and invoices relating to any transactions in order to determine the identity of apples represented as having been exposed to controlled atmosphere storage, and shall consider all CA storage registration numbers pertinent to marketplace transactions.

- (b) All owners or operators of controlled atmosphere rooms or storage facilities for apples in California, and California packers or repackers of apples treated in this or any other state and represented as having been exposed to controlled atmosphere shall register with the director on a prescribed form. The registration period for these owners, operators, packers, and repackers shall extend for one year beginning September 1 and ending August 31 of the following year.
- (c) The director shall assign each approved registrant a registration number preceded by the letters CA.
- (d) Each owner or operator of a controlled atmosphere room or storage facility in this State shall maintain a record on a daily basis, as required by the county agricultural commissioner, of the temperature, percentage of carbon dioxide, and percentage of oxygen, checked at least once each day. The required record shall also include the name and address of the owner or operator, room number(s), room capacity, lot identification, quantity in each lot, date of sealing, date of opening, and a daily record of date and time of each oxygen, carbon dioxide, and temperature test.

Each owner or operator of a controlled atmosphere room or building in this State shall submit to the county agricultural commissioner a written report, within 10 days of the date of sealing, pertaining to each room showing the owner's room number(s), date of sealing, and variety and quantity of apples stored by the owner or operator.

- (e) Apples represented in any way as having been exposed to controlled atmosphere shall be moved in containers or consumer packages marked with the registration number of the owner or operator of the room or building where the apples were treated. These containers shall also be marked with the registration number of the California packer or repacker of the apples.
- (f) All registration numbers or other identification required to be marked on containers shall be in letters and numbers not less than those prescribed in Table 1 of Section 1363; however, in the case of consumer packages as defined in this Article, all such markings shall be clear and conspicuous and in a place readily visible to the purchaser.
- (g) A "lot" of apples means any group of containers of apples from one grower or orchard, of one variety, which is separated from other groups by some evidence such as a lot number or similar mark of identification.

A "packer" or "repacker" is a person other than an owner or operator of a controlled atmosphere storage plant who removes apples from the containers in which they were treated and places them into other containers or replaces them into the original containers.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Renumbering and amendment of Section 1400.70 to Section 1400.42 and renumbering and amendment of former Section 1400.42 to Section 1400.28 filed 6-5-81; effective thirtieth day thereafter (Register 81, No. 23).

§ 1400.43. Apples, Controlled Atmosphere from Out-of-State.

Out-of-state owners or operators of controlled atmosphere rooms or storage facilities, and out-of-state packers or repackers of apples represented as having been exposed to controlled atmosphere, who market these apples in California, shall register with the director in the same manner as required of persons within this State. However, these persons are not required to register if they are already registered with proper authorities in the state of origin and have been assigned a comparable identification number, under laws or regulations which at least conform to provisions of Sections 1400.41 and 1400.42 of this Article. Out-of-state containers of apples marketed in California shall be marked with the registration number of this state or the state of origin.

Persons marketing these apples need not submit records to a California agricultural commissioner.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Amendment and renumbering from Section 1390.1 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Renumbering and amendment of Section 1400.43 to Section 1400.21 and new Section 1400.43 filed 6-5-81; effective thirtieth day thereafter (Register 81, No. 23).

§ 1400.44. Apples, Consumer-Type Package.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New sections 1393.4 through 1393.19 filed 1–4–71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 2. Amendment and renumbering from Section 1393.4 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Amendment filed 7–10–75; effective thirtieth day thereafter (Register 75, No. 28)
- 4. Renumbering and amendment of Section 1400.44 to Section 1400.33 filed 6-5-81; effective thirtieth day thereafter (Register 81, No. 23).

§ 1400.45. Apples, Wrapped.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- Renumbering from Section 1393.5 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Renumbering and amendment of Section 1400.45 to Section 1400.32 filed 6-5-81; effective thirtieth day thereafter (Register 81, No. 23).

§ 1400.46. Apples, Place Packed.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1393.6 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Renumbering and amendment of Section 1400.46 to Section 1400.31 filed 6-5-81; effective thirtieth day thereafter (Register 81, No. 23).

§ 1400.47. Apples, Well Packed.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- Renumbering from Section 1393.7 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Renumbering and amendment of Section 1400.47 to Section 1400.30 filed 6-5-81; effective thirtieth day thereafter (Register 81, No. 23).

§ 1400.48. Apples, Tolerances.

NOTE: Authority cited: Sections 407, 42682, and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Renumbering and amendment of Section 1400.48 to Section 1400.36 filed 6-5-81; effective thirtieth day thereafter (Register 81, No. 23).

§ 1400.49. Apples, Combination Grade.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4)
- 2. Repealer filed 6-5-81; effective thirtieth day thereafter (Register 81, No. 23).

§ 1400.50. Apples, Tolerances for Minimum Size or Uniform in Size.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- New Sections 1392.3, 1392.4 and 1392.5 filed 8–14–69; effective thirtieth day thereafter (Register 69, No. 33).
- 2. Amendment and renumbering from Section 1392.3 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Repealer filed 6-5-81; effective thirtieth day thereafter (Register 81, No. 23).

§ 1400.51. Apples, Marking Requirements Master Container, Gift Pack, Consumer and Nonconsumer Package.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Amendment and renumbering from Section 1393.13 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 4–30–75; designated effective 6–1–75 (Register 75, No. 18).
- 3. Amendment filed 7–10–75; effective thirtieth day thereafter (Register 75, No. 28).
- Amendment of subsection (b)1 filed 11-8-78; effective thirtieth day thereafter (Register 78, No. 45).
- 5. Renumbering and amendment of Section 1400.51 to Section 1400.37, filed 6–5–81; effective thirtieth day thereafter (Register 81, No. 23).

§ 1400.52. Apples, Use of Terms Other Than Standard Grades and Abbreviations.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- New section filed 8-14-69; effective thirtieth day thereafter (Register 69, No. 33). For prior history, see Register 68, No. 2.
- Renumbering from Section 1391.5 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Renumbering and amendment of Section 1400.52 to Section 1400.38 filed 6–5–81; effective thirtieth day thereafter (Register 81, No. 23).

§ 1400.53. Apples, Count Variation.

HISTORY

- 1. Renumbering from Section 1393.14 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 4-30-75; designated effective 6-1-75 (Register 75, No. 18).

§ 1400.54. Apples, Gift Pack Exemptions.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1393.10 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 6-5-81; effective thirtieth day thereafter (Register 81, No. 23).

§ 1400.55. Apples, Gift Pack Deception and Mislabeling.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Amendment and renumbering from Section 1393.11 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 6-5-81; effective thirtieth day thereafter (Register 81, No. 23).

§ 1400.56. Apples, Container Regulations.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4)
- 2. Repealer filed 6-5-81; effective thirtieth day thereafter (Register 81, No. 23).

§ 1400.57. Apples, Gift Pack Containers.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code, Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1393.9 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Renumbering and amendment of Section 1400.57 to Section 1400.35 filed 6-5-81; effective thirtieth day thereafter (Register 81, No. 23).

§ 1400.58. Apples, Gift Pack Apples.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1393.8 filed 1~21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Renumbering and amendment of Section 1400.58 to Section 1400.34 filed 6-5-81; effective thirtieth day thereafter (Register 81, No. 23).

§ 1400.59. Apples, Gift Pack, Container Marking Requirements.

HISTORY

- 1. Renumbering from Section 1393.15 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 4–30–75; designated effective 6–1–75 (Register 75, No. 18).

§ 1400.60. Apples, Consumer-Type Package Marking Requirements.

HISTORY

- 1. Renumbering from Section 1393.16 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 4-30-75; designated effective 6-1-75 (Register 75, No. 18).

§ 1400.61. Apples, Master Containers, Marking Requirements.

HISTORY

- Renumbering from Section 1393.17 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 4-30-75; designated effective 6-1-75 (Register 75, No. 18).

§ 1400.62. Lady and Crab Apple Grade Marking Exemption.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1393.18 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 6-5-81; effective thirtieth day thereafter (Register 81, No. 23).

§ 1400.63. Apples, USDA Grades in Lieu of California Grades.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Amendment and renumbering from Section 1393.19 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Renumbering and amendment of Section 1400.63 to Section 1400.39 filed 6-5-81; effective thirtieth day thereafter (Register 81, No. 23).

§ 1400.64. Apples, Abbreviations for Minimum Diameter.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

1. Amendment and renumbering from Section 1392.4 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).

2. Repealer filed 6-5-81; effective thirtieth day thereafter (Register 81, No. 23).

§ 1400.65. Apple Markings, Consumer Packages.

HISTORY

- Renumbering from Section 1392.5 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 4-30-75; designated effective 6-1-75 (Register 75, No. 18).

§ 1400.66. Apples, Tray Pack and Cell Pack, Sections 1400.47 and 1400.22 of the California Administrative Code.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 3-5-58; effective thirtieth day thereafter (Register 58, No. 4).
- 2. Amendment filed 1–4–71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 3. Amendment and renumbering from Section 1393.1 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 4. Repealer filed 6–5–81; effective thirtieth day thereafter (Register 81, No. 23).

§ 1400.67. Apples, Packing Requirements.

HISTORY

- 1. Renumbering from Section 1393.12 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Renumbering and amendment of Section 1400.67 to Section 1400.29 filed 6-5-81; effective thirtieth day thereafter (Register 81, No. 23).

§ 1400.68. Apples, Controlled Atmosphere Regulations.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Renumbering and amendment of Section 1400.68 to Section 1400.40 filed 6-5-81; effective thirtieth day thereafter (Register 81, No. 23).

§ 1400.69. Apples, Controlled Atmosphere Requirements.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4)
- 2. Renumbering and amendment of Section 1400.69 to Section 1400.41 filed 6-5-81; effective thirtieth day thereafter (Register 81, No. 23).

§ 1400.70. Apples, Controlled Atmosphere.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 12–28–59; effective thirtieth day thereafter (Register 60, No. 1).
- Amendment of subsections (b), (c), (e)(3) and (e)(4) filed 1-4-71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 3. Amendment and renumbering from Section 1400.70 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 4. Amendment of subsection (e)(4) filed 11-8-78; effective thirtieth day thereafter (Register 78, No. 45).
- 5. Renumbering and amendment of Section 1400.70 to Section 1400.42 filed 6-5-81; effective thirtieth day thereafter (Register 81, No. 23).

Article 8. Apricots

§ 1402. Apricots, Exceptions.

NOTE: Authority cited: Sections 407, 42682 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 5–12–78, effective thirtieth day thereafter (Register 78, No 19).
- 3. Repealer filed 8–18–83; designated effective 8–25–83 pursuant to Government Code Section 11346.2(d) (Register 83, No. 34).

§ 1402.1. Apricots, Verification for Permit.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Repealer filed 8–18–83; designated effective 8–25–83 pursuant to Government Code Section 11346.2(d) (Register 83, No. 34).

§ 1402.2. Apricots, Maturity.

Apricots shall not be considered mature within the meaning of the California Administrative Code, Section 1402.3 unless reasonably well filled out, and (a) at least three–fourths of the outside surface area has attained a color equal to No. 3 Yellowish Green as represented by the "Standard Color Chart, Department of Food and Agriculture"; or (b), at least one–half the surface area of the flesh showing on a transverse cut through the center, made approximately one–half the distance between the stem and blossom ends, has attained a color equal to No. 4 Yellow of the same color chart.

NOTE: Authority cited: Sections 407 and 42681, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 9–25–63; effective thirtieth day thereafter (Register 63, No. 17).
- 2. Amendment filed 4–23–71; effective thirtieth day thereafter (Register 71, No. 17).
- 3. Amendment and renumbering from Section 1394.2 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 4. Editorial correction adding NOTE filed 8-18-83 (Register 83, No. 34).

§ 1402.3. Apricots, Standards.

Fresh apricots shall be mature but not overripe and free from any of the following defects:

- (a) Insect injury which has penetrated or damaged the flesh.
- (b) Mold, brown rot, and decay.
- (c) Serious damage caused by cuts, bruises, cracks, shot hole fungus, growth cracks, scab, hail, or other causes.

NOTE: Authority cited: Sections 407 and 42681, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Editorial correction adding NOTE filed 8-18-83 (Register 83, No. 34).

§ 1402.4. Apricots, Serious Damage.

With the exception of shot hole fungus, damage is serious when it causes a waste of 10 percent, by volume, of the individual apricot. Damage to any apricot caused by shot hole fungus is serious when the spots cover an aggregate area of more than one-half inch in diameter.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Amendment filed 8–18–83; designated effective 8–25–83 pursuant to Government Code Section 11346.2(d) (Register 83, No. 34).

§ 1402.5. Apricots, Pit-Burn.

Pit-burn in apricots shall be considered serious damage when it causes a breakdown of the flesh and a portion of such flesh is brown in color, provided that the combined total affects more than 10 percent of the flesh of the individual apricot. Brown color shall not include the color change associated with normal apricot flesh overripeness.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Originally filed as Section 1435 on 4–20–54; effective thirtieth day thereafter (Register 54, No. 9).
- 2. Renumbered from Section 1435, filed 7-7-55; effective thirtieth day thereafter (Register 55, No. 10).

- 3. Renumbering from Section 1394 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Amendment filed 8–18–83; designated effective 8–25–83 pursuant to Government Code Section 11346.2(d) (Register 83, No. 34).

§ 1402.6. Apricots, Tolerances.

Not more than 10 percent, by count, of the apricots in any one container or bulk lot may be below the requirements which are prescribed by this article, but not to exceed one-half of this tolerance shall be allowed for any one cause.

HISTORY

New section filed 1–21–75, effective thirtieth day thereafter (Register 75, No. 4).

§ 1402.7. Apricots, Marking Requirements.

In addition to the basic marking requirements of section 1359, every nonconsumer container of apricots shall be clearly and conspicuously marked with the following information:

- (a) The name of the variety, if known, or if not known, the words "Unknown Variety."
- (b) The row count, or count, if the apricots are packed in any style container.
- (c) When apricots are loose in the container, the statement "24 lbs. net wt." or "24 lbs. net weight" and one of the numerical size designations established in section 1402.8. Where any such size designation is followed in parenthesis by a descriptive size designation, both such designations, the numerical followed by the descriptive, shall appear together on the container from the effective date of this regulation and until December 31, 1990. After such date, the containers shall only be marked with one of the numerical designations.

NOTE: Authority cited: Sections 14, 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Amendment of subsection (c) and new subsection (d) filed 3-17-72; effective thirtieth day thereafter (Register 72, No. 12).
- 2. Renumbering from section 1394.7 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Amendment filed 4-30-75; designated effective 6-1-75 (Register 75, No. 18).
- 4. Amendment filed 8–18–83; designated effective 8–25–83 pursuant to Government Code section 11346.2 (d) (Register 83, No. 34).
- Amendment filed 5–3–90; operative 5–3–90 pursuant to Government Code section 11346.2(d) (Register 90, No. 24).

§ 1402.8. Apricots, Size Markings.

All loose apricots, when in containers marked with one of the size designations stated in column A of the table below, shall meet the weight requirements specified for that size designation shown in the table. The apricots shall be uniform in size and not more than 5 percent, by count, of the apricots in each container may vary more than 1/4 inch in diameter when measured through the widest portion of the cross section, except sizes 4 and 18 need not meet the size variation requirement.

Compliance of a lot with the requirements of this section shall be determined as followed: If the lot consists of three or more containers, select at random three of the containers and from each container select at random 40 apricots. Combine and weigh the 120 apricots selected. The combined weight for the size designation shall equal or exceed the weight designated in column D for that size.

For lots of less than three containers, select 120 apricots at random from the containers and apply the method above.

If the apricots in the combined sample fail to meet the weight specified in column D, the entire lot shall be considered mislabeled within the meaning of Food and Agricultural Code sections 42514, 42943, and 42944.

\boldsymbol{A}	B	С	D
	Approximate	Number of	Minimum
	Number of	Apricots	Weight of
Size	Apricots	in Combined	Combined
Designation	Per Pound	Sample	Sample
4	4	120	25 pounds
5	5	120	22.5 pounds
6	6	120	20 pounds
7 (XX Jumbo)	7 (6)	120	17.5 (20) pounds
8 (Extra Jumbo)	8	120	15 pounds
10 (Jumbo)	10	120	12 pounds
12 (Extra Large)	12	120	10 pounds
14 (Large)	14	120	8.5 pounds
16 (Medium)	16	120	7.5 pounds
18 (Small)	No maximum	No maximum	No minimum
,	number	number	weight

With the "Extra Large" and "Extra Jumbo" designation, "Extra" may be abbreviated "Ex" or be represented by a single "X" preceding the term "Large" or "Jumbo."

All of the size designations in parenthesis, and except for XX Jumbo, the appropriate number of apricots per pound and the minimum sample weight in columns B and D, respectively, existed prior to the establishment of the numerical designations. In the case of XX Jumbo, the previous number of apricots per pound and the minimum sample weight appear in parenthesis. Refer to section 1402.7 for applicable container size marking requirements.

NOTE: Authority cited: Sections 14, 407, 42681 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- New section filed 9–25–63; effective thirtieth day thereafter (Register 63, No. 17).
- 2. Amendment filed 5-19-67 as an emergency; designated effective 5-22-67. Certificate of Compliance included (Register 67, No. 20).
- Amendment filed 1-4-71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 4. Amendment and renumbering from section 1394.1 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).
- 5. Amendment filed 8–18–83; designated effective 8–25–83 pursuant to Government Code section 11346.2(d) (Register 83, No. 34).
- 6. Amendment filed 4-16-87; operative 4-20-87 (Register 87, No. 16).
- Amendment filed 5–3–90; operative 5–3–90 pursuant to Government Code section 11346.2(d) (Register 90, No. 24).

§ 1402.9. Apricots, Row Count.

If row count is used to designate the size on any lug of packed apricots, the lug shall be marked with the number of rows of apricots packed laterally across the end of the container, directly followed by the word "row" or "rows."

HISTORY

1. Renumbering from Section 1394.10 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1402.10. Apricot, Count Variation.

HISTORY

- 1. Renumbering from Section 1394.11 filed -21-75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 4-30-75; designated effective 6-1-75 (Register 75, No. 18).

§ 1402.11. Apricots, Size Variation and Tolerance.

- (a) Packed apricots shall not vary in size between the fruits in one container more than one-fourth inch in diameter, when measured through the widest portion of the cross section of the fruit.
- (b) Size variation shall not exceed 5 percent by count in any container. NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1394.6 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Amendment filed 8–18–83; designated effective 8–25–83 pursuant to Government Code Section 11346.2(d) (Register 83, No. 34).

§ 1402.12. Apricots, Standard Container Requirements.

Apricots shall be in standard container numbers 6, 10A, 12B, 22A, 22B, 22C, 24, 25, or 36.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 5–20–77; effective thirtieth day thereafter (Register 77, No. 21). For prior history, see Register 75, No. 4.
- 2. Editorial correction of NOTE filed 8-18-83 (Register 83, No. 34).
- 3. Amendments filed 5–5–86; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 86, No. 19).
- 4. Amendment filed 4–16–87; operative 4–20–87 (Register 87, No. 16).
- Amendment of section and Note filed 8-26-2003; operative 8-26-2003 pursuant to Government Code section 11343.4 (Register 2003, No. 35).

Article 9. Artichokes

§ 1404. Artichokes, Standards.

Globe artichokes shall be free from the following defects:

- (a) Mold, decay, or insect larvae.
- (b) Serious damage due to insects, freezing, or other causes. Damage to artichokes is serious due to:
- (1) Insects when worm tunnelling is present on a bract, or when six or more bracts are punctured, or when insect injury has damaged an area of one-half inch or more on the lower half of a bract.
- (2) Freezing, when discoloration extends beyond the area of attachment of the stem to the base of the artichoke.
- (3) Other causes when 10 percent, by volume, of the edible portion of the artichoke is wasted.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 3–14–83; effective thirtieth day thereafter (Register 83, No. 12).

§ 1404.1. Artichokes, Tolerances.

Not more than 10 percent, by count, of the globe artichokes in any one container or bulk lot may be below the requirements prescribed by this article. Not more than one-half of this tolerance shall be allowed for decay

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 3–14–83; effective thirtieth day thereafter (Register 83, No. 12).

§ 1404.2. Artichokes, Markings on Containers.

HISTORY

- 1. Renumbering from Section 1395.18 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 4-30-75; designated effective 6-1-75 (Register 75, No. 18).

§ 1404.3. Artichokes, Special Container.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1395.19 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 3-14-83; effective thirtieth day thereafter (Register 83, No. 12).

§ 1404.4. Artichokes, General Provisions for Standard Containers and Packs.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New Sections 1395.11 through 1395.19 filed 1–4–71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 2. Renumbering from Section 1395.10 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Repealer filed 3-14-83; effective thirtieth day thereafter (Register 83, No. 12).

§ 1404.5. Artichokes, Standard Container Requirements.

Globe artichokes shall be in standard container numbers 21, 21A, 21B, or 22.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1395.16 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 12–6–77; effective thirtieth day thereafter (Register 77, No. 50).
- 3. New NOTE filed 3–14–83; effective thirtieth day thereafter (Register 83, No. 12).

§ 1404.6. Artichokes, Standard Containers Numbers.

HISTORY

- 1. Renumbering from Section 1395.11 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 12-6-77; effective thirtieth day thereafter (Register 77, No. 50).

§ 1404.7. Artichokes, Standard Container Number 21, Weight Requirement.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1395.13 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 3-14-83; effective thirtieth day thereafter (Register 83, No. 12).

§ 1404.8. Artichokes, Standard Packs, Container Number 21.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1395.14 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 3-14-83; effective thirtieth day thereafter (Register 83, No. 12).

§ 1404.9. Artichokes, Standard Packs, Container Number

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- Renumbering from Section 1395.15 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 3-14-83; effective thirtieth day thereafter (Register 83, No. 12).

§ 1404.10. Artichokes, Standard Packs.

Globe artichokes which are packed as a standard pack in any standard container shall be tightly packed.

 $NOTE: Authority\ cited: Sections\ 407\ and\ 42682, Food\ and\ Agricultural\ Code.\ Reference:\ Section\ 42941,\ Food\ and\ Agricultural\ Code.$

HISTORY

- 1. Renumbering from Section 1395.12 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 3–14–83; effective thirtieth day thereafter (Register 83, No. 12).

§ 1404.11. Artichokes, Size Variation.

Globe artichokes which are packed shall not vary in size, in any one container, more than one—half of an inch in diameter if measured through the widest portion of the cross section of the artichokes.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1395.17 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. New NOTE filed 3–14–83; effective thirtieth day thereafter (Register 83, No. 12).

§ 1404.12. Artichokes, Size Tolerances.

Size variation shall not exceed 10 percent in any one container or bulk lot.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

1. New section filed 3-14-83; effective thirtieth day thereafter (Register 83, No. 12).

Page 138

Article 10. Asparagus

§ 1406. Asparagus, Exception for By-Products Use.

NOTE: Authority cited: Sections 407, 42682 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–23–75 as an emergency; effective upon filing (Register 75, No. 4).
- 2. Certificate of Compliance filed 5-22-75 (Register 75, No. 21).
- 3. Amendment filed 12–3–75; effective thirtieth day thereafter (Register 75, No. 49).
- 4. Repealer filed 4-5-85; effective thirtieth day thereafter (Register 85, No. 14).

§ 1406.1. Asparagus, Standards.

Fresh asparagus shall comply with all of the following requirements:
(a) It shall not be wilted or crushed, except such injuries as are necessarily caused in proper sorting or packing.

- (b) Stalks shall not have badly broken, badly spreading, or badly seeded tips and shall be free from decay and from damage which is caused by dirt, disease, insects, mechanical injury, or other causes. "Damage" means any injury from any cause which is mentioned in this article that materially affects the quality.
 - (c) Stalks of asparagus shall not be badly crooked.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Renumbering of Article 10 (Sections 1406-1406.20) to (Sections 1406.1-1406.21) filed 1-23-75 as procedural; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Amendment of NOTE filed 4–5–85; effective thirtieth day thereafter (Register 85, No. 14).

§ 1406.2. Asparagus, Tolerance.

Not more than 10 percent, by count, of the asparagus stalks in any container or bulk lot may be below the requirements prescribed by Section 1406.1. Not more than one—half of this tolerance shall be allowed for any one cause.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4)
- 2. Amendment filed 4-5-85; effective thirtieth day thereafter (Register 85, No. 14)

§ 1406.3. Asparagus, Badly Crooked.

Asparagus failing to meet the requirements prescribed by Section 1406.1 only because of being "badly crooked," shall be considered as complying with this article if the container in which it is packed is clearly and conspicuously marked with the word "crooks." Containers so marked need not bear any bunch or size designation terms, as required by Section 1406.15.

NOTE: Authority cited: Sections 407, 42682 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Amendment filed 11–8–78; effective thirtieth day thereafter (Register 78, No. 45).
- 3. Amendment filed 4–5–85; effective thirtieth day thereafter (Register 85, No. 14).

§ 1406.4. Asparagus, White Stalks.

Asparagus stalks shall not have more than 1 1/2 inches of white color, beginning from the cut end of the stalk. However, 20 percent of the stalks in any bunch or container may have more than 1 1/2 inches of white, provided that not more than 5 percent of this amount exceeds 3 inches of white in length. Containers of asparagus clearly and conspicuously

marked with the word "white" may be packed if grown north or west of San Gorgonio Pass, provided not more than 5 percent of the stalks in any container contain more than 1 1/2 inches of color other than white on the stalk.

Individual containers in any lot may contain 1 1/2 times the tolerance, provided the lot averages within the specified tolerance.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 2-8-85; effective thirtieth day thereafter (Register 85, No. 6).
- 3. Amendment refiled 2-21-85; designated effective 2-22-85 pursuant to Government Code Section 11346.2(d) (Register 85, No. 8).
- 4. Amendment filed 4–5–85; effective thirtieth day thereafter (Register 85, No. 14).
- 5. Change without regulatory effect (Register 86, No. 33).

§ 1406.5. Asparagus, Descriptive Terms Defined.

When containers of asparagus are marked with the terms "long green," "tall green," or similar descriptive terms, the asparagus placed in such container may not have more than one inch of white showing, beginning from that end which is cut from the plant.

Containers of asparagus which are labeled with the term "all green" shall contain stalks of asparagus with no white.

The tolerances as provided for in Section 1406.4 of the California Administrative Code shall apply to stalks of asparagus packed and marked as indicated in this section.

NOTE: Authority cited: Sections 407, 42682 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 6–18–70; effective thirtieth day thereafter (Register 70, No. 25).
- 2. Amendment and renumbering from Section 1396.2 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. New NOTE filed 4-5-85; effective thirtieth day thereafter (Register 85, No. 14).

§ 1406.6. Asparagus, Definition of the Term "White."

The term "white" with reference to asparagus shall mean those areas on individual stalks of asparagus that are white with no shade of purple or green or any other color that may develop during the growing of the asparagus.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

History

- 1. New section filed 6–18–70; effective thirtieth day thereafter (Register 70, No. 25).
- 2. Renumbering from Section 1396.3 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. New NOTE filed 4-5-85; effective thirtieth day thereafter (Register 85, No. 14).

§ 1406.7. Asparagus, Bunch Pack, Defined.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Amendment and renumbering from Section 1396 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4). For prior history, see Register 71, No. 2
- 2. Amendment filed 12-3-75; effective thirtieth day thereafter (Register 75, No.
- Amendment filed 12–4–78; effective thirtieth day thereafter (Register 78, No. 49).
- 4. Repealer filed 4-5-85; effective thirtieth day thereafter (Register 85, No. 14).

§ 1406.8. Asparagus, Bunch Designations.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

- 1. Amendment filed 12–4–78; effective thirtieth day thereafter (Register 78, No. 49). For prior history, see Register 75, No. 49.
- 2. Amendment filed 4-5-85; effective thirtieth day thereafter (Register 85, No. 14).

3. Repealer filed 3-26-93; operative 4-26-93 (Register 93, No. 13).

§ 1406.9. Asparagus, Crooks.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1396.9 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 12–3–75; effective thirtieth day thereafter (Register 75, No. 49).
- Amendment filed 12–4–78; effective thirtieth day thereafter (Register 78, No. 49).
- 4. Repealer filed 3-26-93; operative 4-26-93 (Register 93, No. 13).

§ 1406.10. Asparagus, Bunch Pack Tolerance.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1396.10 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Amendment filed 12-3-75; effective thirtieth day thereafter (Register 75, No. 49).
- 3. Amendment filed 12–4–78; effective thirtieth day thereafter (Register 78, No. 4)
- 4. Repealer filed 3-26-93; operative 4-26-93 (Register 93, No. 13).

§ 1406.11. Asparagus, Measurement to Define Amount of White.

When determining the amount of white on a stalk of asparagus which is cut from the plant, measure from the cut end of the stalk to the nearest point of color. For spears longer than 9 inches, the nearest point of color shall be determined by measuring from a point which is 9 inches from the tip.

Note: Authority cited: Sections 407, 42681 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 6–18–70; effective thirtieth day thereafter (Register 70, No. 25).
- 2. Amendment filed 3–11–71 as an emergency; effective upon filing (Register 71, No. 11).
- 3. Certificate of Compliance—Sec. 11422.1, Gov. Code, filed 4–12–71 (Register 71, No. 16).
- 4. Renumbering from Section 1396.4 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 5. Amendment filed 4–5–85; effective thirtieth day thereafter (Register 85, No. 14).

§ 1406.12. Asparagus, Diameter.

As used in this section, "diameter" means the measurement of the widest portion of the cross section which is measured at the largest point on the stalk.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New sections 1396.5 through 1396.16 filed 1–4–71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- Renumbering from Section 1396.5 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Amendment filed 4–5–85; effective thirtieth day thereafter (Register 85, No. 14).

§ 1406.13. Asparagus, Size Designations.

Asparagus which is classified according to the following size designations shall comply with the corresponding individual stalk size requirements:

- (a) "Colossal" means stalks which are not less than 16/16 inch in diameter.
- (b) "Jumbo" means stalks which are not less than 13/16 inch in diameter.
- (c) "Extra Large" means stalks which are not less than 10/16 inch in diameter.
 - (d) "Large" means stalks which are not less than 7/16 inch in diameter.
- (e) "Standard" means stalks which are not less than 5/16 inch in diameter.

(f) "Small" means stalks which are not less than 3/16 inch in diameter. NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1396.6 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 12–3–75; effective thirtieth day thereafter (Register 75, No. 49).
- 3. Amendment filed 4–5–85; effective thirtieth day thereafter (Register 85, No. 14).

§ 1406.14. Asparagus, Size Tolerances.

The size designation requirements established by Section 1406.13 shall apply to all stalks of asparagus in each container, except that as a tolerance in the case of colossal, jumbo, extra large, large, standard, and small sizes, 10 percent, by count, of the stalks in any container may be smaller than the size designation specified. Individual containers in any lot may contain 1 1/2 times the tolerance if the average percentage of the entire lot is within the tolerance.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Amendment and renumbering from Section 1396.7 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 12–3–75; effective thirtieth day thereafter (Register 75, No. 49)
- 3. Amendment filed 4–5–85; effective thirtieth day thereafter (Register 85, No. 14).

§ 1406.15. Asparagus, Marking Requirements.

In addition to the basic marking requirements required by Section 1359, every nonconsumer container of asparagus shall be clearly and conspicuously marked with one of the size designations defined in Section 1406 13

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Amendment of subsections (a) and (b) filed 11–8–78; effective thirtieth day thereafter (Register 78, No. 45). For prior history, see Register 75, No. 49.
- Amendment of subsection (b) filed 12-4-78; effective thirtieth day thereafter (Register 78, No. 49).
- 3. Amendment filed 4–5–85; effective thirtieth day thereafter (Register 85, No. 14).
- 4. Amendment filed 3-26-93; operative 4-26-93 (Register 93, No. 13).

§ 1406.16. Asparagus, Crook, Marking Exemption.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- Renumbering from Section 1396.15 filed 1-21-75, effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 4-5-85; effective thirtieth day thereafter (Register 85, No. 14).

§ 1406.17. Asparagus, Exception to Size of Markings.

HISTORY

- 1. Amendment and renumbering from Section 1396.16 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 11-8-78; effective thirtieth day thereafter (Register 78, No. 45).

§ 1406.18. Asparagus, General Provisions for Standard Containers and Packs.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Amendment and renumbering from Section 1396.11 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 4-5-85; effective thirtieth day thereafter (Register 85, No. 14).

§ 1406.19. Asparagus, Packing Requirements.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

1. Amendment and renumbering from Section 1396.12 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

2. Repealer filed 4-5-85; effective thirtieth day thereafter (Register 85, No. 14).

§ 1406.20. Asparagus, Irregular Container.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- Renumbering from Section 1396.13 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 11-8-78; effective thirtieth day thereafter (Register 78, No. 45)
- 3. Amendment filed 4–5–85; effective thirtieth day thereafter (Register 85, No. 14)
- 4. Repealer filed 3-26-93; operative 4-26-93 (Register 93, No. 13).

§ 1406.21. Asparagus, Loose Deceptive Pack.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- New section filed 3–16–56; effective thirtieth day thereafter (Register 56, No. 5).
- 2. Renumbering from Section 1396.1 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Repealer filed 4–5–85; effective thirtieth day thereafter (Register 85, No. 14).

Article 11. Avocados

§ 1408. Avocados, By-Products.

Avocados which are intended to be used solely for by-product use shall not be deemed "prepared for market" within the meaning of section 44971 of the Food and Agricultural Code. The enforcing inspector shall issue a permit or serve a disposal order upon the owner or person that has custody or possession of any lot or load that is intended for by-product use. The issuance of disposal orders shall be in accordance with sections 42881, 42882, 42883, 42884, 42885, and 42886. The issuance of permits shall be in accordance with the following:

- (a) The permit shall accompany each vehicle transporting the avocados.
- (b) The permit shall be in writing and on a form provided by the Director of Food and Agriculture.
- (c) The permit shall be valid for one year from date of issuance unless revoked or suspended by the Director or his representative.
- (d) The permittee shall, upon request of the enforcing officer, furnish such evidence as may be required as proof that the avocados have been disposed of in accord with provisions of this section.

NOTE: Authority cited for Article 11: Sections 42 and 43, Chapter 1404, Statutes of 1974 and Sections 407, 42681 and 42682, Food and Agricultural Code. Reference: Sections 42941 and 44971, Food and Agricultural Code.

HISTORY

- 1. New section filed 6–4–73 as an emergency; effective upon filing (Register 73, No. 23).
- 2. Certificate of Compliance filed 9-20-73 (Register 73, No. 38).
- 3. Amendment filed 1–11–74; effective thirtieth day thereafter (Register 74, No. 2).
- 4. Renumbering from Section 1397.16 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1408.1. Avocados, Identification of Avocados in Noncomplying Lots.

When any lot of avocados has been determined to be in noncompliance with the maturity or other quality standards as established by this article, and is to be disposed of as authorized by this group, the avocados in the lot shall be cut or otherwise permanently identified prior to disposal. NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Sections 42941 and 44971, Food and Agricultural Code.

HISTORY

- New section filed 9-20-68 as an emergency; effective upon filing; Certificate of Compliance included (Register 68, No. 35).
- Amendment and renumbering from Section 1397.7 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).
- Amendment filed 5–27–83; effective thirtieth day thereafter (Register 83, No. 22).

§ 1408.2. Avocados: Maturity, Sample Size and Sampling Procedures.

- (a) The following procedure shall be used to determine whether avocados in a lot are mature as required by this article.
- (b) For the purposes of this section, a lot is defined as one group of containers of avocados of the same variety, same count size, if packed, and same grade or brand or grower.
- (c) Sample containers shall be selected at random in accordance with the table below. Two avocados shall be randomly selected from each sample container. Where the number of sample containers is four or less, additional avocados shall be selected for a total sample of ten avocados. The avocados selected from the sample containers shall comprise the total sample to be tested.

Number of Containers	Sample Containers
in Lot	Required
50 containers or less	2
51 to 100	3
101 to 200	4
201 to 500	
501 to 1,000	10
1,001 to 1,500	15
1,501 to 2,000	20
2,001 to 2,500	

For lots of over 2,500 containers, an additional five sample containers shall be selected for each additional 500 containers or fraction thereof.

(d) The avocados selected in accordance with the above subsection shall be tested in accordance with the procedures in Sections 1408.3 and 1408.6.1. Notwithstanding the foregoing sampling procedures, the least mature appearing fruit shall be selected when avocados from different growing seasons or bloom sets in the same growing season have been intermixed.

NOTE: Authority cited: Sections 14, 407, 42681, and 42684, Food and Agricultural Code. Reference: Sections 42941 and 44973, Food and Agricultural Code.

HISTORY

- 1. Amendment of subsections (a), (e) and (f) filed 1–4–71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2). For prior history, see Register 64, No. 15.
- 2. Amendment and renumbering from section 1397.6 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Amendment of subsections (d)(1) and (d)(2) filed 11–17–78 as an emergency; effective upon filing. Certificate of Compliance included (Register 78, No. 46).
- 4. Amendment of subsections (d)(1) and (d)(2) filed 11–9–79; effective thirtieth day thereafter (Register 79, No. 45).
- 5. Amendment of subsection (d) filed 9–30–81 as an emergency; effective upon filing. Certificate of Compliance included (Register 81, No. 41).
- Amendment filed 5–27–83; effective thirtieth day thereafter (Register 83, No. 22).
- 7. Amendment of subsection (d) filed 9–15–87; operative 10–15–87 (Register 87, No. 39).
- 8. Amendment of subsections (d) and (e) filed 9–7–89; operative 8–9–89 pursuant to Government Code section 11346.2(d) (Register 89, No.37).
- Amendment to subsection (d) filed 8–8–90; operative 9–7–90 (Register 90, No. 39).
- 10. Amendment of section heading, subsections (b), (c), (d) and NOTE and repealer of subsection (e) filed 9–16–92; operative 9–16–92 (Register 92, No. 38).

§ 1408.3. Avocados, Determination of Dry Matter.

Dry matter of avocados shall be determined by weighing the fresh weight and dry weight of a sample of avocados. The testing procedures and method of calculating the percent of dry matter shall be as follows:

- (a) At the widest circumference of the avocado, remove a core from the entire width of the avocado. Discard the seed portion, and remove the seed coat and skin to the depth of the edible portion from the remaining core pieces. Cut each core piece in half. The core sample shall be removed with a coring device having an inside diameter of 5/8 inch, plus or minus 1/16 inch.
- (b) Repeat the above for the number of sample fruit required by Section 1408.6.
- (c) The cored pieces shall be immediately placed in a sealed plastic bag if there is a delay in completing the procedures below.
 - (d) Weigh a clean petri dish and record the weight (P).
- (e) Place all cored pieces on the preweighed petri dish; reweigh the petri dish with the sample and record the weight (F).

- (f) Place the petri dish with the sample in a 1,000 watt microwave oven and dry the sample at 50% power for 40 minutes, adjusting the power down as necessary to avoid charring the tissue. Remove the sample from the microwave oven and note the weight. Place the sample back in microwave oven for 5 minutes. Remove the sample again and compare weight. If weight is the same, record it as dry weight. Whenever there is a weight difference, repeat this step until there is no weight loss. After the sample reaches a constant weight, record the weight (D).
 - (g) Calculate the percent of dry matter using the following example: D=P

 $F-P \times 100 = _____ \% dry matter$

All weighings required by this section shall be recorded to the nearest 0.01 gram.

 $Note: Authority\ cited:\ Sections\ 407,\ 42681,\ 42684,\ and\ 44988,\ Food\ and\ Agricultural\ Code.\ Reference:\ Sections\ 42941\ and\ 44971,\ Food\ and\ Agricultural\ Code.$

HISTORY

- 1. New section filed 7–7–55; effective thirtieth day thereafter (Register 55, No. 10).
- Renumbering from 1397.1 filed 3-16-56; effective thirtieth day thereafter (Register 56, No. 5).
- 3. Amendment filed 7-6-64; effective thirtieth day thereafter (Register 64, No. 15).
- Renumbering from Section 1397.5 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 5. Amendment filed 5–27–83; effective thirtieth day thereafter (Register 83, No. 22).
- 6. Amendment filed 9–7–89; operative 9–8–89 pursuant to Government Code section 11346.2(d) (Register 89, No. 37).
- 7. Amendment filed 8-8-90; operative 9-7-90 (Register 90, No. 39).
- Amendment of section and Note filed 8–29–2002; operative 9–28–2002 (Register 2002, No. 35).

§ 1408.4. Avocados, Defects.

As used in this article, "defect" includes damage which is due to insect injuries, freezing injury, decay, rancidity or other causes.

HISTORY

1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1408.5. Avocados, Tolerances.

Avocados shall be free from all defects, including, but not restricted to, those that are mentioned in Section 1408.4, which singly or in the aggregate cause a waste of 10 percent or more, by weight, of the entire avocado, including the skin and seed. Not more than 5 percent, by count, of the avocados in any one container or bulk lot may be below the requirement which is prescribed by this section.

HISTORY

1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1408.6. Avocados, Maturity.

Avocados shall be mature at time of picking and at all times thereafter. Mature means that the percent dry matter of the edible portion of an avocado sample is not less than the percent established below for the respective varieties, as applicable on the date of testing.

The percentages in the following table shall be effective until modified by order of the Director in accordance with Section 1408.6.2. Interested persons should contact the Department's Fruit and Vegetable Quality Control—Standardization program for current standards.

MINIMUM MATURITY STANDARD

Varieties

	varienes
18.5	Bacon
20.0	Fuerte
21.2	Hass
25.6	
23.0	
18.7	
19.8	
19.3	
20.4	
18.4	
18.7	Clifton, Covacado,
	Duke, Henry Select,
	Jalna, Leucadia,
	Santana, Teague,
	other fall/winter
	varieties
20.8	
20.6	Bonita, Carlsbad,
	Dickinson, Edranol,
	Elsie, Ryan,
	Itzamna, MacArthur,
	Nabal, Queen,
	Thille, other
	spring/summer
	varieties

NOTE: Authority cited: Sections 14, 407, 42684 and 44988, Food and Agricultural Code. Reference: Sections 42941 and 44973, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4)
- 2. Amendment filed 5–27–83; effective thirtieth day thereafter (Register 83, No. 22).
- 3. Amendment filed 9–7–89; operative 9–8–89 pursuant to Government Code section 11346.2(d) (Register 89, No.37).
- 4. Amendment filed 8-8-90; operative 9-7-90 (Register 90, No. 39).
- 5. Amendment of text, table and NOTE filed 9–16–92; operative 9–16–92 (Register 92, No. 38).

§ 1408.6.1. Avocados, Maturity Determination of Dry Matter Testing Results.

The sample avocados selected in accordance with Section 1408.2 shall be randomly separated into two equal official test samples, hereafter referred to as Text No. 1 and Test No. 2, and tested as follows:

- (a) The avocados in Test No. 1 shall be tested for percent dry matter. If the percent dry matter from the test is equal to or greater than the established percent in Section 1408.6 for the variety tested, the fruit passes and no further testing shall be required.
- (b) When the percent dry matter from the test is less than the established percent, the avocados in Test No. 2 shall be tested for percent dry matter. If the percent dry matter from the test is equal to or greater than the established percent, the fruit passes and no further testing shall be required. If the percent dry matter from the test is below the established percent, the lot shall be rejected and no further testing shall be allowed. NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Ref-

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reerence: Sections 42941 and 44973, Food and Agricultural Code.

HISTORY

- 1. New section filed 5–27–83; effective thirtieth day thereafter (Register 83, No. 22).
- 2. Renumbering of former section 1408.6.1 to section 1408.6.2, and new section 1408.6.1 filed 9–7–89; operative 9–8–90 pursuant to Government Code section 11346.2(d) (Register 89, No. 37).
- 3. Amendment filed 8-8-90; operative 9-7-90 (Register 90, No. 39).
- 4. Amendment of section heading, text and NoTE filed 9–16–92; operative 9–16–92 (Register 92, No. 38).
- Amendment of subsection (a) and NOTE filed 8–29–2002; operative 9–28–2002 (Register 2002, No. 35).

§ 1408.6.2. Avocados, Application of Maturity Standards (Fixed Levels).

The director may issue formal directives to modify the minimum maturity standards set forth in Section 1408.6. However, such directive may

only be issued after the director determines that a need exists to modify the standards. Modification shall only be made when: (1) experience with maturity standards indicates a need for correction and refinement, and (2) establishment of new standards more accurately reflect fruit quality ad consumer acceptance of same.

After demonstrating a need for change, proposed changes in the maturity standards may be initiated by the director, by the California Avocado Commission, or by the Avocado Inspection Committee. Such need shall be based upon scientific test data generated or reviewed and approved by a recognized research institution. test data may include but shall not be limited to dry matter tests, fruit variety and size, analysis of differences in geographic areas or climatic conditions, and consumer acceptance of same.

NOTE: Authority cited: Sections 14,407, 42684 and 44988, Food and Agricultural Code. Reference: Sections 42941, Food and Agricultural Code.

HISTORY

1. Repealer of former Section 1408.6.2, and renumbering of former Section 1408.6.1 to Section 1408.6.2 filed 9–7–89; operative 9–8–89 pursuant to Government Code Section 11346.2(d) (Register 89, No. 37). For prior history, see Registers 88, No. 46 and 83, No. 22.

§ 1408.6.3. Avocados, Release Dates.

When the director is satisfied that all fruit of a given size of a specified variety meet the maturity standards, the director may by order release all such fruit for harvesting.

NOTE: Authority cited: Sections 407, 42684 and 44988, Food and Agricultural Code. Reference: Sections 42941 and 44971, Food and Agricultural Code.

HISTORY

1. New section filed 5–27–83; effective thirtieth day thereafter (Register 83, No. 22).

§ 1408.7. Avocados, Freezing Injury.

Notwithstanding the provisions of Section 1408.5, avocados shall be considered damaged by freezing injury when:

- (a) There is any amount of bronze color; or
- (b) There is any amount of water–soaked discoloration of the flesh adjacent to the skin as determined on the surface of a transverse cut made at least 1 inch from the stem end of the fruit; or
- (c) Any discoloration or desiccation of the flesh occurs on a transverse cut made at least 1 inch from either the stem or distal end of the fruit, or on either such cut surface if it covers an aggregate area of more than 1/2 inch in diameter; or
- (d) Ten or more vascular fiber bundles, which are as dark as the color guide established by the Director, appear on the surface of a transverse cut made at least 1 inch from the stem end of the fruit; or
- (e) There is any internal void as determined on the surface of a transverse cut made at least 1 inch from either the stem or distal end of the fruit. NOTE: Authority cited: Sections 14, 407 and 42684, Food and Agricultural Code. Reference: Sections 42941 and 44973, Food and Agricultural Code.

HISTORY

- 1. Renumbering from section 1397 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4). For prior history, see Register 57, No. 9.
- 2. Amendment filed 11-7-88; operative 11-7-88 (Register 88, No. 46).
- 3. Amendment of section and Note filed 9-16-92; operative 9-16-92 (Register 92, No. 38).

§ 1408.8. Avocados, Number of Avocados to Select to Inspect for Frost Damage.

The number of containers of avocados from which fruit is to be sampled is provided in Section 1370.8, California Administrative Code. The following is in addition to the above–named section:

- (a) When it is evident from the outside appearance of the avocados in the lot that freezing damage has occurred to the avocados, a random sample is not necessary.
- (b) When freezing damage is not evident from the outside appearance of the avocados in a lot, the following method shall be used:
- (1) When five containers or less are selected, inspect 10 avocados which have been selected at random from all containers in the sample. If one of these fruits is considered rejectable under Sections 1408.5 and

1408.7 of the California Administrative Code, inspect an additional 10 avocados selected from the same containers in the same manner. When more than 5 percent, by count, of these 20 fruits are considered rejectable, the lot shall be considered in violation.

- (2) When six or more containers are selected, inspect 20 avocados which have been selected at random from all containers in the sample. When more than 5 percent, by count, of these 20 fruits are considered rejectable, the lot shall be considered in violation.
- (3) When avocados have been sized, each size must be tested as a separate lot; when not sized, test large, medium and small fruits as separate lots
- (c) When avocados have been selected under method (a), the fruit, or the results of testing them, shall not be combined in any way with those selected to be tested under method (b).

HISTORY

- 1. New section filed 6–6–57; effective thirtieth day thereafter (Register 57, No. 9).
- 2. Amendment of subsection (b)(1) filed 1-4-71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 3. Amendment and renumbering from Section 1397.1 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1408.9. Avocados, Marking Requirements.

In addition to the basic marking requirements of Section 1359, every nonconsumer container of avocados shall be clearly and conspicuously marked with the following information:

- (a) All containers of the following varieties shall be marked with the variety: Fuerte, Hass, Zutano, Bacon, MacArthur, Rincon, Jalna, Pinkerton, or Reed. None of the before–named varieties shall be intermixed or mixed with an unnamed variety.
 - (b) The count when packed.

NOTE: Authority cited: Sections 407, 42682 and 44979, Food and Agricultural Code. Reference: Sections 42941 and 44971, Food and Agricultural Code.

HISTORY

- 1. New subsection (d) filed 1–11–74; effective thirtieth day thereafter (Register 74, No. 2). For prior history, see Register 73, No. 38.
- 2. Renumbering from Section 1397.15 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Amendment filed 4–30–75; designated effective 6–1–75 (Register 75, No. 18).
- 4. Amendment filed 7–3–75; effective thirtieth day thereafter (Register 75, No. 27).
- 5. Amendment filed 9–11–84; effective thirtieth day thereafter (Register 84, No. 37).

§ 1408.10. Avocados, Marking Requirements for Irregular Containers.

If avocados are placed loose in containers other than standard containers for avocados, such containers shall be plainly and conspicuously marked in letters at least 1/2 inch in height with the words "irregular container." In addition, such containers shall vary more than 10% of the cubic volume of all standard avocado containers.

NOTE: Authority cited: Sections 14, 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- Renumbering from Section 1397.13 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 9-15-87; operative 10-15-87 (Register 87, No. 39).

§ 1408.11. Avocados, Consumer–Type Package.

If avocados are packed or placed loose in any consumer—type container which does not exceed 60 percent of the size of the smallest standard container for avocados, such container need not comply with standard container size.

HISTORY

- 1. Renumbering from Section 1397.14 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 4–30–75; designated effective 6–1–75 (Register 75, No. 18).

§ 1408.12. Avocados, Containers Without Certification Stamp.

All containers of avocados not bearing the prescribed official certification stamp shall be rejected and returned to the packer for compliance. NOTE: Authority cited: Sections 407, 42681 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 5–24–73 as an emergency; effective upon filing (Register 73, No. 21).
- 2. Certificate of Compliance filed 9-20-73 (Register 73, No. 38)
- 3. Renumbering from Section 1398 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1408.13. Avocados, Packing, Sizing, and Standard Container Requirements.

(a) Avocados packed in rows and layers shall be fairly tightly packed in standard containers number 9D or 9E. Container 9F shall be volume filled only. In addition, containers 9D, 9E, 9F and all other containers shall conform to the following:

		_			
COLUMN A		COLU	MNB	COLUN	1N C
Count/Size	Count/Size	Weig	ht (Ozs.)	<u>Weight</u>	(Ozs.)
	Container			-	
Container 9D	9E and 9F	Minimum	Maximum	Minimum	Maximum
49 or more	97 or more	No weight	requirement		
48	96	3 1/2	3 3/4	3	4 3/4
42	84	3 3/4	4 3/4	3 1/2	6 1/4
35	70	4 3/4	6 1/4	3 3/4	7 1/2
30	60	6 1/4	7 1/2	4 3/4	9 1/2
24	48	7 1/2	9 1/2	6 1/4	11 1/2
20	40	9 1/2	11 1/2	7 1/2	12 1/2
18	36	10 1/2	12 1/2	9 1/2	14
16	32	11 3/4	14	10 1/2	15 3/4
14	28	13 3/4	15 3/4	11 3/4	18 3/4
12	24	15 3/4	18 3/4	14	22
10	20	18 3/4	22	15 3/4	24
9	18	22	24	18 3/4	28
8	16	24	28	22	30
7 or less	15 or less	No weig	ht requireme	ent	

When containers, including packed containers marked as required by Section 1408.9(b), are marked with one of the count/size designations specified in Column A, not more than twenty percent, by count, of the fruit in the containers within any lot may be below or above the weight range specified in Column B, provided that no fruit may be below or above the weight range specified in Column C.

When the containers are marked with a count/size that is between two of the designations in Column A, individual fruit in the containers shall conform to the weight range specified for the next lesser count/size.

- (b) Compliance with the above requirements for avocados that have been sized and are to be conditioned in a manner that hastens the ripening process prior to further preparation for market shall be determined as follows:
- (i) Three samples of avocados, each sample being equivalent to the number of fruit that would normally be placed in container 9E, shall be sized. Each size shall be sampled separately.
- (ii) If the fruit in the samples complies with the above fruit size requirements, the avocados from which the samples were taken shall be considered in compliance with this section.
- (iii) If fruit fails to meet the above fruit size requirements, the avocados shall be rejected. The rejected avocados shall be resized and resubmitted for resampling under supervision of an enforcing officer.
- (c) For the purpose of this section, "lot" means one group of containers of the same variety, count/size, and grade or brand. A lot shall not exceed 50 containers or, when unitized, the amount present on a pallet. The size requirements established by this section shall apply only at the point of packing.

NOTE: Authority cited: Sections 407, 42682 and 44977, Food and Agricultural Code. Reference: Sections 42941 and 44973, Food and Agricultural Code.

HISTORY

- 1. New sections 1397.8 through 1397.14 filed 1–4–71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 2. Amendment filed 3–26–71; effective thirtieth day thereafter (Register 71, No. 13).
- 3. Renumbering from section 1397.8 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 4. Amendment filed 7–13–84; effective thirtieth day thereafter (Register 84, No 28).
- 5. Amendment filed 9-1-87; operative 10-1-87 (Register 87, No. 36).

- 6. Amendment of first paragraph, table and NOTE filed 9–16–92; operative 9–16–92 (Register 92, No. 38).
- 7. Amendment filed 4-25-2000; operative 5-25-2000 (Register 2000, No. 17).

§ 1408.14. Avocados, Weight Requirements for Packed Containers.

(a) Except as provided in subsection (b) below, the net weight of containers 9D, 9E, and 9F shall be not less than the weight established in the chart below:

			COUNT		
		41 or	42 or	83 or	84 or
		Less	More	Less	More
	Container		<u>NET WEIC</u>	GHT (lbs.)	
	9D				
a.	Volume Fill by Count	12 1/2	11		_
b.	Volume Fill by Weight	12 1/2	12 1/2	_	
c.	Tray Pack or Rows/				
	Layers	12 1/2	11	_	_
	9E				
a.	Volume Fill by Count		_	25	22
b.	Volume Fill by Weight		_	25	25
c.	Tray Pack or Rows/				
	Layers	_	_	25	22
	9F				
	Volume Fill by Count			25	22
b.	Volume Fill by Weight	_	_	25	22

The container weights established by this section shall apply only at the point of packing.

- (b) Compliance with the above requirements for avocados that have been graded and sized and are to be conditioned in a manner that hastens the ripening process prior to further preparation for market shall be determined as follows:
- (i) 10 samples of avocados, each sample being equivalent to the number of fruit that would normally be placed in container 9E, shall be weighed. Each count shall be sampled separately.
- (ii) If the average weight of the samples complies with the above net weight requirement for container 9E, the avocados from which the samples were obtained shall be considered in compliance with this section.
- (iii) If the average weight of the samples is not in compliance with the above net weight requirement for container 9E, the avocados from which the samples were obtained shall be rejected. The rejected avocados shall be resized and resubmitted for resampling under supervision of an enforcing officer.

NOTE: Authority cited: Sections 407, 42682 and 44977, Food and Agricultural Code. Reference: Sections 42941 and 44973, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1397.9 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Amendment filed 9-30-81 as an emergency; effective upon filing. Certificate
 of Compliance included (Register 81, No. 41).
- 3. Amendment filed 10–1–82; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 82, No. 40).
- 4. Amendment filed 9–1–87; operative 10–1–87 (Register 87, No. 36).
- 5. Amendment filed 4–25–2000; operative 5–25–2000 (Register 2000, No. 17).

§ 1408.15. Weight Requirement for Loose Avocados in 9D or 9E Containers.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1397.10 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Amendment filed 9–30–81 as an emergency; effective upon filing. Certificate of Compliance included (Register 81, No. 41).
- Repealer filed 10–1–82; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 82, No. 40).

§ 1408.16. Avocados, Net Weight Tolerance.

In order to allow for reasonable variations inherent in different-shaped fruit and incidental to proper sizing, lots sampled shall not vary more than 2 percent from the weight requirement prescribed in Section 1408.14.

For the purpose of this Section, "lot" means one group of containers of the same variety, same count size, if packed, and same grade or brand.

Page 144

A lot shall not exceed 50 containers or, when unitized, the amount present on a pallet.

NOTE: Authority cited: Sections 14, 407, 42682 and 44977, Food and Agricultural Code. Reference: Sections 42941 and 44971, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1397.11 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 9–30–81 as an emergency; effective upon filing. Certificate of Compliance included (Register 81, No. 41).
- 3. Amendment filed 10–1–82; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 82, No. 40).
- 4. Amendment filed 11-7-88; operative 11-7-88 (Register 88, No. 46).

§ 1408.17. Avocados, Sampling Procedure for Weight Requirement.

In lots of 10 or less containers of avocados, the net weight of each container shall be determined by the average net weight of the lot. In lots which are composed of 11 containers or more, 10 containers selected at random shall comprise a sample for determining the average net weight of each container in the lot represented by the sample.

Only one variety and one count size in standard container 9D, 9E, or 9F shall be included in determining the average net weight of a lot inspected.

NOTE: Authority cited Sections 14, 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- Renumbering from Section 1397.12 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Amendment filed 9-30-81 as an emergency; effective upon filing. Certificate of Compliance included (Register 81, No. 41).
- Amendment filed 10–1–82; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 82, No. 40).
- 4. Amendment filed 9-1-87; operative 10-1-87 (Register 87, No. 36).

§ 1408.18. Avocados, Reinspection.

Any lot of rejected avocados may be reinspected, provided:

- (a) The lot has been reconditioned. "Reconditioned" shall mean that in the case of quality defects, the containers have been opened and the defective avocados have been sorted out and held for examination and supervision of disposal by the enforcing officer.
- (b) Not more than one reinspection shall be permitted for any rejected lot, and the owner or person in possession of the avocados shall complete the disposition within 36 hours from the date and time a written order is issued. Such time shall not include weekends or holidays on which the packer does not pack avocados.

NOTE: Authority cited: Sections 14, 407, 42682, 42684 and 44977, Food and Agricultural Code. Reference: Sections 42941 and 44973, Food and Agricultural Code.

HISTORY

- 1. New section filed 5-24-73 as an emergency; effective upon filing (Register 73, No. 21).
- 2. Certificate of Compliance filed 9-20-73 (Register 73, No. 38).
- 3. Renumbering from section 1398.1 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Amendment filed 9–30–81 as an emergency; effective upon filing. Certificate of Compliance included (Register 81, No. 41).
- Amendment filed 5–27–83; effective thirtieth day thereafter (Register 83, No. 22).
- Amendment of subsections (b) and (c) filed 9–15–87; operative 10—15–87 (Register 87, No. 39).
- 7. Amendment of subsection (a) filed 9–7–89; operative 9–8–89 pursuant to Government Code section 11346.2(d) (Register 89, No. 37).
- 8. Repealer of subsection (a) and relettering, amendment of newly designated subsection (a) and Note filed 9–16–92; operative 9–16–92 (Register 92, No. 38).

§ 1408.18.1. Avocados, Time for Complying with Written Order.

NOTE: Authority cited: Sections 14, 407, 42682 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 9–30–81 as an emergency; effective upon filing. Certificate of Compliance included (Register 81, No. 41).
- 2. Repealer filed 9-15-87; operative 10-15-87 (Register 87, No. 39).

§ 1408.19. Avocados, Fee Payment.

Each packer of avocados shall pay to the Director of Food and Agriculture each month an inspection and certification fee based on the number of containers certified.

HISTORY

- 1. New section filed 5–24–73 as an emergency; effective upon filing (Register 73, No. 21).
- 2. Certificate of Compliance filed 9-20-73 (Register 73, No. 38).
- 3. Renumbering from Section 1398.2 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1408.20. Normal Inspection Hours.

Reference: Section 42941, Food and Agricultural Code.

The Director shall establish a work schedule of normal days and hours that inspection and certification is available to all avocado packers.

NOTE: Authority cited: Sections 407, 42681, 44976, Food and Agricultural Code.

HISTORY

1. New section filed 2–19–76; effective thirtieth day thereafter (Register 76, No. 8).

§ 1408.21. Voluntary Request for Inspection.

An avocado packer may request the Director or his representative to furnish inspection or certification service on days or hours other than normal inspection days and hours. The avocado packer shall pay a fee to the Director in accordance with the current schedule of overtime inspection fees, in addition to the standard fee, to reimburse the Department for this supplemental service.

NOTE: Authority cited: Sections 407, 42681, 44976, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

1. New section filed 2–19–76; effective thirtieth day thereafter (Register 76, No. 8).

§ 1408.22. Avocados, Fruit Drop Caused by Extreme Winds.

(a) When abnormal fruit drop is caused by extreme winds, the Department shall set a period of time not to exceed five days for maturity testing of windfall avocados, starting from the end of the extreme winds. During this period, maturity testing shall be permitted on windfall fruit which is not more than two sizes below the smallest size released for harvest for the respective varieties at the time of the beginning of the extreme winds. Where no size release has been made for a variety, testing shall be permitted on avocados weighing not less than 6.25 ounces. Windfall avocados which are more than two sizes smaller than the smallest released size, or those smaller than 6.25 ounces, or those tested and found to be immature shall be rejected and disposed of under supervision of an enforcing officer. Reconditioning and retesting of windfall fruit shall not be permitted.

Determination of periods which shall qualify as "extreme winds," as well as the factors which permit identification of "windfall fruit," shall be at the discretion of the Department.

- (b) Notwithstanding subsection (a), upon written application, the Department may:
- (1) perform maturity testing at the expense of the grower of fruit which is smaller than the standards set forth in subsection (a); and
- (2) release for marketing fruit proven by such testing to be mature under the standards established in this article.

NOTE: Authority cited: Sections 14, 407, 42684, and 44977, Food and Agricultural Code. Reference: Sections 42941 and 44973, Food and Agricultural Code.

- 1. New section filed 9–11–84; effective thirtieth day thereafter (Register 84, No. 37).
- 2. Amendment filed 11-7-88; operative 11-7-88 (Register 88, No. 46).
- Amendment of section and Note filed 9-16-92; operative 9-16-92 (Register 92, No. 38).
- 4. Amendment filed 9-29-93; operative 10-29-93 (Register 93, No. 40).
- 5. Amendment of newly designated subsection (a) and new subsections (b)–(c) filed 12–6–96 as an emergency; operative 12–6–96 (Register 96, No. 49). A Certificate of Compliance must be transmitted to OAL by 4–5–97 or emergency language will be repealed by operation of law on the following day.

- Reinstatement of section as it existed prior to 12–6–98 emergency amendment by operation of Government Code section 11346.1(f) (Register 98, No. 5).
- 7. Amendment of subsection (a) and new subsections (b)–(c) filed 1–26–98; operative 1–26–98 pursuant to Government Code section 11343.4(d) (Register 98, No. 5).
- Amendment filed 10–16–98; operative 10–16–98 pursuant to Government Code section 11343.4(d) (Register 98, No. 42).

§ 1408.23. Avocados, Field Pack Operation.

Avocado producers and handlers may engage in field packing operations, subject to the following conditions:

- (a) The handler shall notify the director at least 24 hours in advance of the time and the location where field packing is to take place.
- (b) If the inspection and certification fee established pursuant to Food and Agricultural Code Section 44975 is insufficient to cover the cost of such inspection and certification, the director may require, in lieu of the standard inspection and certification fee, that the packer pay for inspection services at any hourly rate and for mileage expenses to and from the place of packing. A schedule of such fees and charges shall be made available upon request.
- (c) During the maturity season for any variety, field-packed avocados shall not be transported from the point of packing without first obtaining an inspection by an enforcing officer, unless the field packer maintains a central staging area where all field-packed fruit is transported and stored prior to marketing, which location in the determination of the director is deemed suitable for inspection and certification.
- (d) When the director has released a variety as being mature, the director may specify central locations to which field-packed avocado containers may be transported for inspection. The standard inspection and certification fee shall be in effect at any such inspection station.

NOTE: Authority cited: Sections 407, 42684 and 44977, Food and Agricultural Code. Reference: Sections 42941, 44971 and 44975, Food and Agricultural Code.

HISTORY

1. New section filed 9–11–84; effective thirtieth day thereafter (Register 84, No. 37).

Article 12. Bell Peppers

§ 1410. Bell Peppers, Decay and Insect Damage Defined.

Bell Peppers shall be considered as damaged when:

- (a) Decay affects any portion of the pepper, except the stem.
- (b) Insect injury affects any portion of the pepper, except the hard core. However, the presence of the insect in the pepper shall be considered cause for rejection.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Sections 42941 and 42950, Food and Agricultural Code.

HISTORY

- 1. New section filed 7-7-55; effective thirtieth day thereafter (Register 55, No. 10)
- Renumbering from Section 1400 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Amendment filed 11–10–82; effective thirtieth day thereafter (Register 82, No. 46).

Article 13. Berries

§ 1412. Berries, Standards.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Amendment filed 3–22–83; effective thirtieth day thereafter (Register 83, No. 13).
- 3. Repealer filed 10–1–92; operative 10–1–92 pursuant to AB 884, article 6.5, sections 42803 and 42806 (Register 92, No. 40).

§ 1412.1. Berries, Tolerances.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 3–22–83; effective thirtieth day thereafter (Register 83, No. 13).
- 3. Repealer filed 10–1–92; operative 10–1–92 pursuant to AB 884, article 6.5, sections 42803 and 42806 (Register 92, No. 40).

§ 1412.2. Strawberries, Maturity.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 3–22–83; effective thirtieth day thereafter (Register 83, No. 13).
- 3. Repealer filed 10–1–92; operative 10–1–92 pursuant to AB 884, article 6.5, sections 42803 and 42806 (Register 92, No. 40).

§ 1412.3. Berries, Standard Containers.

NOTE: Authority: Sections 14, 407, and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New sections 1401, 1402, 1403 filed 1-4-71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 2. Renumbering from section 1401 filed I-21-75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Amendment filed 4–24–85; effective upon filing pursuant to Government Code section 11346.2(d) (Register 85, No. 17).
- 4. Amendment of section filed 8-16-91; operative 9-16-91 (Register 91, No. 50).
- Repealer filed 10–1–92; operative 10–1–92 pursuant to AB 884, article 6.5, sections 42803 and 42806 (Register 92, No. 40).

Article 14. Broccoli

§ 1414. Broccoli, Standards.

Italian sprouting broccoli shall be free from the following defects:

- (a) Mold, decay, and worm or other insect injury.
- (b) Serious damage which is due to overmaturity or other causes. Note: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 3–22–83; effective thirtieth day thereafter (Register 83, No. 13).

§ 1414.1. Broccoli, Damage Defined.

- (a) Damage is serious due to overmaturity if more than three of the flower buds on one stalk are opened to the extent that the normal flower color is readily visible.
- (b) Damage due to other causes is serious when any cause wastes 10 percent, or more, by volume, of any one stalk.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 3–22–83; effective thirtieth day thereafter (Register 83, No. 13).

§ 1414.2. Broccoli, Tolerances.

Not more than 10 percent, by count, of a representative sample of broccoli may be below the requirements prescribed by this article. Not more than one–half of this tolerance shall be allowed for any one cause.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 3–22–83; effective thirtieth day thereafter (Register 83, No. 13).

Page 146

§ 1414.3. Broccoli, Markings on Containers.

HISTORY

- 1. Renumbering from Section 1402 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 4-30-75; designated effective 6-1-75 (Register 75, No. 18).

Article 15. Brussels Sprouts

§ 1416. Brussels Sprouts, Standards.

Brussels sprouts shall be free from the following defects:

- (a) Mold, decay, burst heads, insect larvae, and damage due to other causes.
- (b) Serious damage which is due to insects. Damage is serious when 50 percent, by volume, of the individual sprout is affected by insect injury or by the presence of insects.
- (c) Damage due to other causes is serious when any cause wastes 10 percent, or more, by volume, of any one sprout.

 $Note: Authority\ cited:\ Sections\ 407\ and\ 42684, Food\ and\ Agricultural\ Code.\ Reference:\ Section\ 42941,\ Food\ and\ Agricultural\ Code.$

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 3–22–83; effective thirtieth day thereafter (Register 83, No. 13).

§ 1416.1. Brussels Sprouts, Soft or Spongy.

Brussels sprouts shall not be soft or spongy.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4)
- 2. Amendment of NOTE filed 3–22–83; effective thirtieth day thereafter (Register 83, No. 13).

§ 1416.2. Brussels Sprouts, Tolerances.

Not more than 10 percent, by weight, of the sprouts in any one container or bulk lot shall be below these requirements. Not more than one-half

[The next page is 147.]

of these tolerances shall be allowed for any one cause, with the exception of serious damage which is due to insects, for which not more than 10 percent tolerance shall be allowed.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Amendment filed 3–22–83; effective thirtieth day thereafter (Register 83, No. 13).

§ 1416.3. Brussels Sprouts, Markings on Containers.

HISTORY

- 1. Renumbering from Section 1403 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 4-30-75; designated effective 6-1-75 (Register 75, No. 18).

Article 16. Cabbage

§ 1418. Cabbage, Exceptions.

- (a) Cabbage which is sold to the Armed Forces of the United States and labeled in accordance with U.S. Military requirements need not comply with standard container requirements or marking requirements.
- (b) Cabbage to be used for shredding, chopping or sectioning for salad products need not comply with Section 1418.5 as to containers.
- (c) Red Cabbage need not comply with Section 1418.3 as to quality or 1418.5 as to containers

NOTE: Authority cited for Article 16: Sections 42 and 43, Chapter 1404, Statutes of 1974 and Sections 407, 42681 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Amendment and renumbering from Section 1403.4 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 4-30-75; designated effective 6-1-75 (Register 75, No. 18).

§ 1418.1. Cabbage Standards.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 9-16-82; effective thirtieth day thereafter (Register 82, No. 38).

§ 1418.2. Cabbage Requirements.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 9-16-82; effective thirtieth day thereafter (Register 82, No. 38).

§ 1418.3. Cabbage, Quality Requirements.

All cabbage shall conform to the United States Commercial grade or better.

HISTORY

- New sections (1403.1 through 1403.4) filed 10-5-72; effective thirtieth day thereafter (Register 72, No. 41).
- 2. Renumbering from Section 1403.1 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1418.4. Cabbage, Container Markings.

HISTORY

- Renumbering from Section 1403.3 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 4–30–75; designated effective 6–1–75 (Register 75, No. 18).

§ 1418.5. Cabbage, Standard Containers.

All cabbage shall be in standard container number 64.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

1. Renumbering from Section 1403.2 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

- 2. Amendment filed 3-3-78; effective thirtieth day thereafter (Register 78, No. 9).
- 3. Amendment filed 11–25–80; effective thirtieth day thereafter (Register 80, No. 48).

Article 17. Cantaloupes

§ 1420. Cantaloupes, Exemption, Section 1420.10, California Administrative Code.

In order for cantaloupes which are sold "directly to consumers" to qualify for the exemption provided in Section 1420.10 of the California Administrative Code, the location of the retail stand, operated by a producer, shall be considered as "near the point of production" only when said retail stand is located nearest to the point of production where consumers are available.

NOTE: Authority cited: Section 85, Chap. 1470, Stats. 1970, and Sections 407 and 42681, Food and Agricultural Code. Additional authority cited for Article 17: Sections 42 and 43, Chapter 1404, Statutes of 1974 and Sections 407, 42681 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- Amendment filed 1-4-71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2). For prior history, see Register 59, No. 12.
- 2. Amendment and renumbering from Section 1404.1 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1420.1. Cantaloupes, Mature.

"Mature" in the case of a cantaloupe means that the cantaloupe complies with all of the following requirements:

- (a) The appearance of the outside indicates maturity.
- (b) The arils which surround the seed during the development of maturity have been absorbed.
- (c) The juice of the edible portion contains not less than 8 percent soluble solids as determined by the standard hand refractometer.

HISTORY

1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1420.2. Cantaloupes, Soluble Solids Determined.

The soluble solids content of the edible portion of cantaloupes shall be determined by extracting the juice from two plugs of the flesh, one from each of opposite sides of the melons, and taken at approximately one—half of the distance between the stem and blossom ends. The plugs shall be approximately one—half of an inch in diameter. The portion of the plug three—eighths of an inch from the outside edge of the rind shall not be included as the edible portion of the plug of flesh.

NOTE: Authority cited: Sections 407, 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4)
- 2. Editorial correction of punctuation (Register 79, No. 22).

§ 1420.3. Cantaloupes, Standards.

Cantaloupes shall be mature but not overripe, not poorly netted, and free from any of the following defects:

- (a) Mold, decay, and insect injury which has penetrated or damaged the edible portion of the cantaloupe.
- (b) Serious damage which is due to bruises, sunburn, growth cracks, cuts, sponginess, flabbiness, wilting, or other causes. Damage to any one cantaloupe is not serious unless it affects the edible portion of the individual cantaloupe.

HISTORY

1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1420.4. Cantaloupes, Defects Defined.

(a) "Poorly netted" as used in Section 1420.3, California Administrative Code means the cantaloupe is rejectable if more than 20 percent of the surface area has an absence of netting, also, if more than one—third of the surface area has very flat netting (actual netting shows, but is flat, as compared to absence of netting) the cantaloupe is also rejectable.

- (b) "Flabby and spongy" as used in Section 1420.3, California Administrative Code means there must be damage to the flesh from this cause before the cantaloupe is considered rejectable.
 - (c) "Bruising."

The normal amount of bruising caused by packing does not cause the cantaloupe to lose its fresh taste, it is not slimy, and should not be rejected unless there is substantial damage to the edible portion.

(d) "Sunburn."

This defect occurs as a greening or possibly a black spot on the surface and may be obscured by the netting itself. In the edible portion there will be a watery appearance, however, if that streak of watery appearance is as wide as one–fourth the depth of the edible portion or shows some sort of breakdown, it is considered rejectable.

(e) "Internal Decline."

This defect shows at the inside edge of the flesh, next to the seed cavity, sometimes on the surface at this point, and sometimes in the flesh; if an area of one square inch, either on the surface or in the flesh, shows this water soaked appearance from internal decline, the cantaloupe shall be rejected.

(f) "Mold in Stem Scar."

If the mold wipes out clean with the finger, the cantaloupe shall not be rejected, however, if the flesh immediately under the mold spot is slimy or decayed, the cantaloupe shall be rejected.

(g) "Maturity."

Cantaloupes imported from other states shall be required to test 8 percent soluble solids and have the other indications of maturity required in Section 1420.1, California Administrative Code.

HISTORY

- 1. New section filed 7–7–55; effective thirtieth day thereafter (Register 55, No. 10)
- 2. Amendment of subsections (a) and (b) filed 1–4–71, as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 3. Amendment filed 4–23–71; effective thirtieth day thereafter (Register 71, No. 17).
- 4. Amendment and renumbering from Section 1404 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1420.5. Cantaloupes, Tolerances.

Not more than 10 percent, by count, of the cantaloupes in any one container of bulk lot may be below the requirements which are prescribed by this article, but not to exceed one-half of this tolerance shall be allowed for any one cause.

HISTORY

1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1420.6. Cantaloupes, Markings on Containers.

HISTORY

- 1. Renumbering from Section 1404.11 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 4-30-75; designated effective 6-1-75 (Register 75, No. 18).

§ 1420.7. Cantaloupes, Standard Containers and Packs.

The standard containers and pack for cantaloupes, when being packed or placed in any container, or after packing, or when delivered for shipment, loaded, shipped, being transported, or sold in any container, are as prescribed in Section 1420.10 and 1420.13.

NOTE: Authority cited: Sections 407, 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New Sections 1404.4 through 1404.11 filed 1–4–71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 2. Amendment and renumbering from Section 1404.4 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Amendment filed 6-1-79; effective thirtieth day thereafter (Register 79, No. 22).

§ 1420.8. Cantaloupes, Standard Pack and Counts.

NOTE: Authority cited: Sections 407, 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

1. Repealer filed 6–1–79; effective thirtieth day thereafter (Register 79, No. 22). For prior history, see Register 75, No. 4.

§ 1420.9. Cantaloupes, Closed Container.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1404.6 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Repealer of section and new Note filed 10–9–2002; operative 11–8–2002 (Register 2002, No. 41).

§ 1420.10. Cantaloupes, Standard Containers and Pack Requirements.

All cantaloupes shall be packed in regular compact arrangement in standard container numbers 39, 41, 42, 43, 44, 44A, 44C, 44D, 44E, 44H, 44I, 44J, 44K, 44N, 44P, 44O, and 44R.

This Section does not apply to: cantaloupes which are in a retail establishment in possession of a retailer for the purpose of a resale directly to consumers.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 6–1–79; effective thirtieth day thereafter (Register 79, No. 22). For prior history, see Register 77, No. 25.
- Amendment of section and Note filed 5-8-95; operative 5-8-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 19).
- 3. Amendment of first paragraph and amendment of Note filed 10–9–2002; operative 11–8–2002 (Register 2002, No. 41).
- 4. Amendment of first paragraph filed 4–28–2006; operative 5–28–2006 (Register 2006, No. 17).

§ 1420.11. Cantaloupe, Consumer Definition.

As used in this group, "consumer" means a person that buys cantaloupes for use as food and not for resale.

HISTORY

1. Renumbering from Section 1404.7 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1420.12. Cantaloupes, Packing Exceptions.

NOTE: Authority cited: Sections 407, 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

1. Repealer filed 6–1–79; effective thirtieth day thereafter (Register 79, No. 22). For prior history, see Register 78, No. 39; 78, No. 22).

§ 1420.13. Cantaloupes, Virtually Uniform in Size and Count.

Cantaloupes which are packed shall be virtually uniform in size and there shall be approximately the same numerical count of uniformly sized cantaloupes in each layer throughout the container.

HISTORY

1. Renumbering from Section 1404.10 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

Article 18. Carrots

§ 1422. Carrots, Exceptions to Quality Standards.

NOTE: Authority cited: Sections 407, 42681 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

2. Repealer filed 6-28-83; effective thirtieth day thereafter (Register 83, No. 27).

§ 1422.1. Carrots, Regulations for Issuance.

NOTE: Authority cited: Sections 407, 42682 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 6-28-83; effective thirtieth day thereafter (Register 83, No. 27).

§ 1422.2. Carrots, Standards.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 6–28–83; effective thirtieth day thereafter (Register 83, No. 27).
- Repealer filed 10–15–92; operative 10–15–92 pursuant to AB 884, article 6.5, sections 42803 and 42806 (Register 92, No. 42).

§ 1422.3. Carrots, Serious Damage.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 6–28–83; effective thirtieth day thereafter (Register 83, No. 27).
- 3. Repealer filed 10–15–92; operative 10–15–92 pursuant to AB 884, article 6.5, sections 42803 and 42806 (Register 92, No. 42).

§ 1422.4. Carrots, Dirt Damage.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 6–28–83; effective thirtieth day thereafter (Register 83, No. 27).
- 3. Repealer filed 10–15–92; operative 10–15–92 pursuant to AB 884, article 6.5, sections 42803 and 42806 (Register 92, No. 42).

§ 1422.5. Carrots, Discoloration Damage.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- New section filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 6–28–83; effective thirtieth day thereafter (Register 83, No. 27).
- 3. Repealer filed 10–15–92; operative 10–15–92 pursuant to AB 884, article 6.5, sections 42803 and 42806 (Register 92, No. 42).

§ 1422.6. Carrots, Objectionable Flavor or Odor Damage.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 6–28–83; effective thirtieth day thereafter (Register 83, No. 27).
- 3. Repealer filed 10–15–92; operative 10–15–92 pursuant to AB 884, article 6.5, sections 42803 and 42806 (Register 92, No. 42).

§ 1422.7. Carrots, Insect Damage.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 6–28–83; effective thirtieth day thereafter (Register 83, No. 27).
- 3. Repealer filed 10–15–92; operative 10–15–92 pursuant to AB 884, article 6.5, sections 42803 and 42806 (Register 92, No. 42).

§ 1422.8. Carrots, Root Galls and Secondary Rootlet Damage.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 6–28–83; effective thirtieth day thereafter (Register 83, No. 27).
- 3. Repealer filed 10–15–92; operative 10–15–92 pursuant to AB 884, article 6.5, sections 42803 and 42806 (Register 92, No. 42).

§ 1422.9. Carrots, Galls and Rootlet.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Amendment filed 6–28–83; effective thirtieth day thereafter (Register 83, No. 27).
- Repealer filed 10–15–92; operative 10–15–92 pursuant to AB 884, article 6.5, sections 42803 and 42806 (Register 92, No. 42).

§ 1422.10. Carrots, Bunched.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 6–28–83; effective thirtieth day thereafter (Register 83, No. 27).
- Repealer filed 10–15–92; operative 10–15–92 pursuant to AB 884, article 6.5, sections 42803 and 42806 (Register 92, No. 42).

§ 1422.11. Carrots, Prepare.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 6–28–83; effective thirtieth day thereafter (Register 83, No. 27).

§ 1422.12. Carrots, Bunch Requirements.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 6–28–83; effective thirtieth day thereafter (Register 83, No. 27).
- Repealer filed 10–15–92; operative 10–15–92 pursuant to AB 884, article 6.5, sections 42803 and 42806 (Register 92, No. 42).

§ 1422.13. Carrots, Tolerance for Damaged Tops.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 44941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 6–28–83; effective thirtieth day thereafter (Register 83, No. 27).
- 3. Repealer filed 10–15–92; operative 10–15–92 pursuant to AB 884, article 6.5, sections 42803 and 42806 (Register 92, No. 42).

§ 1422.14. Carrots, Tops Damage Due to Decay or Blight.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 6–28–83; effective thirtieth day thereafter (Register 83, No. 27).
- Repealer filed 10–15–92; operative 10–15–92 pursuant to AB 884, article 6.5, sections 42803 and 42806 (Register 92, No. 42).

§ 1422.15. Carrots, Tolerances.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Editorial correction adding NOTE filed 6-28-83 (Register 83, No. 27)
- Repealer filed 10–15–92; operative 10–15–92 pursuant to AB 884, article 6.5, sections 42803 and 42806 (Register 92, No. 42).

§ 1422.16. Carrots, Marking Requirements.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from section 1405.7 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4). For prior history, see Register 74, No. 16.
- 2. Amendment filed 4-30-75; designated effective 6-1-75 (Register 75, No. 18).
- Amendment of subsection (a) filed 11-8-78; effective thirtieth day thereafter (Register 78, No. 45).
- 4. Amendment filed 6–28–83; effective thirtieth day thereafter (Register 83, No. 27).
- Repealer filed 10–15–92; operative 10–15–92 pursuant to AB 884, article 6.5, sections 42803 and 42806 (Register 92, No. 42).

§ 1422.17. Carrots, Standard Containers.

NOTE: Authority cited: Sections 14, 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 6–9–71; effective thirtieth day thereafter (Register 71, No. 24).
- 2. Renumbering from section 1405.4 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Amendment filed 4–1–77; effective thirtieth day thereafter (Register 77, No. 14).
- 4. Amendment filed 3-3-78; effective thirtieth day thereafter (Register 78, No. 9).
- 5. Amendment filed 6–28–83; effective thirtieth day thereafter (Register 83, No. 27).
- Amendment filed 9–28–83; designated effective 9–28–83 pursuant to Government Code section 11346.2(d) (Register 83, No. 40).
- 7. Amendment of text and NOTE and new subsections (a)–(c) filed 9–9–92; operative 10–9–92 (Register 92, No. 37).
- Repealer filed 10–15–92; operative 10–15–92 pursuant to AB 884, article 6.5, sections 42803 and 42806 (Register 92, No. 42).

§ 1422.18. Carrots, General Provisions for Standard Containers and Packs.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New Sections 1405.3 through 1405.7 filed 1–4–71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- Renumbering from Section 1405.3 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Repealer filed 6-28-83; effective thirtieth day thereafter (Register 83, No. 27).

§ 1422.19. Carrots, Packing Requirements.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- Amendment filed 3-3-78; effective thirtieth day thereafter (Register 78, No. 9).
 For prior history, see Register 77, No. 14.
- 2. Repealer filed 6-28-83; effective thirtieth day thereafter (Register 83, No. 27).

§ 1422.20. Carrots, Varietal Types.

NOTE: Authority cited: Sections 407, 42682 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from section 1405.6 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Editorial correction adding Note filed 6-28-83 (Register 83, No. 27).
- Repealer filed 10–15–92; operative 10–15–92 pursuant to AB 884, article 6.5, sections 42803 and 42806 (Register 92, No. 42).

Article 19. Cauliflower

§ 1424. Cauliflower, Standards.

Cauliflower shall be free from any form of the defects:

- (a) Rot and worm or other insect injury which has penetrated or damaged the curd.
- (b) Serious damage due to freezing, sunburn, or other causes. Serious damage is defined as causing waste of 10 percent or more of the edible portion of the individual cauliflower.

NOTE: : Authority cited: Sections 14, 407, 42681 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4)
- 2. Amendment of subsection (b) filed 4–25–90; operative 4–25–90 pursuant to Government Code section 11346.2(d) (Register 90, No. 21).

§ 1424.1. Cauliflower, Aphis Damage.

Section 1424 (a) states "insect injury which has penetrated or damaged the curd." The presence of insects on the cauliflower curd is not serious, unless aphis honeydew soaked into the curd is difficult to wash out in the normal preparation for use.

NOTE: Authority cited: Sections 14, 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 7-7-55; effective thirtieth day thereafter (Register 55, No.10)
- 2. Renumbering from section 1406 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).
- Amendment filed 4–25–90; operative 4–25–90 pursuant to Government Code section 11346.2(d) (Register 90, No. 21).

§ 1424.2. Cauliflower, Tolerances.

Not more than 5 percent, by count, of the heads in any lot of containers or bulk lot may be below the requirements prescribed by this article, but no container or bulk lot of less than 10 heads shall have more than 20 percent, by count, of heads below these requirements.

NOTE: Authority cited: Sections 14, 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 11–8–78; effective thirtieth day thereafter (Register 78, No. 45).
- Amendment filed 4–25–90; operative 4–25–90 pursuant to Government Code section 11346.2(d) (Register 90, No. 21).

§ 1424.3. Cauliflower, Container Marketing Requirements.

Containers of wrapped cauliflower, except individually wrapped heads or consumer packages, shall be clearly and conspicuously marked on one outside end or side with the exact number of heads or curds in the container

NOTE: Authority cited: Sections 14, 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from section 1406.6 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 11–8–78; effective thirtieth day thereafter (Register 78, No. 45).
- 3. Amendment filed 4–25–90; operative 4–25–90 pursuant to Government Code section 11346.2(d) (Register 90, No. 21).

§ 1424.4. Cauliflower, Container Requirements.

(a) All packed cauliflower which is not wrapped shall be in containers 46D, 46E, or 46F. Other size containers may be used provided each container is clearly and conspicuously marked on the top or on one outside end or side with the words "irregular container."

(b) Notwithstanding section 1424.9, individually wrapped heads of cauliflower may also be shipped in other size containers if the containers are marked as specified above. The annual shipments shall not exceed 20% of the shipper's total cauliflower shipments in the preceding year. If there were no shipments of cauliflower made during the previous year, the total amount of cauliflower shipped during the current year shall be estimated and used in place of the prior year's total.

NOTE: Authority cited: Sections 14, 407, and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 1–25–78; effective thirtieth day thereafter (Register 78, No. 4). For prior history, see Register 76, No. 24.
- 2. Amendment filed 11–8–78; effective thirtieth day thereafter (Register 78, No. 45).
- 3. Amendment filed 10-6-87; operative 11-5-87 (Register 87, No. 42).
- Amendment filed 4–25–90; operative 4–25–90 pursuant to Government Code section 11346.2(d) (Register 90, No. 21).
- Amendment of subsection (b) filed 9-6-91; operative 10-7-91 (Register 91, No. 51).

§ 1424.5. Cauliflower, Standard Containers.

The standard containers for cauliflower are containers 46D, 46E, and 46E

NOTE: Authority cited: Sections 14, 407 and 42682, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 1–25–78; effective thirtieth day thereafter (Register 78, No. 4). For prior history, see Register 76, No. 24.
- 2. Amendment filed 10-6-87; operative 11-5-87 (Register 87, No. 42).
- 3. Amendment filed 4–25–90; operative 4–25–90 pursuant to Government Code section 11346.2(d) (Register 90, No. 21).

§ 1424.6. Cauliflower, Standard Containers and Packs.

NOTE: Authority cited: Sections 14, 407 and 42862, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New sections 1406.1 through 1406.9 filed 1-4-71 as an emergency; effective upon filing Certificate of Compliance included (Register 71, No. 2).
- 2. Amendment and renumbering from section 1406.1 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Repealer filed 4–25–90; operative 4–25–90 pursuant to Government Code section 11346.2(d) (Register 90, No. 21).

§ 1424.7. Cauliflower, Curd Measurement.

Curds shall be measured across the center face of the curd at the widest dimension, not including wrapper leaves.

NOTE: Authority cited: Sections 14, 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from section 1406.5 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- New NOTE filed 4–25–90; operative 4–25–90 pursuant to Government Code section 11346.2(d) (Register 90, No. 21).

§ 1424.8. Cauliflower, Properly Trimmed.

Cauliflower packed in any container shall be properly trimmed.

As used in this section, "properly trimmed" means the number of jacked leaves is limited to those necessary to protect the head of the cauliflower.

NOTE: Authority cited: Sections 14, 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from section 1406.9 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment and new NOTE filed 4–25–90; operative 4–25–90 pursuant to Government Code section 11346.2(d) (Register 90, No. 21).

§ 1424.9. Cauliflower, Wrapping and Packing Requirements.

(a) Except as provided in subsection (b), heads or curds of cauliflower when wrapped shall be individually wrapped and fairly tightly packed in containers 46D, 46E, or 46F and contain one of the standard pack and counts of the designated size and diameter:

Sta	n	d	a	re	1	Dι	ıc	k	: 6	a	n	d	c	:0	u	n	t													(Cu	ır	d	si:	z.e	i	n i	nc	he	25
9																												 					6	1	/2	ε	ine	d c	V	er
12																																	5	- 1	/4	. 2	ind	d c	v	er
16																				 															4	:	ıno	d (V	èг
20																				 																	u	nd	er	4

(b) Curds too large to pack as a 12 count in containers 46E or 46F and specified for wrapped and packed cauliflower may be wrapped and packed with a lesser count.

Container 46D shall only be packed with a 9 count or less measuring 6 1/2 inches or more in diameter.

NOTE: Authority cited: Sections 14, 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 1–25–78; effective thirtieth day thereafter (Register 78, No. 4). For prior history, see Register 77, No. 24.
- 2. Amendment filed 10-6-87; operative 11-5-87 (Register 87, No. 42).
- Amendment filed 4–25–90; operative 4–25–90 pursuant to Government Code section 11346.2(d) (Register 90, No. 21).

§ 1424.10. Cauliflower, Sizing Tolerances, 16 Heads or Less.

One container, in any lot of containers of cauliflower packed with 16 heads or less in each container, may not have more than three heads smaller than the minimum diameter specified in section 1424.9. The remaining containers in the lot may not have more than two heads smaller than the minimum diameter specified in section 1424.9.

NOTE: Authority cited: Sections 14, 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Amendment and renumbering from section 1406.7 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment and new NOTE filed 4-25-90; operative 4-25-90 pursuant to Government Code section 11346.2(d) (Register 90, No. 21).

§ 1424.11. Cauliflower, Sizing, Tolerance, 20 Heads.

One container, in any lot of containers of cauliflower packed with 20 heads in each container, may not have more than three heads larger than the maximum diameter specified in section 1424.9. The remaining containers in the lot may not have more than two heads larger than the maximum diameter specified in section 1424.9.

NOTE: Authority cited: Sections 14, 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Amendment and renumbering from section 1406.8 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Amendment and new NOTE filed 4–25–90; operative pursuant to Government Code section 11346.2 (d) (Register 90, No. 21).

Article 20. Celery

§ 1426. Celery, Standards.

Celery shall be free from:

- (a) Pink rot and decay.
- (b) Serious damage due to blackheart, insects, seed stems, and pithy condition from any cause.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

1. New section filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).

2. Amendment filed 6–28–83; effective thirtieth day thereafter (Register 83, No. 27)

§ 1426.1. Celery, Serious Damage.

Serious damage means injury which is due to any of the following: (a) Blackheart, which is decayed or wet, and which affects one or more

- (a) Blackheart, which is decayed or wet, and which affects one or more branches composing the heart of the stalk.
- (b) Insects, if more than four branches are each damaged by more than an aggregate area of one square inch. Mere presence of insects is not serious damage.
- (c) Seed stem, the length of which is more than four times the diameter of the stalk measured at a point two inches above the point of the attachment of the outer branches to the root.
- (d) Pithiness, a distinct open texture with air spaces in the central portion of more than four branches, will be considered serious damage if this condition affects more than two-thirds of the distance between the base of the petiole and the point where the leaf branches are attached. This two-thirds distance need not be contiguous. Distinct open texture means openings which total more than one-fourth the distance across the surface of a transverse cut in the celery branch.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Amendment filed 6–28–83; effective thirtieth day thereafter (Register 83, No. 27).

§ 1426.2. Celery, Stalk.

"Stalks" means the individual celery plant.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1-21-75; effective thirtieth day after (Register 75, No. 4).
- Amendment filed 6–28–83; effective thirtieth day thereafter (Register 83, No. 27).

§ 1426.3. Celery, Pithy Condition.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 6–28–83; effective thirtieth day thereafter (Register 83, No. 27).

§ 1426.4. Celery, Defects Defined.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- New section filed 7-7-55; effective thirtieth day thereafter (Register 55, No. 10).
- Amendment of subsection (b) filed 1-4-71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 3. Amendment and renumbering from Section 1407 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 4. Repealer filed 6-28-83; effective thirtieth day thereafter (Register 83, No. 27).

§ 1426.5. Celery, Tolerances.

Except as otherwise provided in Section 1426.6, not more than 10 percent, by count, of the stalks of celery in any one container or bulk lot may be below the requirements prescribed by this article. Not more than one—half of this tolerance shall be allowed for any one cause.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 6–28–83; effective thirtieth day thereafter (Register 83, No. 27).

§ 1426.6. Celery, Additional Tolerance.

An additional tolerance of 10 percent by count of the celery in any one container or bulk lot shall be permitted for stalks of celery which are damaged by a pithy condition.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 6–28–83; effective thirtieth day thereafter (Register 83. No. 27).

§ 1426.7. Celery, Seed Stems.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 11–8–78; effective thirtieth day thereafter (Register 78, No. 45).
- 3. Repealer filed 6-28-83; effective thirtieth day thereafter (Register 83, No. 27).

§ 1426.8. Celery, Consumer Definition.

"Consumer" means a person that buys celery for use as food and not for resale.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Repealer and new section filed 11–16–73; effective thirtieth day thereafter (Register 73, No. 46). For history of former Section 1407.5, see present Section 1407.5 (Register 73, No. 46).
- 2. Renumbering from Section 1407.13 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Amendment filed 6–28–83; effective thirtieth day thereafter (Register 83, No 27).

§ 1426.9. Celery, Consumer Packages Definition.

"Consumer package" means any closed container or package which will hold not more than 15 pounds net when full, including packages of celery hearts, and which is intended for sale to the consumer in its unbroken form.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Repealer and new section filed 11–16–73; effective thirtieth day thereafter (Register 73, No. 46). For history of former Section 1407.7, see present Section 1407.5 (Register 73, No. 46).
- 2. Renumbering from Section 1407.14 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Amendment filed 6–28–83; effective thirtieth day thereafter (Register 83, No. 27)

§ 1426.10. Celery, Marking Requirements.

In addition to the basic marking requirements, as required by Section 1359, every nonconsumer-type container of celery shall be clearly and conspicuously marked with the number of stalks in the container. The count may be expressed numerically, or in terms of dozens or one-half dozens.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Repealer and new section filed 11–16–73; effective thirtieth day thereafter (Register 73, No. 46). For history of former Section 1407.12, see present Section 1407.5 (Register 73, No. 46).
- 2. Renumbering from Section 1407.1 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Amendment filed 4-30-75; designated effective 6-1-75 (Register 75, No. 18).
- 4. Amendment of subsection (a) filed 11-8-78; effective thirtieth day thereafter (Register 78, No. 45).
- Amendment filed 6–28–83; effective thirtieth day thereafter (Register 83, No. 27).

§ 1426.11. Celery, Count and Dozen Size Markings.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

Page 152

HISTORY

- 1. Repealer and new section filed 11–16–73; effective thirtieth day thereafter (Register 73, No. 46). For history of former Section 1407.13, see present Section 1407.5 (Register 73, No. 46).
- 2. Renumbering from Section 1407.2 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Repealer filed 6-28-83; effective thirtieth day thereafter (Register 83, No. 27).

§ 1426.12. Celery, Count Tolerance.

HISTORY

1. Repealer and new section filed 11–16–73; effective thirtieth day thereafter (Register 73, No. 46). For history of former Section 1407.14, see present Section 1407.5 (Register 73, No. 46).

- 2. Renumbering from Section 1407.3 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Repealer filed 4-30-75; designated effective 6-1-75 (Register 75, No. 18).

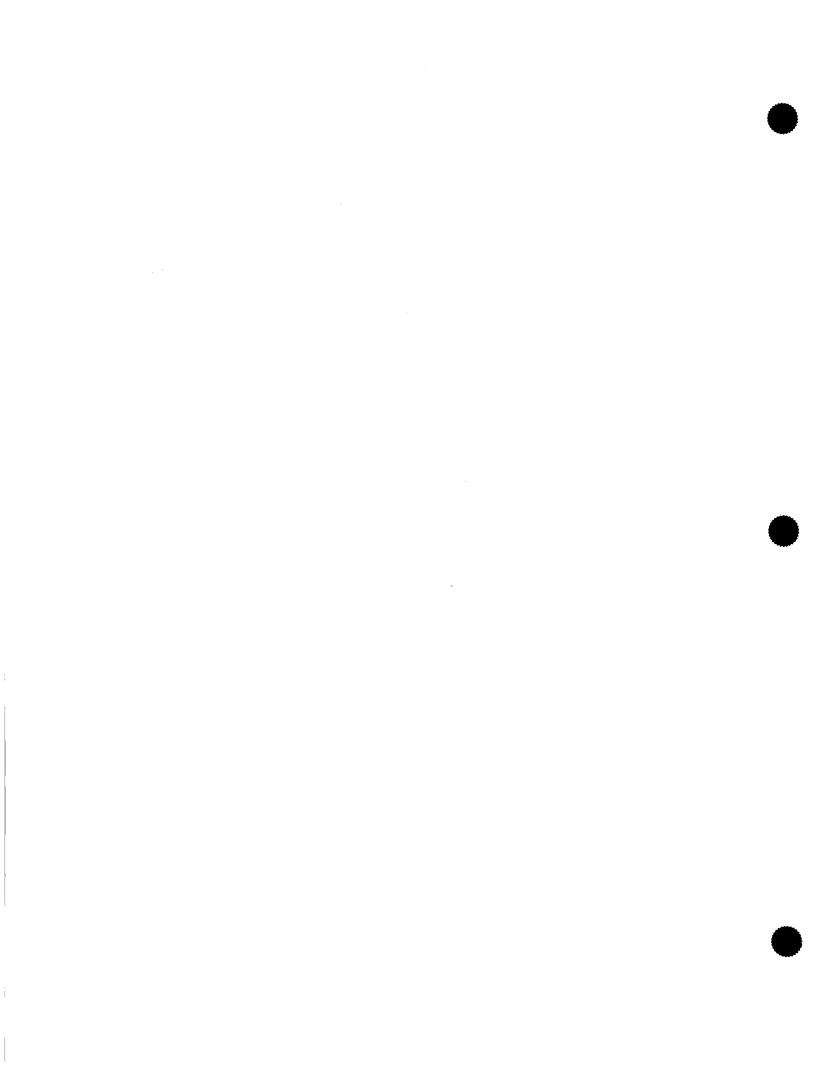
§ 1426.13. Celery, Hearts Removed.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Repealer and new section filed 11–16–73; effective thirtieth day thereafter (Register 73, No. 46). For history of former Section 1407.15, see present Section 1407.5 (Register 73, No. 46).
- 2. Renumbering from Section 1407.4 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

[The next page is 153.]



- 3. Amendment filed 11–8–78; effective thirtieth day thereafter (Register 78, No. 45).
- 4. Repealer filed 6-28-83; effective thirtieth day thereafter (Register 83, No. 27).

§ 1426.14. Celery, General Provisions for Standard Containers and Packs.

NOTE: Authority cited: Section 85, Chap. 1470, Stats. 1970, and Sections 407 and 42681, Food and Agricultural Code.

HISTORY

- 1. New Sections 1407.2 through 1407.15 filed 1–4–71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 2. Repealer of Section 1407.2 and new section filed 11–16–73; effective thirtieth day thereafter (Register 73, No. 46).
- 3. Amendment and renumbering from Section 1407.5 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).
- 4. Repealer filed 3-3-78; effective thirtieth day thereafter (Register 78, No. 9).

§ 1426.15. Celery, Standard Containers.

All celery, except when in consumer packages, shall be placed in containers 45E, 45J, 45K, 45L, and 45R. All consumer packages of celery shall be placed in master containers 45G, 45H, and 45I. Containers 45F, 45M and 45S may be used either as master containers for consumer packages or as flat pack containers. All containers for celery shall be closed or lidded, provided that this requirement shall not apply to container 45S. NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 3–3–78; effective thirtieth day thereafter (Register 78, No. 9). For prior history, see Register 75, No. 40.
- 2. Amendment filed 5–15–81; effective thirtieth day thereafter (Register 81, No. 20).
- 3. Amendment filed 4–19–85; effective thirtieth day thereafter (Register 85, No. 16).
- 4. Amendment filed 11-26-2001; operative 12-26-2001 (Register 2001, No. 48).

§ 1426.16. Celery, Definition of "Closed" or "Lidded."

"Closed" or "lidded," as applied to containers of celery, means:

- (a) In the case of any fiberboard container, that the opening is completely covered, except for necessary ventilation openings, or gaps, with material of similar quality and strength to the adjoining portion of the container.
- (b) In the case of any wooden, wirebound, or other container, that 40 percent or more of the opening is covered with material that is similar to that being used in the construction of the sides and bottom of such container, which is securely attached to the top.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Repealer and new section filed 11–16–73; effective thirtieth day thereafter (Register 73, No. 46). For history of former Section 1407.4, see present Section 1407.5 (Register 73, No. 46).
- 2. Renumbering from Section 1407.7 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Amendment filed 6–28–83; effective thirtieth day thereafter (Register 83, No. 27).

§ 1426.17. Celery, Standard Container Exceptions.

The container requirements of this group do not apply to any of the following:

- (a) Celery which is in a retail establishment in the possession of a retailer for the purpose of resale directly to consumers, or celery which is sold by a producer that is regularly engaged in the production of celery directly to consumers on the premises where it is produced or at a retail stand which is operated by such producer near the point of production, which in no case shall be outside of the county in which the celery was produced.
- (b) Celery which is prepared or packed for shipment to another packing plant which is located in this state for the purpose of further grading and packing into consumer packages, subject to the provisions of Sections 42881, 42882, 42883, 42884, 42885 and 42886 of the Food and Agricultural Code which relate to the control of such shipments.

(c) Celery which is being transported out of the state for prepackaging if a permit has first been obtained from an enforcing officer.

An enforcing officer may issue a permit if he determines that the celery complies with the requirements of this chapter, except as to containers, and is to be delivered pursuant to a bona fide contract of sale direct to a purchaser for further grading and packing into consumer packages.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Repealer and new section filed 11–16–73; effective thirtieth day thereafter (Register 73, No. 46). For history of former Section 1407.6, see present Section 1407.5 (Register 73, No. 46).
- 2. Renumbering from Section 1407.15 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Editorial correction adding NOTE filed 6-28-83 (Register 83, No. 27).

§ 1426.18. Celery Container, Slight Bulge.

Slight bulge means that when celery is placed in container number 45L, the maximum bulge of the lid, when tightly nailed, stapled or glued in place, does not exceed one inch when measured from the top of the headpiece of the container to the high point of the outside top of the lid bulge, which is normally at the center of the lid.

 $Note: Authority\ cited: Sections\ 407\ and\ 42682, Food\ and\ Agricultural\ Code.\ Reference:\ Section\ 42941,\ Food\ and\ Agricultural\ Code.$

HISTORY

- 1. New section filed 6–12–68; effective thirtieth day thereafter (Register 68, No. 22).
- 2. Repealer of Section 1407.1 and new section filed 11–16–73; effective thirtieth day thereafter (Register 73, No. 46).
- 3. Renumbering from Section 1407.8 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 4. Editorial correction of NOTE filed 6-28-83 (Register 83, No. 27).

§ 1426.19. Celery, "Irregular Container."

HISTORY

- 1. Repealer and new section filed 11–16–73; effective thirtieth day thereafter (Register 73, No. 46). For history of former Section 1407.8, see present Section 1407.5 (Register 73, No. 46).
- 2. Amendment and renumbering from Section 1407.9 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Repealer filed 10–1–75; effective thirtieth day thereafter (Register 75, No. 40).

§ 1426.20. Celery, Packing and Sizing Requirements.

Celery which is packed in any container shall be so tightly packed that it is not possible without damaging or injuring the celery to place additional stalks in the container.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Repealer and new section filed 11–16–73; effective thirtieth day thereafter (Register 73, No. 46). For history of former Section 1407.9, see present Section 1407.5 (Register 73, No. 46).
- Renumbering from Section 1407.10 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Amendment filed 6–28–83; effective thirtieth day thereafter (Register 83, No. 27).

§ 1426.21. Celery, Uniform Sizing Tolerance.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Repealer and new section filed 11–16–73; effective thirtieth day thereafter (Register 73, No. 46). For history of former Section 1407.10, see present Section 1407.5 (Register 73, No. 46).
- 2. Amendment and renumbering from Section 1407.11 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Repealer filed 6-28-83; effective thirtieth day thereafter (Register 83, No. 27).

§ 1426.22. Celery, Irregular Sizes.

- 1. Repealer and new section filed 11–16–73; effective thirtieth day thereafter (Register 73, No. 46). For history of former Section 1407.11, see present Section 1407.5 (Register 73, No. 46).
- Amendment and renumbering from Section 1407.12 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Repealer filed 10-1-75; effective thirtieth day thereafter (Register 75, No. 40).

Article 21. Cherries

§ 1428. Cherries, Permit for Transporting.

NOTE: Authority cited: Sections 407, 42682 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 5–12–78; effective thirtieth day thereafter (Register 78, No. 19).
- 3. Repealer filed 5–10–83; designated effective 5–10–83 pursuant to Government Code Section 11346.2(d) (Register 83, No. 20).

§ 1428.1. Cherries, Permit.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 5–10–83; designated effective 5–10–83 pursuant to Government Code Section 11346.2(d) (Register 83, No. 20).

§ 1428.2. Cherries, Compliance.

NOTE: Authority cited: Sections 407 and 42681, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 5–10–83; designated effective 5–10–83 pursuant to Government Code Section 11346.2(d) (Register 83, No. 20).

§ 1428.3. Cherries, Mature, Red or Black Variety.

No red or black variety of cherries shall be considered mature unless at the time of picking the entire surface of the cherries has attained at least a solid, light red color.

 $Note: Authority\ cited: Sections\ 407\ and\ 42684, Food\ and\ Agricultural\ Code.\ Reference:\ Section\ 42941,\ Food\ and\ Agricultural\ Code.$

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Editorial correction adding new NOTE filed 5-10-83 (Register 83, No. 20).

§ 1428.4. Cherries, Standards.

Cherries shall be mature but not overripe and free from the following defects:

- (a) Insect injury or bird pecks which have penetrated or damaged the flesh, unsealed skin breaks, mold, brown rot, and decay.
- (b) Growth cracks or cracks or splits over three-eighths inch in length even though well healed. Well healed shoulder cracks shall, however, be allowed regardless of length.
- (c) Serious damage due to sunburn, shriveling, sponginess, abnormal softening, or other causes.
- (d) Bruising or internal discoloration shall be considered serious damage due to other causes when discoloration is visible externally affecting an aggregate area of 50 percent or more of the fruit surface.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. New subsection (d) filed 4-10-79; effective thirtieth day thereafter (Register 79, No. 15).
- 3. Amendment of subsection (d) filed 11–25–80; effective thirtieth day thereafter (Register 80, No. 48).
- Amendment filed 5–10–83; designated effective 5–10–83 pursuant to Government Code Section 11346.2(d) (Register 83, No. 20).

§ 1428.5. Cherries, Internal Discoloration.

NOTE: Authority cited: Sections 407, 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

1. Repealer filed 4–10–79; effective thirtieth day thereafter (Register 79, No. 15). For former history, see Registers 75, No. 4 and 70, No. 12.

§ 1428.6. Cherries, Tolerance.

Not more than 10 percent, by count, of the cherries in any one container or bulk lot, may be below the requirements which are prescribed by this article. Not more than one—half of this tolerance shall be allowed for any one cause. In addition, 5 percent of the cherries in any one container or bulk lot may be slightly below the maturity requirements which are prescribed by this article. In no case, however, may such cherries show any green areas, except cherries of the Bing variety which test not less than 16 percent, or cherries of the Tartarian variety, which test not less than 14 percent, soluble solids in a composite sample of the juice from not less than 10 representative cherries as shown by a standard refractometer instrument

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Editorial correction filed 5-10-83 (Register 83, No. 20).

§ 1428.7. Cherries—Extra Tolerance for Immaturity.

The regular tolerance of 10 percent of cherries failing to meet the standards in Section 1428.6 with a limitation of 5 percent for any one of such requirements applies to maturity also. Other defects permitting, 5 percent of the cherries could be immature without restriction.

The section further provides as follows: "In addition, 5 percent of the cherries in any one container or bulk lot may be slightly below the maturity requirements of this section, but in no case may such cherries show any green areas, excepting the Bing variety when testing not less than 16 percent and the Tartarian variety when testing not less than 14 percent soluble solids in a composite sample of the juice from not less than 10 representative cherries as shown by a standard refractometer instrument."

When applying the additional tolerance for cherries which may be slightly below the maturity requirements, in containers where the regular 10 and 5 percent tolerance is used by other defects, an additional 5 percent may be below the solid light red color; providing red and black cherries in this additional tolerance do not show any green areas except that cherries of the Bing and Tartarian varieties may show green areas if such cherries test not less than 16 percent and 14 percent respectively as defined by law.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- New section filed 7-7-55; effective thirtieth day thereafter (Register 55, No. 10).
- 2. Amendment filed 1–4–71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 3. Amendment and renumbering from Section 1410 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 4. Editorial correction adding new NOTE filed 5-10-83 (Register 83, No. 20).

§ 1428.8. Cherries, Markings on Containers.

In addition to the basic marking requirements of Section 1359, every nonconsumer type container of cherries shall be clearly and conspicuously marked with the following information:

- (a) The name of the variety, if known, or if not known, the words "Unknown Variety."
- (b) If two or more varieties are placed in the same container, it shall be marked with the words "Mixed Varieties."

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

- 1. Renumbering from Section 1411.7 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 4-30-75; designated effective 6-1-75 (Register 75, No. 18).
- Amendment filed 5–10–83; designated effective 5–10–83 pursuant to Government Code Section 11346.2(d) (Register 83, No. 20).

§ 1428.9. Cherries, Mixed Varieties.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1411.8 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Repealer filed 5–10–83; designated effective 5–10–83 pursuant to Government Code Section 11346.2(d) (Register 83, No. 20).

§ 1428.10. Cherries, Packed Row Size.

Every container of row-packed cherries shall be marked with the number of rows of cherries which are packed laterally across the end of the container, directly followed by the word "row" or "rows" or the letter "R" in like size letters. No row size marking is, however, permitted for containers of less than 14-row size and smaller in the Tartarian variety of cherries and less than 13-row size and smaller in the Bing variety of cherries

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 2–28–74; effective thirtieth day thereafter (Register 74, No. 9).
- 2. Renumbering from Section 1411.9 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Editorial correction adding new NOTE filed 5-10-83 (Register 83, No. 20).

§ 1428.11. Cherries Loose in a Container Marked with Row Size.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 7–7–55; effective thirtieth day thereafter (Register 55, No. 10).
- 2. Amendment of subsection (c) and repealer of subsection (d) filed 1–4–71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 3. Amendment filed 2–28–74; effective thirtieth day thereafter (Register 74, No. 9).
- 4. Renumbering from Section 1408 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 5. Repealer filed 5–10–83; designated effective 5–10–83 pursuant to Government Code Section 11346.2(d) (Register 83, No. 20).

§ 1428.12. Cherries, Loose; Marking and Size Requirements.

Every nonconsumer container of loose cherries shall be clearly and conspicuously marked with one of the following:

- (a) The row size, as determined by the "standard cherry row size" approved by the department, followed by the term "row size." No row size marking is permitted for containers of less than 14–row size and smaller in the Tartarian variety cherries and less than 13–row size and smaller in the Bing variety of cherries.
- (b) The "minimum diameter" of the cherries in the container expressed in inches or fractions of an inch followed by the term "inch minimum diameter," "inches minimum diameter," or a proper abbreviation or variation of such designation. No such minimum diameter marking shall be permitted on containers of Tartarian variety cherries which are less than 46/64 inch minimum diameter and Bing variety cherries which are less than 48/64 inch minimum diameter.
- (c) Containers of cherries packed by the face and fill method shall not be required to be marked with a size designation, provided that:
- (1) When the containers are marked with a size designation, the cherries in both the face and the fill shall comply with the size marked on the container.
- (2) When the containers are not marked with a size designation, all of the cherries in the fill may be one full size smaller than cherries in the face. Not more than 10%, by count, of the cherries in the fill may be two full sizes smaller than the cherries in the face.
- (3) The minimum size restriction specified above for the Tartarian and Bing varieties shall apply to the face and fill method of pack.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- Amendment filed 2–28–74; effective thirtieth day thereafter (Register 74, No. 9).
- Renumbering from Section 1411.10 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Amendment filed 3–21–75; effective thirtieth day thereafter (Register 75, No. 12).
- Amendment filed 11–8–78; effective thirtieth day thereafter (Register 78, No. 45).
- Amendment filed 5–10–83; designated effective 5–10–83 pursuant to Government Code Section 11346.2(d) (Register 83, No. 20).
- 6. New subsections (c)–(c)(3) filed 5–16–2002; operative 6–15–2002 (Register 2002, No. 20).

§ 1428.13. Cherries, Loose; Row Size or Minimum Diameter.

A container of loose cherries marked with a row size designation or a minimum diameter shall not have more than 10 percent of the cherries in such container smaller than the size specified.

The row size number is that number of cherries of uniform size whose aggregate width will equal 10 1/2 inches.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 2–28–74; effective thirtieth day thereafter (Register 74, No. 9).
- Renumbering from Section 1411.6 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Amendment filed 3–21–75; effective thirtieth day thereafter (Register 75, No. 12).
- 4. Amendment filed 5–10–83; designated effective 5–10–83 pursuant to Government Code Section 11346.2(d) (Register 83, No. 20).

§ 1428.14. Cherries, Diameter.

"Diameter" means the greatest dimension measured at a right angle to a line from the stem to the blossom end of the cherry.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 2–28–74; effective thirtieth day thereafter (Register 74, No. 9).
- Renumbering from Section 1411.5 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Editorial correction adding new NOTE filed 5-10-83 (Register 83, No. 20).

§ 1428.15. Cherries, Application of Size Tolerances.

Individual containers may have up to one and one-half times the tolerance specified, provided that the averages for the entire lot are within the tolerances specified for size.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 4–13–73; effective thirtieth day thereafter (Register 73, No. 15).
- 2.Amendment filed 2–28–74; effective thirtieth day thereafter (Register 74, No. 9)
- 3. Renumbering from Section 1411.11 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 4. Amendment filed 5–10–83; designated effective 5–10–83 pursuant to Government Code Section 11346.2(d) (Register 83, No. 20).

§ 1428.16. Cherries, Sample to Determine Size and Quality.

The official sample to determine size and quality shall be 50 cherries taken at random from each of the containers selected by the methods outlined under Section 1370.8. Each container sample of 50 cherries shall be checked separately.

NOTE: Authority cited: Sections 407 and 42681, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

- 1. New section filed 2-28-74; effective thirtieth day thereafter (Register 74, No. 9)
- 2. Amendment and renumbering from Section 1411.12 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

- 3. Amendment filed 5–10–83; designated effective 5–10–83 pursuant to Government Code Section 11346.2(d) (Register 83, No. 20).
- 4. Amendment filed 5-16-2002; operative 6-15-2002 (Register 2002, No. 20).

§ 1428.17. Cherries, Standard Container Requirements.

Cherries shall be in standard container numbers 4, 4A, 12A, 12C, 12D, or 12E.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New Sections 1411.1 through 1411.10 filed 1–4–71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 2. Amendment filed 4–13–73; effective thirtieth day thereafter (Register 73, No. 15).
- 3. Renumbering from Section 1411.1 filed 1–21–75; effective thirtieth day thereafter (Register 75 No. 4).
- 4. Editorial correction of NOTE filed 5-10-83 (Register 83, No. 20).
- Amendment filed 5-5-86; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 86, No. 19).
- Amendment of section and Note filed 7–17–2000; operative 8–16–2000 (Register 2000, No. 29).
- 7. Amendment filed 1-6-2003; operative 2-5-2003 (Register 2003, No. 2).

§ 1428.18. Cherries, Standard Container Nos. 12A and 12C.

Container number 12A shall be standard for cherries only when packed by the "face and fill" method.

Container number 12C shall be standard for cherries only when one outside end of the container is clearly and conspicuously marked with the net weight which may not exceed 18 pounds.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- Amendment filed 2–28–74; effective thirtieth day thereafter (Register 74, No. 9).
- 2. Renumbering from Section 1411.3 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Amendment filed 11–8–78; effective thirtieth day thereafter (Register 78, No. 45).
- Amendment filed 5–10–83; designated effective 5–10–83 pursuant to Government Code Section 11346.2(d) (Register 83, No. 20).

§ 1428.19. Cherries, Tolerance for Doubles.

Cherries shall be free from doubles except as follows:

- (a) A tolerance of 10 percent, by count, shall be allowed for doubles with both halves well developed, uniform in size, and mature.
- (b) A tolerance of 2 1/2 percent, by count, shall be allowed for doubles which have one portion that is not well developed.
- (c) Any amount of doubles shall be allowed if the container in which they are placed or packed is clearly and conspicuously marked with the words "Exceeds tolerance for doubles."

NOTE: Authority cited: Sections 407 and 2684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Amendment and renumbering from Section 1411.4 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Amendment of subsection (b) filed 11-8-78; effective thirtieth day thereafter (Register 78, No. 45).
- 3. Amendment filed 5–10–83; designated effective 5–10–83 pursuant to Government Code Section 11346.2(d) (Register 83, No. 20).

§ 1428.20. Cherries, Deceptive Pack (Doubles).

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 7–7–55; effective thirtieth day thereafter (Register 55, No. 10).
- 2. Renumbering from Section 1409 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Repealer filed 5-10-83; designated effective 5-10-83 pursuant to Government Code Section 11346.2(d)(Register 83, No. 20).

Article 22. Citrus

§ 1430. Citrus, Permit for By-Products Processing.

An enforcement officer may issue a written permit for transporting to a neighboring citrus fruit growing state citrus which fails to comply with the quality standards of this article. Such citrus shall be used only for processing, preserving, or manufacturing purposes. The permit may be issued upon compliance with the following requirements:

- (a) The enforcement officer has verification from a like official at destination that such citrus will be used only for by–product purposes.
- (b) The citrus is loose in bins that will hold 500 pounds or more, or in bulk loads
- (c) The permit is issued for and attached to each load or lot of citrus which is transported.

NOTE: Authority cited: Sections 407, 42682 and 42684, Food and Agricultural Code. Reference: Sections 42941, Food and Agricultural Code.

HISTORY

- 1. Repealer and new section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4). For history of former section, see Register 74, No. 29.
- Repealer of former Section 1430 and renumbering and amendment of former Section 1430.2 to Section 1430 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45). For prior history, see Register 72, No. 41, and 71, No. 2.

§ 1430.1. Citrus, Permit for Transport to Repackaging Plant.

- (a) An enforcement officer shall issue a numbered written permit for transport of citrus to a repackaging plant, which shall be valid for one year from the date of issuance, unless revoked or suspended.
- (b) When a lot or shipment is accompanied by a permit issued pursuant to this section, the packing requirements contained in this article do not apply to transporting citrus in compliance with the following conditions:
- (1) The fruit is being transported intrastate in containers which hold more than 500 pounds.
- (2) A manifest or other shipping document which is clearly and conspicuously marked with the permit number accompanies each load transported.
- (3) The name of the repacking plant, the person operating such plant, and the address for which the shipment is destined are clearly marked on the manifest or other shipping document in a manner sufficiently explicit to allow immediate location of such packer and person.
- (c) As used in this section, "repackaging plant" means any location that has commercial equipment which is normally used for packaging citrus fruits in consumer-size packages.

NOTE: Authority cited: Sections 407, 42682 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer of former Section 1430.1 and renumbering and amendment of former Section 1430.7 to Section 1430.1 filed 9–27–85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.2. Citrus, Permits, Proof of Compliance.

A permittee under Section 1430 or Section 1430.1 shall, upon request of any enforcement officer, furnish such evidence as may reasonably be required as proof that the citrus fruits have been disposed of in accordance with the provisions of this article and the terms of the permit.

NOTE: Authority cited: Sections 407, 42681 and 42684, Food and Agricultural

Code. Reference: Section 42941, Food and Agricultural Code.

- 1. New section filed 10-4-72; effective thirtieth day thereafter (Register 72, No. 41). For history of former section, see Register 71, No. 2.
- 2. Amendment and renumbering from Section 1413 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Renumbering and amendment of former Section 1430.2 to Section 1430, and renumbering and amendment of former Section 1430.11 to Section 1430.2 filed 9–27–85; effective thirtieth day thereafter (Register 85, No. 45). For prior history, see Register 74, No. 29.

§ 1430.3. Citrus, Permit Refusal, Suspension, or Revocation.

Any enforcement officer may refuse to issue, or may revoke or suspend any permit issued under the provisions of Section 1430 or Section 1430.1 if the permittee or applicant has previously violated any of the provisions of this article or the terms of any permit previously issued, or has failed to furnish the evidence which is required under Section 1430.2. NOTE: Authority cited: Sections 407, 42681 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer of former Section 1430.3 and renumbering of former Section 1430.12 to Section 1430.3 filed 9–27–85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.4. Citrus, Permit Appeal.

Any person may appeal to the director, within 10 days of receipt of an order of the enforcement officer refusing to issue, suspend, or revoke a permit issued pursuant to Section 1430 or Section 1430.1. Any such or—

[The next page is 157.]

der shall be in writing. The applicant or permittee shall not operate without a permit pending the disposition of the application or petition.

The proceedings for such hearing shall be conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code. However, the provisions of Section 11505 and 11506 shall not apply and the statement of issues or accusation, as the case may be, shall be delivered or mailed to the parties as provided in Section 11509.

NOTE: Authority cited: Sections 407, 42681 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- New section filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).
- Renumbering and amendment of former Section 1430.4 to Section 1430.8, and renumbering and amendment of former Section 1430.14 to Section 1430.4 filed 9–27–85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.5. Citrus, Maturity, Juice Extraction.

This section states the methods of juice extraction and procedures to be used in the soluble solids to acid ratio test for maturity testing.

- (a) Navel oranges. A citrus press as outlined in (c), below, shall be the only method of extracting juice to determine the soluble solids to acid ratio for Navel oranges. It shall be equipped and be capable of operating in a manner consistent with the provisions of this article. Each Navel orange packinghouse shall provide a citrus press on the premises and it shall be made available to the enforcement officer.
- (b) All citrus, other than Navel oranges. Juice extraction for measuring the soluble solids to acid ratio for maturity testing shall be determined by either the hand or electric method or the citrus press as outlined in (c), below.
- (c) Application. When the juice is extracted using a citrus press, the press shall meet the following criteria:
- (1) The press shall have an air or hydraulic line test valve which permits measurement of the air or hydraulic pressure delivered to the press. The valve shall be installed between the lubricator, if present, and the press.
- (2) The press shall be capable and calibrated to deliver and maintain 38 psi on the fruit and maintain that pressure for 30 seconds. The air or hydraulic line pressure necessary to maintain the 38 psi shall be determined by the director and shall be imprinted by die stamp on the body of each press. The press shall be mounted with a pressure gauge that will accurately measure the pressure being applied to the fruit. The press shall not increase the moisture content nor add any impurities to the fruit juice extracted. All surface areas that come in contact with the juice shall be of a material, or be plated with a material, that will not affect, or be affected by, the citrus juice being tested.
- (3) Procedure—citrus press. Place no more than one layer of fruit, both halves cut, face down, in the drawer at one time. Apply the air or hydraulic line pressure stamped on the press, on the fruit for a minimum of 30 seconds.
- (d) When the juice is extracted using a hand or electric juice extractor, the following apparatus and procedures shall be used:
- (1) The hand or electric juice extractor shall be any type approved by the director.
- (2) Cut each fruit in half at right angles to a straight line drawn between the stem and distal ends.
- (3) Each portion of each fruit in the sample shall be reamed to the extent that all free juice is extracted without contaminating the juice with the rind or other substances.

NOTE: Authority cited: Sections 14, 407, 42681, and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- New section filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).
- Repealer of former Section 1430.5 and renumbering and amendment of former Section 1430.120.1 to Section 1430.5 filed 9–27–85; effective thirtieth day thereafter (Register 85, No. 45). For prior history, see Register 77, No. 13.
- 3. Amendment filed 10-24-88; operative 10-24-88 (Register 88, No. 45).

§ 1430.6. Citrus, Maturity, Determining the Soluble Solids to Acid Ratio.

- (a) Application. Citrus soluble solids to acid ratio tests for maturity shall be performed in accordance with this section.
 - (b) Apparatus and Solutions Required.
- (1) A Brix hydrometer with graduations in tenths of a degree, standardized at 17.5 degrees C., and with a centigrade thermometer and correction attachment.
- (2) A cylinder tube, without a lip, suitable for floating the hydrometer without touching the sides or bottom.
 - (3) A 25 cubic centimeter pycnometer.
- (4) A 50 cubic centimeter burette with graduations in tenths of a cubic centimeter
- (5) A receptacle of sufficient size to retain all of the extracted juice. It shall be of a material, or be plated with a material, that will not affect, or be affected by, the citrus juice being tested.
 - (6) A 250-550 cubic centimeter Erlenmeyer titrating flask.
 - (7) A wire strainer for straining juice. (17–30 mesh per lineal inch.)
- (8) A standard solution of sodium hydroxide (NaOH), 1 cubic centimeter of which is equivalent to 0.01 gram (10 mgs.) of anhydrous citric acid (0.1562 normal).
 - (9) A solution of phenolphthalein in alcohol for use as indicator.
 - (c) Soluble Solids Content.
 - (1) Fill the tube with the properly extracted juice.
- (2) Float the hydrometer in the tube until the temperature reaches equilibrium (minimum of two minutes). Read the Brix scale, remove the hydrometer from the tube and immediately read the temperature correction, and record the corrected Brix reading to the nearest tenth (.1) degree.
 - (d) Acid Content.
- (1) Add exactly 25 cubic centimeters of the extracted juice into the Erlenmeyer flask with a 25 cubic centimeter pycnometer. After filling the pycnometer, replace the cap. With finger over the opening, rinse the exterior of the pycnometer. Pour the juice into the flask.
- (2) Using the pycnometer, add approximately 100 cubic centimeters of distilled water to the juice. Pour the first 25 cubic centimeters of water through the stem of the pycnometer to remove any juice that may be trapped.

Neutral tap water may be used in lieu of distilled water. Tap water may be checked to determine whether it is neutral by adding 20 drops of phenolphthalein solution to 100 cubic centimeters of the water. If this combination remains colorless and then turns pink by the addition of one drop of the standard solution of sodium hydroxide, the tap water is neutral and can be used instead of distilled water.

- (3) Add approximately 20 drops of indicator solution.
- (4) Titrate by the addition of the NaOH until the first definite indication of color (pink) is obtained.
- (e) Soluble Solids to Acid Ratio. The soluble solids to acid ratio shall be determined by use of the Citrus Maturity Ratio Tables compiled by the Department of Food and Agriculture.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 3–25–77; effective thirtieth day thereafter (Register 77, No. 13). For prior history, see Register 76, No. 19.
- Repealer of former Section 1430.6 and renumbering and amendment of former Section 1430.120 to Section 1430.6 filed 9–27–85; effective thirtieth day thereafter (Register 85, No. 45). For prior history, see Register 75, No. 4.

§ 1430.7. Citrus, Defects.

Except as otherwise provided, all citrus fruit shall be free from the following defects:

- (a) Decay.
- (b) Mold or rot.
- (c) Insects or insect injury affecting the edible portion.
- (d) Unhealed skin breaks.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1423.31 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Renumbering and amendment for former Section 1430.7 to Section 1430.1, and new Section 1430.7 filed 9–27–85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.8. Citrus, Mix or Blend.

No person shall mix or blend citrus fruits which do not conform to the requirements of this article with other citrus fruits which conform to such requirements for the purpose of selling, marketing, or transporting the fruit which does not conform to the requirements of this article.

NOTE: Authority cited: Sections 407, 42681 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1423.32 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Repealer of former Section 1430.8 and renumbering and amendment of former Section 1430.4 to Section 1430.8 filed 9–27–85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.9. Citrus, Official Sample to Determine Defects.

The representative sample to determine the percentage of defects, including freezing and drying, shall consist of not less than 100 fruit. If the lot consists of less than 500 fruit, the sample shall be 10 percent of the lot.

NOTE: Authority cited: Sections 407, 42681 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1423.33 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer and new section filed 9–27–85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.9.1. Volume Cut Method, Defined.

- (a) Divide the fruit into three segments by making two transverse cuts, one-third the distance from the stem and blossom ends.
 - (b) Bisect the central segment by a parallel transverse cut.
- (c) Determine the percent of damage to the pulp found on each of the four surfaces of the central segment.
- (d) Total the percentages and divide by four to determine the total percentage of damage.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

1. New section filed 9–27–85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.10. Citrus, Uniform Size Requirement.

Citrus packed or placed loose in nonconsumer container numbers 58, 59, 63, 65, 66, or 67 shall be uniform in size.

- (a) None of the fruit in any container of oranges, lemons, grapefruit, minneolas, or Royal Mandarins may be more than 15 percent larger or smaller than the average diameter of the fruit in the container. This requirement shall apply to Royal Mandarins and minneolas only when the container is marked with the count and minimum diameter of the fruit.
- (b) None of the fruit in any container of tangerines or mandarins may vary more than one-half inch in diameter between fruits when the container is marked with a count description. This requirement shall apply to Royal Mandarins and minneolas only when the container is marked with the size designation of the fruit.
- (c) The diameter shall be taken at the widest portion of a cross section. NOTE: Authority cited: Sections 407, 42681 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Amendment and renumbering from section 1423.34 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).
- Repealer of former section 1430.10 and renumbering and amendment of former section 1430.136 to section 1430.10 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45). For prior history, see Registers 74, No. 36; 73, No. 25; and 73, No. 8.

- Amendment of section and Note filed 2-1-94; operative 2-1-94 (Register 94, No. 5).
- 4. Amendment of first paragraph and amendment of NOTE filed 10–24–2002; operative 10–24–2002 pursuant to Government Code section 11343.4 (Register 2002, No. 43).

§ 1430.11. Citrus, Official Sample to Determine Average Diameter and Size.

Compliance with the provisions of Sections 1430.26, 1430.32, 1430.45, and 1430.51, may be determined by a representative sample which shall consist of not less than 10 percent, by count, of the fruit in a container.

NOTE: Authority cited: Sections 407 and 42681, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- Renumbering from Section 1423.35 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Renumbering and amendment of former Section 1430.11 to Section 1430.2, and renumbering and amendment of former Section 1430.133 to Section 1430.11 filed 9–27–85; effective thirtieth day thereafter (Register 85, No. 45). For prior history, see Register 55, No. 10.

§ 1430.12. Citrus, Packing Requirements for Standard Containers No. 58, 59, 61, 63, 65, 66, or 67.

Oranges, grapefruit, lemons, tangerines, and mandarins which are in standard container numbers 58, 59, 63, 65, 66, or 67 shall comply with all of the following requirements:

- (a) Be packed so that they will not readily move in the container.
- (b) The container shall not be overfilled. Overfill shall be determined by measuring the combined height of the individually stacked or palletized containers, exclusive of the top container or layer of containers. The total measurement shall be the average of two corner measurements and shall not exceed the combined inside depth of each container measured on one corner plus a variance of 1 3/4 inches per container which includes allowances for construction of top and bottom flaps, container manufacturing errors, and overfill.

Individual pallets of containers and individually stacked containers equivalent to the standard 42–container pallet shall be accepted or rejected on the basis of these requirements. Fruit in containers that fail these requirements shall be resized or placed in consumer containers or container 61.

- (c) The count of fruit in each container shall not be less than the count marked on the container, but may exceed the count by not more than 8 percent.
- (d) Tangerines or mandarins marked with the size designation need not comply with (c) above.
 - (e) All citrus may be placed loose in bin number 61.
- (f) The provisions of (a) and (b) above shall not apply to containers 65, 66 and 67.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from section 1423.36 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Renumbering and amendment of former section 1430.12 to section 1430.3, and renumbering and amendment of former section 1430.121 to section 1430.12 filed 9–27–85; effective thirtieth day thereafter (Register 85, No. 45). For prior history, see Register 74, No. 36; 73, No. 25; and 73, No. 8.
- 3. Amendment of subsection (b) filed 6–6–88; operative 7–8–88 (Register 88, No. 25).
- 4. Amendment of subsection (d) filed 2–1–94; operative 2–1–94 (Register 94, No. 5).
- 5. Amendment of section heading and first paragraph, new subsection (f) and amendment of Note filed 10-24-2002; operative 10-24-2002 pursuant to Government Code section 11343.4 (Register 2002, No. 43).

§ 1430.13. Citrus, Marking Requirements.

In addition to the basic marking requirements of Section 1359, every nonconsumer container, except master containers, shall be clearly and conspicuously marked with the following information:

- (a) Size or Count.
- (1) Oranges, grapefruit, and lemons shall show the count and average diameter. Royal Mandarins shall show one of the counts and correspond-

ing average diameter established in Section 1430.45 or one of the size designations established in Section 1430.51(a).

Such citrus need only be marked with the count of the fruit in the container when imported from another state.

- (2) Tangerines and mandarins shall show the size designation or count description, unless imported from another state. Minneolas shall show one of the size designations or one of the counts and corresponding average diameters established in Section 1430.51.
 - (b) Variety Designation.
- (1) Oranges, grapefruit, tangerines, or mandarins shall show the name of the variety, if known, or the words "Unknown Variety."
- (2) For all varieties of navel oranges, the varietal designation shall be "Navel."
 - (3) For all varieties of valencia oranges, "Valencia."
- (4) For all varieties of white marsh grapefruit, "Marsh White" or "Golden."
- (5) For all varieties of pink marsh grapefruit, "Marsh Ruby" or "Marsh Red."
- (6) For all varieties of Oroblanco, the varietal designation shall be "Oroblanco" or "Sweetie," provided that only one such designation shall be marked on a container. For all varieties of Melogold, the varietal designation shall be "Melogold". For the purpose of this article, the common name or identity of Oroblancos and Melogolds, and similar type hybrids resulting from a cross between pummelo and grapefruit shall be "grapefruit hybrid".

NOTE: Authority cited: Sections 14, 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from section 1423.37 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer of former section 1430.13 and renumbering and amendment of former section 1430.128 to section 1430.13 filed 9–27–85; effective thirtieth day thereafter (Register 85, No. 45). For prior history, see Registers 77, No. 4; 76, No. 28; and 75, No. 18.
- 3. Amendment of subsections (a)(1)–(2) and NOTE filed 2–1–94; operative 2–1–94 (Register 94, No. 5).
- New subsection (b)(5) filed 12–12–96; operative 1–11–97 (Register 96, No. 50).
- 5. Editorial correction (Register 97, No. 1).

§ 1430.14. Oranges, Lemons, and Royal Mandarins, Standard Containers.

Except as otherwise provided in Section 1380.17, Section 1430 or Section 1430.15, oranges, lemons, or Royal Mandarins shall be packed in standard container number 58, 65, or 66. Royal Mandarins may also be packed in container 63. Lemons may also be packed in container 67. Containers 58 and 63 shall be closed.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from section 1423.38 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Renumbering and amendment of former section 1430.14 to section 1430.4, and renumbering and amendment of former section 1430.131 to section 1430.14 filed 9–27–85; effective thirtieth day thereafter (Register 85, No. 45). For prior history, see Registers 84, No. 48; and 74, No. 36.
- 3. Change without regulatory effect (Register 86, No. 33).
- Amendment of section and Note filed 2-1-94; operative 2-1-94 (Register 94, No. 5).
- Amendment of section heading, section and NoTE filed 10–24–2002; operative 10–24–2002 pursuant to Government Code section 11343.4 (Register 2002, No. 43).

§ 1430.15. Citrus, Packing Exemptions.

Sections 1430.14, 1430.27, 1430.28, and 1430.50, relating to standard containers, do not apply to any of the following:

(a) Citrus for charitable purposes, unemployment relief, or for use by the United States Government or its agencies for relief distribution.

- (b) Tangerines or mandarins, except Royal Mandarins, which are in closed containers for sale to the consumer in unbroken form, and the net contents do not exceed 12 pounds.
- (c) Oranges, grapefruit, lemons, or Royal Mandarins in closed containers for sale to the consumer in unbroken form, and the net contents do not exceed 25 pounds.
- (d) Citrus in containers that are transported directly from this state to the State of Baja California, Republic of Mexico.
- (e) Citrus which are in a retail establishment for sale directly to consumers.
- (f) Citrus which is being transported pursuant to permit for repackaging or by–products processing as provided by Sections 1430 and 1430.1. NOTE: Authority cited: Sections 14, 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from section 1423.39 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer of former section 1430.15 and renumbering and amendment of former section 1430.122 to section 1430.15 filed 9–27–85; effective thirtieth day thereafter (Register 85, No. 45). For prior history, see Registers 80, No. 11; 79, No. 15; 79, No. 2; and 74, No. 36.
- 3. Amendment of subsections (b), (c) and NOTE filed 2–1–94; operative 2–1–94 (Register 94, No. 5).

§ 1430.16. Reinspection of Citrus Held Under a Noncompliance Notice.

- (a) When citrus is held under a noncompliance notice and a reinspection is requested, all costs incurred shall be paid by the person requesting the reinspection. The money, in the amount equal to the estimated cost, shall be deposited with the director or his representative. The owner or his representative shall provide the following information to the director's representative:
 - (1) Name and address of person requesting the reinspection.
 - (2) The noncompliance notice number and the defects.
 - (3) Place where the citrus was rejected.
 - (4) Place where citrus is being held.
 - (5) Reason for requesting the reinspection.
- (b) The director shall grant or refuse this request on the basis of the evidence presented.
 - (c) When a reinspection is granted:
- (1) For maturity: the inspection shall be made within 12 hours after the request has been received.
- (2) For all other defects: the inspection shall be made within 24 hours after the request has been received.
- (3) If practical, the inspector that made the original inspection and issued the noncompliance notice shall be present for the reinspection.
- (4) A State Fruit and Vegetable Quality Control–Standardization Inspector shall be present.
 - (5) The owner or his representative shall be present.
- (6) All parts of the lot shall be readily available to the inspector who shall take a double sample for inspection.
 - (7) Acceptance or rejection will be based upon this sample.
 - (d) Reasons for not granting a reinspection:
- (1) The defect causing the noncompliance exceeds the applicable tolerance by 1 1/2 times.
- (2) There is an indication that substitution or change in the original lot has been made.
- (3) A lapse of time has occurred which changed the condition of the lot.
- (4) The cash deposit has not been received.

NOTE: Authority cited: Sections 407, 42681 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

- 1. Renumbering from Section 1423.40 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Repealer of former Section 1430.16 and renumbering and amendment of former Section 1430.141 to Section 1430.16 filed 9–27–85; effective thirtieth day thereafter (Register 85, No. 45). For prior history, see Register 72, No. 41.

§ 1430.17. Grapefruit, Desert Areas.

As used in this article, "desert areas" mean Imperial County, the portions of Riverside and San Diego Counties which are located east of a line extending north and south through White Water, and that portion of San Bernardino County which is located east of the 115 meridian.

NOTE: Authority cited: Sections 407, 42681 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. New NOTE filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.18. Grapefruit, Citrus Districts.

The area south and east from San Gorgonio Pass to the north end of the Salton Sea and known as Coachella Valley is the Coachella Valley Citrus District. The area comprising Imperial County is the Imperial Citrus District

Grapefruit produced in any citrus district may be labeled with the name of the citrus district in which produced. No person shall label any grapefruit with the name of any citrus district unless the grapefruit was produced in such citrus district.

NOTE: Authority cited: Sections 407, 42681 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Repealer of former Section 1430.18 and renumbering and amendment of former Section 1430.19 to Section 1430.18 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.19. Grapefruit, Mature.

Grapefruit shall be mature. Grapefruit, except grapefruit which are produced in the desert areas or in other states under climatic conditions similar to those prevailing in the desert areas, are not mature unless they meet both of the following requirements:

- (a) At the time of picking, and at all times thereafter, the juice contains soluble solids equal to or in excess of five and one—half parts to every part of acid which is contained in the juice. The acidity of the juice shall be calculated as citric acid without water of crystallization.
- (b) Ninety percent or more of the grapefruit, by count, at the time of picking and at all times thereafter have attained, on at least two—thirds of the fruit surface, at least a minimum characteristic yellow or grapefruit color, as indicated by Color No. 0.9 GY, 6.40/5.7, "Munsell Color."

 NOTE: Authority girld: Sections 407 and 42684. Food and Agricultural Code, Ref-

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).
- Renumbering and amendment of former Section 1430.19 to Section 1430.18, and renumbering and amendment of Section 1430.22 to Section 1430.19 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.20. Grapefruit, Maturity, Desert Areas.

Grapefruit which are produced in the desert areas are not mature unless they meet the following requirements:

The differences in climatic conditions that prevail in the desert areas result in the grapefruit grown in those areas having, at maturity, a higher percentage of soluble solids to acid than the mature grapefruit which are grown in other areas of the state. Grapefruit which are produced in the desert areas are considered mature if at the time of picking, and at all times thereafter, the juice contains soluble solids equal to or in excess of six parts to every part of acid which is contained in the juice. The acidity of the juice shall be calculated as citric acid and without water of crystallization.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Repealer of former Section 1430.20 and renumbering and amendment of former Section 1430.23 to Section 1430.20 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.21. Grapefruit, Maturity for Grapefruit Produced Out of State.

Grapefruit that are produced outside of this state under climatic conditions which are similar to those prevailing in the desert areas and offered for sale in this state shall meet the same maturity standard as that which is prescribed for grapefruit which are produced in the desert areas.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Repealer of former Section 1430.21 and renumbering and amendment of former Section 1430.24 to Section 1430.21 filed 9–27–85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.22. Grapefruit, Maturity Sample Size.

The ratio of soluble solids to acid in the juice shall be determined by the analysis of a random sample consisting of not less than 18 fruits from each size.

When grapefruit is segregated by size as provided in Section 1430.26, each size shall be considered as a separate lot.

When grapefruit is not segregated by size the fruits of any one size shall be considered as a separate lot.

If the soluble solids to acid ratio test of the first sample selected fails to meet the maturity standard, but is not more than 0.4 below the required ratio, two more samples shall be analyzed. An enforcing officer may select and analyze more than three samples, but the average of the results of all of the tests taken shall determine whether that lot meets the maturity requirement.

NOTE: Authority cited: Sections 407, 42681 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No.
- 2. Renumbering and amendment of former Section 1430.22 to Section 1430.19, and renumbering and amendment of former Section 1430.43 to Section 1430.22 filed 9–27–85; effective thirtieth day thereafter (Register 85, No. 45). For prior history, see Registers 71, No. 2; 55, No. 10; and Register 3.

§ 1430.23. Grapefruit, Serious Damage.

Grapefruit shall be free from serious damage, except as provided in Section 1430.25, due to:

- (a) Freezing or drying, if 20 percent or more of the pulp or edible portion shows evidence of a drying or mushy condition.
- (b) Bruising, if 20 percent or more of the pulp or edible portion is affected.
- (c) Dirt, smudge stain, sooty mold, rot residues, or other foreign material, if an aggregate area of 25 percent or more of the natural fruit surface color is affected. Staining other than smudge stain shall not be considered a defect.
 - (d) Scars, including those that are caused by insects, if they are:
- (1) deep, rough, or dark and aggregate more than 1 inch in diameter or 5 percent of the fruit surface;
- (2) fairly light in color, with slight roughness or depth and aggregate more than 15 percent of the fruit surface;
- (3) light colored and fairly smooth with no depth and aggregate more than 25 percent of the fruit surface.
- (e) Scale, when concentrated as a ring or blotch one inch or more in diameter, or which is more than thinly scattered over the fruit surface.
- (f) Greenish or brownish rind oil spots, if they cover an aggregate area of 10 percent or more of the fruit surface.
- (g) Spotting or pitting, if sunken and covering an aggregate area of 10 percent or more of the fruit surface.
 - (h) Roughness, if 90 percent or more of the fruit surface is affected.
 - (i) Aging, if one-third or more of the fruit surface is dried or hardened.
 - (j) Softness, if the fruit is flabby.
- (k) Sunburn, which causes pronounced flattening, drying, or dark discoloration affecting more than one-third of the fruit surface.
- (l) Sheepnose, if the stem end protrusion extends 1 inch or more beyond the normal contour of the fruit.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4)
- 2. Renumbering and amendment of former Section 1430.23 to Section 1430.20, and renumbering and amendment of former Section 1430.27 to Section 1430.23 filed 9–27–85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.24. Grapefruit, Drying Defined.

- (a) With reference to a particular cut surface, drying means:
- (1) The cut surface is whitish, or shows a dry to drying condition; or
- (2) There exists a granular or glazed appearance and the juice on such cut surface does not run freely and the juice sacs remain intact and separate easily with little or no juice in or around them; or
- (3) The individual juice sac walls can be plainly seen and there is little or no juice present.
 - (b) The following do not constitute drying:
- (1) A granular or glazed appearance but the juice exudes onto the cut surface promptly after cutting and removal of the juice sacs, each of which contains considerable juice, results in the free flow of juice; or
- (2) A spot of milkiness found in the center of a segment which is faint and very juicy; or
- (3) The individual juice sac walls can be plainly seen but the juice sacs contain abundant juice.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4)
- 2. Renumbering and amendment of former Section 1430.24 to Section 1430.21, and renumbering and amendment of former Section 1430.44 to Section 1430.24 filed 9–27–85; effective thirtieth day thereafter (Register 85, No. 45). For prior history, see Register 55, No. 10.

§ 1430.25. Grapefruit, Tolerances.

- (a) The grapefruit in any container or bulk lot meet the requirements of Section 1430.7 and Section 1430.23 if not over 10 percent, by count, of the individual grapefruit in such container or bulk lot are below such standards, provided not over 5 percent, by count, of the grapefruit are below any one of such standards.
- (b) An additional tolerance of 15 percent, by count, shall be permitted for grapefruit below the requirements of subdivision (d)(3) of Section 1430.23.
- (c) The grapefruit in any one container or bulk lot meet the requirements of Section 1430.23(a) if not more than 15 percent, by count, of the individual grapefruit in such container or bulk lot are seriously damaged by freezing or drying. Five percent of this tolerance shall be allowed for very serious freezing or drying damage. Damage by freezing or drying is very serious if 40 percent or more of the pulp or edible portion of the grapefruit shows evidence of drying or a mushy condition. Evidence of damage shall be determined by a volume cut of each individual grapefruit, as defined in Section 1430.9.1.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Repealer of former Section 1430.25 and renumbering and amendment of former Section 1430.45 to Section 1430.25 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.26. Grapefruit, Count and Average Diameter.

The count of grapefruit which are packed in standard container number 59 or 65 and the number which is marked on the container as required in Section 1430.13 shall be one of the numbers tabulated in Column A, below, and the average minimum diameter which is marked on the containers shall be the corresponding measurement tabulated in Column B, below.

The average diameter in inches of the grapefruit in the container, as determined by inspection of a representative sample, shall be not less than the corresponding measurement tabulated in Column B for such fruit.

Grapefruit

0 I D

	Column B
Column A	Av. Dia.
Count	in Inches
9	 6.200
12	 5.640
14	 5.350
16	 5.120
18	 4.920
23	 4.540
27	 4.270
32	 4.030
36	 3.880
40	 3.740
48	 3.530
56	 3.350
64	0.170
0.0	 2.900
88	 2.840
00 /	 2.010

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Repealer of former Section 1430.26 and renumbering and amendment of former Section 1430.48 to Section 1430.26 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).
- Amendment of first paragraph filed 10–24–2002; operative 10–24–2002 pursuant to Government Code section 11343.4 (Register 2002, No. 43).

§ 1430.27. Grapefruit, Standard Container.

Except as otherwise provided in Section 1430, Section 1430.15, Section 1430.28, or Section 1380.17, grapefruit shall be packed in closed container number 59, or in container 65.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Renumbering and amendment of former Section 1430.27 to Section 1430.23, and renumbering and amendment of former Section 1430.49 to Section 1430.27 filed 9–27–85; effective thirtieth day thereafter (Register 85, No. 45).
- 3. Amendment filed 10–24–2002; operative 10–24–2002 pursuant to Government Code section 11343.4 (Register 2002, No. 43).

§ 1430.28. Grapefruit, Master Container.

NOTE: Authority: Sections 14, 407, and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Repealer of former section 1430.28 and renumbering and amendment of former section 1430.50 to section 1430.28 filed 9–27–85; effective thirtieth day thereafter (Register 85, No. 45).
- Repealer of section and amendment of Note filed 8–16–91; operative 9–16–91 (Register 91, No. 50).

§ 1430.29. Lemons, Maturity.

NOTE: Authority cited: Sections 407, 42681 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Repealer of former section 1430.29 and renumbering and amendment of former section 1430.53 to section 1430.29 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).
- 3. Repealer filed 10-13-93; operative 11-12-93 (Register 93, No. 42).

§ 1430.30. Lemons, Serious Damage.

Lemons shall be free from serious damage, except as provided in Section 1430.31, due to:

- (a) Freezing, drying, or sunburn, if 20 percent or more of the pulp or edible portion shows evidence of drying or a mushy condition.
 - (b) Internal decline, if the core shows gumming for its entire length.
- (c) Dirt, sooty mold, rot residues, or other foreign material, if an aggregate area of 10 percent or more of the natural fruit surface color is affected.
- (d) Smudge stain or staining other than membranous stain causing pronounced discoloration affecting more than one-third of the fruit surface.

- (e) Scars, including those which are caused by insects, if they are deep, rough, or dark and aggregate 25 percent or more of the fruit surface.
- (f) Scale, if each of three circular areas one inch in diameter has 15 or more scales.
- (g) Greenish or brownish rind oil spots, if they cover an aggregate of 25 percent or more of the fruit surface.
- (h) Spotting or pitting, other than petechia, including black pit, septoria, anthracnose, and cold storage injury covering an aggregate area more than 1/2 inch in diameter.
- (i) Petechia, if the spots or pits cover an aggregate area of 10 percent or more of the fruit surface.
- (j) Deformities, except from bud mite damage, if one-third or more of the fruit surface is malformed, ridgy, or lumpy.
- (k) Bud mite damage, if the stylar end shows a definite division, is open, or 20 percent or more of the fruit surface is malformed.
- (1) Aging, if 25 percent or more of the fruit surface is dried or hard-
- (m) Red blotch, if covering an aggregate area of 10 percent or more of the fruit surface.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Repealer of former Section 1430.30 and renumbering and amendment of former Section 1430.57 to Section 1430.30 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.31. Lemons, Tolerances.

- (a) Not more than 5 percent, by count, of the lemons in any container or bulk lot may fail to meet the requirements of Section 1430.30(a) and (b) because of damage by internal decline, sunburn, or drying for any cause except freezing.
- (b) Not more than 10 percent, by count, of the lemons in any container or bulk lot may fail to meet the requirements of Section 1430.30(a) because of damage by freezing. Five percent shall be allowed for very serious freezing damage. Damage by freezing is very serious if 40 percent or more of the pulp or edible portion of the lemon shows evidence of a mushy condition.
- (c) Not more than 5 percent, by count, of the lemons in any container or bulk lot may fail to meet the requirements of any of the standards of Section 1430.7 and subsections (c) through (m) of Section 1430.30.
- (d) The total allowable tolerance in any container or bulk lot for the defects covered by this section shall not exceed 15 percent.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4)
- Ámendment filed 7–6–76; effective thirtieth day thereafter (Register 76, No. 28).
- Repealer of former Section 1430.31 and renumbering and amendment of Section 1430.74 to Section 1430.31 filed 9–27–85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.32. Lemons, Count and Average Diameter.

The count of lemons which are packed in standard container number 58, 65, 66, or 67 and the number which is marked on the container as required in Section 1430.13 shall be one of the numbers tabulated in Column A, below, and the average minimum diameter which is marked on the containers shall be the corresponding measurement tabulated in Column B, below.

The average diameter in inches of the lemons in the container, as determined by inspection of a representative sample, shall not be less than the corresponding measurement tabulated in Column B for such fruit.

Lemons

	Column B
Column A	Av. Dia.
Count	in Inches
63	2.925
75	2.775
95	
115	2.410
140	
165	
200	2.010
235	1.880
285	
319	1.685
343	1.640

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4)
- 2. Repealer of former Section 1430.32 and renumbering and amendment of former Section 1430.75 to Section 1430.32 filed 9–27–85; effective thirtieth day thereafter (Register 85, No. 45).
- 3. Amendment of first paragraph filed 10–24–2002; operative 10–24–2002 pursuant to Government Code section 11343.4 (Register 2002, No. 43).

§ 1430.33. Limes, Serious Damage.

Limes shall be mature and free from serious damage, except as provided in Section 1430.34, due to freezing or drying. Such damage is serious if 20 percent or more of the pulp shows staining, drying, desiccation, or a mushy condition. Evidence of freezing or drying damage shall be determined by as many cuts of each individual lime as are necessary.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Repealer of former Section 1430.33 and renumbering and amendment of former Section 1430.77 to Section 1430.33 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.34. Limes, Tolerances.

- (a) Not more than 10 percent, by count, of the limes in any container or bulk lot may fail to meet the requirements of Section 1430.7. Not more than 5 percent shall be allowed for any one cause.
- (b) Not more than 15 percent, by count, of the limes in any container or bulk lot may fail to meet the requirements of Section 1430.33(a) because of damage by freezing or drying. Five percent of this tolerance shall be allowed for very serious freezing or drying damage. Damage by freezing or drying is very serious if 40 percent or more of the pulp shows evidence of drying, desiccation, or a mushy condition.
- (c) The total allowable tolerance in any container or bulk lot for a combination of defects covered by this section shall not exceed 20 percent, by count.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Repealer of former Section 1430.34 and amendment and renumbering of former Section 1430.80 to Section 1430.34 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.35. Oranges, Color Determination and Ratio.

Oranges may be picked when 90 percent or more, by count, of the oranges in any lot have attained before picking, on at least one-fourth of the fruit surface, at least a minimum characteristic orange color, as indicated by color No. 7.5 Y6/6 Munsell color designated as "orange color (a)"; however, said oranges shall not be packed or offered for sale unless the lot tests a ratio of eight parts soluble solids to one part acid.

In addition to Section 1375.21, "before picking" means that the decision at time of picking as to whether a lot of oranges meets orange color

(a) shall be conclusive. If a lot fails to meet color (a), the fruit may be reconditioned one time within 24 hours.

NOTE: Authority cited: Sections 407, 42682 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Repealer of former Section 1430.35 and renumbering and amendment of former Section 1430.81 to Section 1430.35 filed 9–27–85; effective thirtieth day thereafter (Register 85, No. 45). For prior history, see Registers 71, No. 2; and 57, No. 9.
- 3. Amendment filed 10–6–2003; operative 10–6–2003 pursuant to Government Code section 11343.4 (Register 2003, No. 41).

§ 1430.36. Oranges, Maturity.

Oranges shall be mature. Oranges, except bloods, tangerines, and mandarins, shall not be considered mature unless they comply with one of the following requirements:

- (a) Notwithstanding the provisions of subsection (b), if any sample of oranges tested has a soluble solids to acid ratio test of less than 7 to 1, the lot from which such sample of oranges was taken shall be rejected.
- (b) The juice contains soluble solids which are equal to or in excess of eight parts to every part of acid which is contained in the juice (the acidity of the juice to be calculated as citric acid without water of crystallization), and 90 percent or more of the oranges in any lot, by count, before picking have attained orange color (a) on at least one—fourth of the fruit surface. NOTE: Authority cited: Sections 407, 42681 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Repealer of former Section 1430.36 and renumbering and amendment of former Section 1430.87 to Section 1430.36 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45). For prior history, see Register 77, No. 13).
- Amendment of subsection (a) and repealer of subsection (c) filed 10–6–2003; operative 10–6–2003 pursuant to Government Code section 11343.4 (Register 2003, No. 41).

§ 1430.37. Oranges, Acceleration of Color.

No oranges may be accelerated in color unless the juice contains soluble solids equal to, or in excess of, eight parts to every part of acid contained in the juice (the acidity of the juice to be calculated as citric acid without water of crystallization).

Prior to any preparation in the packing operation, oranges testing from a 7 to 1 to an 8 to 1 ratio are not required to meet the soluble solids to acid ratio test of 8 to 1. However, the placement of a lot of oranges which fails to meet the 8 to 1 ratio test in a sweat room shall be cause for rejection.

Any lot of oranges testing from a 7 to 1 to an 8 to 1 ratio shall be held for no more than one additional test within four days. Such a lot shall not be permitted to enter into or undergo a sweating process. Following the four-day period, a lot failing to meet the 8 to 1 ratio shall be rejected. Any lot rejected pursuant to this section shall be disposed of as provided in paragraphs (b), (c), or (d) of Section 1390.

NOTE: Authority cited: Sections 407, 42681 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Repealer of former Section 1430.37 and renumbering and amendment of former Section 1430.84 to Section 1430.37 filed 9–27–85; effective thirtieth day thereafter (Register 85, No. 45). For prior history, see Register 77, No. 13.
- Amendment of last paragraph filed 9–28–2000 as an emergency; operative 9–28–2000 (Register 2000, No. 39). A Certificate of Compliance must be transmitted to OAL by 1–26–2001 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 9-28-2000 order transmitted to OAL 12-13-2000 and filed 1-22-2001 (Register 2001, No. 4).

§ 1430.38. Oranges, Maturity and Sample Size.

The ratio of soluble solids to acid in the juice shall be determined by the analysis of a random sample from each lot of oranges consisting of not less than 30 fruit. When oranges are segregated by size as provided in Section 1430.45, each such size shall be considered as a separate lot. When oranges are not segregated by size the fruits of any one size shall be considered as a separate lot.

If the soluble solids to acid ratio test of the first sample selected fails to meet either the 8 to 1 or the 7 to 1 ratio, but is not more than 0.4 below either ratio, one more sample shall be analyzed. An enforcement officer may select and analyze more than two samples, but the average of the results of all of the tests taken shall determine whether that lot meets the maturity requirement. Any lot failing to meet the 7 to 1 ratio shall be rejected and disposed of in accordance with the provisions of Section 1390. Note: Authority cited: Sections 407, 42681 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer of former Section 1430.38 and renumbering and amendment of former Section 1430.82 to Section 1430.38 filed 9–27–85; effective thirtieth day thereafter (Register 85, No. 45). For prior history, see Registers 71, No. 2; 55, No. 10; and Register 3.
- 3. Amendment filed 9–28–2000 as an emergency; operative 9–28–2000 (Register 2000, No. 39). A Certificate of Compliance must be transmitted to OAL by 1–26–2001 or emergency language will be repealed by operation of law on the following day.
- 4. Certificate of Compliance as to 9-28-2000 order transmitted to OAL 12-13-2000 and filed 1-22-2001 (Register 2001, No. 4).

§ 1430.39. Oranges, Serious Damage.

Oranges shall be free from serious damage, except as provided in Section 1430.44, due to:

- (a) Freezing damage on the segment walls. Segment wall damage includes a water soaked appearance, evidence of previous water–soaking, or the presence of crystals or crystalline deposit on two surface membranes of each of two or more segments, on the entire length but not necessarily the entire area of the membranes. The test section shall be not less than 1 inch or more than 1 1/2 inches in thickness, and shall be obtained from the central portion of the orange by cutting off a portion of each end.
- (b) Freezing, if 20 percent or more of the pulp or edible portion as shown on a transverse cut through the center shows evidence of staining, drying, desiccation, or a mushy condition.
- (c) Drying by causes other than freezing, if 20 percent or more of the pulp or edible portion as determined by a volume cut (as defined in Section 1430.9.1) shows evidence of staining, drying, desiccation, or a mushy condition.

NOTE: Authority cited: Sections 14, 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer of former section 1430.39 and renumbering and amendment of former section 1430.89 to section 1430.39 filed 9–27–85; effective thirtieth day thereafter (Register 85, No. 45).
- 3. Amendment of subsection (c) and NOTE filed 9-9-92; operative 10-9-92 (Register 92, No. 37).

§ 1430.40. Oranges, Freezing Damage Determination.

In any season in which freezing damage to oranges which are produced in this state has occurred, the extent of damage by freezing to such oranges shall be determined as follows:

- (a) By examination for damage on the segment walls from and after the time when the oranges were first exposed to freezing temperatures to the date, herein designated as date A, when the director, after survey, shall make a determination in writing that the drying process has developed to such extent as to furnish additional evidence of the extent of actual damage to the fruit.
- (b) By examination of the exposed pulp on a transverse cut through the center, from and after the date, herein designated as date B, when the director, after survey, shall make a determination in writing that the drying process has developed to such extent as to permit reasonably accurate determination of the full extent of freezing damage by such examination, without regard to damage on the segment walls.
- (c) Either by examination for damage on the segment walls or by examination of the exposed pulp on a transverse cut through the center, or by both such examinations, during the period from date A to date B. In no event shall the interval from date A to date B exceed three weeks.

NOTE: Authority cited: Sections 407, 42681 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer of former Section 1430.40 and renumbering of former Section 1430.92 to Section 1430.40 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.41. Oranges, Determination of Damage by Freezing, Imported Fruit.

The extent of damage by freezing of oranges which were produced outside of this state that are offered for distribution and sale in this state shall be determined by the same methods and procedures as required for oranges produced in this state, unless it is not practicable to obtain sufficient accurate information upon which to establish dates A and B as required by this article for such oranges. In such case the extent of damage by freezing in any lot of such oranges shall be determined as follows:

- (a) By examination of the exposed pulp on a transverse cut through the center, if examination of a representative sample of the oranges in the lot shows that the drying process has developed to such an extent as to permit reasonably accurate determination of the full extent of freezing damage.
- (b) In any other case, by damage on the segment walls.

 NOTE: Authority cited: Sections 407, 42681 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer of former Section 1430.41 and renumbering and amendment of former Section 1430.93 to Section 1430.41 filed 9–27–85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.42. Oranges, Examinations During Specified Periods.

The determination by the director of freezing damage to oranges as required by Section 1430.40 shall be based upon an investigation of the condition of the fruit in the areas of the state where freezing damage to oranges has occurred.

Dates A and B, as defined in Section 1430.40 shall be established by the director in writing, after survey, and the period of time established by such dates shall be effective throughout the state unless the determination of the director shows that such action will be contrary to the public interest, in which case such dates shall apply to as large an area as will be practical.

During the period from date A to date B when, according to Section 1430.40, freezing damage in oranges shall be determined (a) by examination for damage on the segment walls, or (b) by examination of the exposed pulp on a transverse cut through the center, or by both such examinations, each individual orange in an official sample, if found to have less damage than "serious damage due to freezing" (Section 1430.39) by one method of examination, shall also be examined for damage by the other method. The total of the seriously damaged fruits found by either method shall be scored separately. The type of damage found to be the most serious shall determine the percentage of seriously damaged fruit in each lot. NOTE: Authority cited: Sections 407, 42681 and 42684, Food and Agricultural Code. Reference Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No.
- Repealer of former Section 1430.42 and renumbering and amendment of former Section 1430.98 to Section 1430.42 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45). For prior history, see Register 71, No. 23; and 71, No. 2.

§ 1430.43. Oranges, Delayed Evidence of Freezing.

Whenever an enforcement officer has reason to believe that any lot or container of oranges is not free from serious damage due to freezing as defined in Section 1430.39, and such damage cannot be detected by immediate examination, he may take for inspection a representative sample. The packer, owner, or person in possession of such lot shall be notified that the sample has been taken, and the examination shall be made within a reasonable time.

NOTE: Authority cited: Sections 407, 42681 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Originally filed as Section 1410 on 4-26-46 (Register 3).
- 2. Renumbered from Section 1410, filed 7–7–55; effective thirtieth day thereafter (Register 55, No. 10).
- 3. Amendment filed 1–4–71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 4. Amendment and renumbering from Section 1420 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 5. Renumbering and amendment of former Section 1430.43 to Section 1430.22, and renumbering and amendment of former Section 1430.96 to Section 1430.43 filed 9–27–85; effective thirtieth day thereafter (Register 85, No. 45). For prior history, see Register 71, No. 2; and 70, No. 12.

§ 1430.44. Oranges, Tolerances.

- (a) Not more than 10 percent, by count, of the oranges in any container or bulk lot may fail to meet the requirements of Section 1430.7. Not more than 5 percent shall be allowed for any one cause.
- (b) Not more than 15 percent, by count, of the oranges in any container or bulk lot may fail to meet the requirements for damage by freezing of Subsection (a) or (b) of Section 1430.39. Five percent of this tolerance shall be allowed for very serious freezing damage. Damage by freezing is very serious if 40 percent or more of the exposed pulp shows evidence of drying, desiccation, or a mushy condition on a transverse cut through the center.
- (c) Not more than 10 percent, by count, of the oranges in any container or bulk lot may fail to meet the requirements for drying of Subsection (c) of Section 1430.39.
- (d) The total allowable tolerance in any container or bulk lot for a combination of defects covered by this section shall not exceed 20 percent, by count.

NOTE: Authority cited: Sections 14, 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 7–7–55; effective thirtieth day thereafter (Register 55, No. 10).
- 2. Renumbering from section 1414.1 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Renumbering and amendment of former section 1430.44 to section 1430.24, and renumbering and amendment of section 1430.95 to section 1430.44 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).
- 4. Amendment of subsection (b) and NOTE, new subsection (c) and subsection relettering filed 9–9–92; operative 10–9–92 (Register 92, No. 37).

§ 1430.44.5. Oranges, Crop Acreage and Statistical Reporting Assessment.

An assessment shall be collected to fund a statewide Navel orange crop and Valencia orange crop estimating service and statewide acreage survey.

- (a) The assessment shall be paid by producers of Navel and Valencia oranges that are grown in California and prepared for fresh market in the Counties of Fresno, Kern, Madera, Orange, Riverside, San Bernardino, Santa Clara, Tulare, and Ventura.
- (b) The assessment shall be 2 mills (\$0.002) per carton shipped by any handler located in the counties listed in subsection (a).
 - (c) The first handler shall collect the assessment from the producer.
- (d) The first handler shall submit all assessments collected at the end of each month during the marketing season.

(e) The assessments shall be submitted to the department for deposit in a separate account for the orange crop estimating service and crop acreage survey program.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 48002 and 48002.5, Food and Agricultural Code.

HISTORY

- 1. New section filed 10–26–99 as an emergency; operative 11–1–99 (Register 99, No. 44). A Certificate of Compliance must be transmitted to OAL by 2–29–2000 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 10–26–99 order transmitted to OAL 2–28–2000 and filed 4–3–2000 (Register 2000, No. 14).

§ 1430.45. Oranges and Royal Mandarins, Count and Average Diameter.

The count and minimum average diameter of fruit which are marked on containers 58, 65 and 66 as required by Section 1430.13 shall be one of the counts and corresponding minimum measurements established in the chart below for the respective commodities and containers.

The average diameter shall be determined by inspection of a representative sample.

Orange	es and	
Royal Man	adarins—	Av. Dia.
Container 58	8, 65 and 66	in Inches
24		. 4.370
32		. 3.970
36		. 3.820
40		. 3.680
48		. 3.470
56		. 3.300
72		. 3.040
88		. 2.840
113		. 2.600
138		. 2.420
163		. 2.290
180		. 2.220
210		. 2.070
245		
270		. 1.920

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Renumbering and amendment of former section 1430.45 to section 1430.25, and renumbering and amendment of former section 1430.99 to section 1430.45 filed 9–27–85; effective thirtieth day thereafter (Register 85, No. 45). For prior history, see Registers 84, No. 42; and 74, No. 36.
- 3. Change without regulatory effect (Register 86, No. 33).
- 4. Amendment of NOTE filed 2-1-94; operative 2-1-94 (Register 94, No. 5).
- Amendment of section and Note filed 10–24–2002; operative 10–24–2002 pursuant to Government Code section 11343.4 (Register 2002, No. 43).

§ 1430.46. Tangerines or Mandarins, Defined.

As used in this article, "tangerines or mandarins" means all varieties and hybrids of the mandarin group (Citrus reticulata) and all varieties of tangelos.

The varietal designation of Temple Orange Mandarin fruit grown in this state shall be "Royal Mandarin" for labeling purposes.

NOTE: Authority cited: Sections 407 and 42681, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- New section filed 7–7–55; effective thirtieth day thereafter (Register 55, No. 10).
- Amendment filed 1-4-71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- Amendment and renumbering filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4)
- Repealer of former Section 1430.46 and renumbering and amendment of former Section 1430.100 to Section 1430.46 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.47. Tangerines or Mandarins, Maturity and Color Requirements.

(a) Tangerines or mandarins shall contain soluble solids at least equal to 6 1/2 parts to every part of acid contained in the juice. The acidity of

the juice is to be calculated as citric acid without water of crystallization. No tolerance shall be allowed.

- (b) Ninety percent, by count, of the fruits in any container or bulk lot shall show a yellow, orange, or red color on 75 percent or more of the fruit surface.
 - (c) The maturity sample shall consist of not less than 18 fruit.
- (d) If the soluable solids to acid ratio test of the first sample selected fails to meet the maturity standard, but is not more than 0.4 below the required ratio, two more samples shall be analyzed. An enforcement officer may select and analyze more than three samples, but the average of the results of all of the tests taken shall determine whether that lot meets the maturity requirement.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 7–7–55; effective thirtieth day thereafter (Register 55, No. 10).
- Amendment filed 1-4-71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- Amendment and renumbering from Section 1416.1 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).
- Repealer of former Section 1430.47 and renumbering and amendment of former Section 1430.108 to Section 1430.47 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.48. Tangerines or Mandarins, Serious Damage.

Tangerines or mandarins shall be free from serious damage, except as provided in Section 1430.49, due to freezing or drying. Such damage is serious if 20 percent or more of the pulp or edible portion of the fruit shows evidence of drying, desiccation, or a mushy condition. Evidence of freezing or drying damage shall be determined by a volume cut of each individual fruit, as defined in Section 1430.9.1.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Amendment and renumbering from Section 1423.12 filed 1-21-75; effective thirtieth day thereafter (Register 75 No. 4).
- 2. Renumbering and amendment of former Section 1430.48 to Section 1430.26, and renumbering and amendment of former Section 1430.104 to Section 1430.48 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.49. Tangerines or Mandarins, Tolerances.

- (a) Not more than 5 percent, by count, of the tangerines or mandarins in any container or bulk lot may fail to meet the requirements of Section 1430.7.
- (b) Not more than 10 percent, by count, of the tangerines or mandarins in any container or bulk lot may fail to meet the requirements of Section 1430.48 because of freezing or drying.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Amendment and renumbering from Section 1423.22 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).
- Renumbering and amendment of former Section 1430.49 to Section 1430.27, and renumbering and amendment of former Section 1430.107 to Section 1430.49 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.50. Tangerines and Mandarins Standard Containers.

Except as otherwise provided in Section 1380.17, Section 1430, or 1430.15, tangerines or mandarins shall be packed in closed standard container number 63, or in containers 65 or 66. Minneolas and orlandos may also be packed in container 58.

 $Note: Authority\ cited:\ Sections\ 407\ and\ 42682, Food\ and\ Agricultural\ Code.\ Reference:\ Section\ 42941,\ Food\ and\ Agricultural\ Code.$

- 1. Renumbering from section 1423.23 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Renumbering and amendment of former section 1430.50 to section 1430.28, and renumbering and amendment of former section 1430.112 to section 1430.50 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45). For prior history, see Register 4, No. 36.
- Amendment of section and Note filed 2-1-94; operative 2-1-94 (Register 94, No. 5).
- Amendment filed 11–8–94 as an emergency; operative 11–8–94 (Register 94, No. 45). A Certificate of Compliance must be transmitted to OAL by 3–8–95

- or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 11–8–94 order transmitted to OAL 12–22–94 and filed 1–31–95 (Register 95, No. 5).
- Amendment of section heading, section and Note filed 10–24–2002; operative 10–24–2002 pursuant to Government Code section 11343.4 (Register 2002, No. 43).

§ 1430.51. Tangerines and Mandarins, Size, Count, and Tolerances.

Standard container number 63, 65 or 66 packed with tangerines or mandarins shall be marked with either the size designation or count description as follows:

(a) Size Designation. The diameter in inches of tangerines or mandarins which are in containers that are marked with one of the size designations tabulated in Column A below shall be between the measurements tabulated in corresponding lines of Column B and Column C. The diameter in inches of not more than 10 percent, by count, of the fruit in the container may, however, measure less than the corresponding measurement in Column B. Not more than 10 percent, by count, of the fruit in the container may measure more than the corresponding measurement in Column C.

Tangerines and Mandarins

	Column B	Column C
Column A	(in inches)	(in inches)
Super colossal	3.25	4.00
Colossal	3.00	3.25
Mammoth	2.75	3.00
Jumbo	2.50	2.75
Large	2.25	2.50
Medium	2.00	2.25
Small	1.75	2.00

Container 58, 65 and 66 may be marked with one of the above designations when packed with Royal Mandarins.

- (b) Count Description. Tangerines or mandarins, except Royal Mandarins and minneolas, which are in containers that are marked with the numerical count shall be of uniform size. However, a tolerance of 10 percent shall be allowed for fruit not meeting the uniform size requirement.
- (c) Notwithstanding the above requirements, when containers 58, 63, 65, and 66 are packed with minneolas they shall be marked with one of the size designations in subsection (a) or one of the counts and corresponding minimum measurements established in the chart below for the respective containers. The average minimum diameter shall be determined by inspection of a representative sample.

Count	Av. Dia. In Inches

Container 58, 65 or 66	Container 63	Container 58, 63, 65 or 66
36	24	
40	30	4.000
48	36	3.750
56	42	3.500
64	48	3.315
80	54	
100	66	2.875
125	90	2.625
150	120	2.375
180	135	2.125
210	165	1 875

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer of former section 1430.51 and renumbering and amendment of former section 1430.109 to section 1430.51 filed 9–27–85; effective thirtieth day thereafter (Register 85, No. 45). For prior history, see Registers 74, No. 36; 73, No. 25; and 73, No. 8.
- 3. Amendment of section heading, text and Note filed 2–1–94; operative 2–1–94 (Register 94, No. 5).
- 4. Amendment of section and NoTE filed 10–24–2002; operative 10–24–2002 pursuant to Government Code section 11343.4 (Register 2002, No. 43).

§ 1430.52. Tangerines or Mandarins, Irregular Sizes.

Any container of tangerines or mandarins which fails to meet the size requirements which are prescribed by Section 1430.51 shall be considered as complying with that section if the container is marked with the words "irregular sizes."

NOTE: Authority cited: Sections 14, 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer of section 1430.52 and renumbering and amendment of former section 1430.110 to section 1430.52 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45). For prior history, see Register 74, No. 36.
- 3. Amendment of section heading, text and NOTE filed 2–1–94; operative 2–1–94 (Register 94, No. 5).

§ 1430.53. Tangerines or Mandarins, Container Size Markings.

Not more than one of the size designations or count descriptions which are prescribed by Section 1430.51 or Section 1430.52 shall appear on any container of tangerines or mandarins.

NOTE: Authority cited: Sections 14, 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Renumbering and amendment of former section 1430.53 to section 1430.29, and renumbering and amendment of former section 1430.111 to section 1430.53 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45). For prior history, see Registers 74, No. 36; 73, No. 25; and 73, No. 8.
- 3. Amendment of section heading, text and NOTE filed 2–1–94; operative 2–1–94 (Register 94, No. 5).

§ 1430.54. Lemons, Determination of Maturity.

NOTE: Authority cited: Sections 407, 42681 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1-21-75; effective thirtieth day thereafter (Register 75, No.
- 2. Repealer filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.55. Lemons, Serious Decay.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.56. Lemons, Standards.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

History

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.57. Lemons, Serious Injury.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Renumbering and amendment of Section 1430.57 to Section 1430.30 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.58. Lemons, Serious Scars.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 9–27–85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.59. Lemons, Serious Scale.

NOTE: Authority cited: Sections 407 and 46284, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

2. Repealer filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.60. Lemons, Serious Dirt.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 9–27–85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.61. Lemons, Serious Staining.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.62. Lemons, Serious Red Blotch.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 9–27–85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.63. Lemons, Serious Greenish or Brownish Rind Oil Spot.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.64. Lemons, Serious Petechia.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.65. Lemons, Serious Spotting and Pitting.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

 New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

2. Repealer filed 9–27–85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.66. Lemons, Serious Deformities.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.67. Lemons, Serious Bud Mite Damage.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.68. Lemons, Serious Aging.

NOTE: Authority cited: Sections 407 and 42684. Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4)
- 2. Repealer filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.69. Lemons, Representative Sample.

NOTE: Authority cited: Sections 407 and 42681, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.70. Lemons, Defects Scored Against Individual Fruit.

NOTE: Authority cited: Sections 407, 42681 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

History

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.71. Citrus, Alternaria Rot in Lemons.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

1. New section filed 7–7–55; effective thirtieth day thereafter (Register 55, No. 10).

[The next page is 167.]

- 2. Amendment filed 1–4–71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 3. Amendment and renumbering from Section 1417 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 4. Repealer filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.72. Citrus, Determination of Defects on Lemons, Photographs.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- New section filed 7-7-55; effective thirtieth day thereafter (Register 55, No. 10).
- 2. Amendment of (No. 6) filed 1–4–71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 3. Amendment and renumbering from Section 1418 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 4. Repealer filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.73. Citrus, Serious Deformities of Lemons.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Originally filed as Section 1425 on 8–9–48 as an emergency (Register 13, No. 6).
- 2. Renumbered from Section 1425, filed on 7–7–55; effective thirtieth day thereafter (Register 55, No. 10).
- 3. Amendment filed 1–4–71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 4. Amendment and renumbering from Section 1418.1 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).
- 5. Repealer filed 9–27–85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.74. Lemons, Tolerances.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Renumbering and amendment of Section 1430.74 to Section 1430.31 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.75. Lemons, Count and Average Diameter.

HISTORY

- 1. Amendment and renumbering from Section 1423.13 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Renumbering and amendment of Section 1430.75 to Section 1430.32 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.76. Limes, Standards.

NOTE: Authority cited: Sections 407, 42681 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4)
- 2. Repealer filed 9–27–85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.77. Limes, Serious Damage Due to Freezing and Drying.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Renumbering and amendment of Section 1430.77 to Section 1430.33 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.78. Limes, Serious Damage, Splits, Bruises, or Punctures.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.79. Limes, Sample for Serious Damage.

NOTE: Authority cited: Sections 407, 42681 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.80. Limes, Tolerances.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Renumbering and amendment of Section 1430.80 to Section 1430.34 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.81. Citrus, Color Determination and Ratio, Oranges.

HISTORY

- 1. New section filed 6-6-57; effective thirtieth day thereafter (Register 57, No. 9).
- 2. Amendment filed 1–4–71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 3. Amendment and renumbering from Section 1419.1 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 4. Renumbering and amendment of Section 1430.81 to Section 1430.35 filed 9–27–85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.82. Citrus, Orange Sample. Maturity.

HISTORY

- 1. Originally filed as Section 1411 on 4-26-46 (Register 3).
- 2. Renumbered from Section 1411, filed 7–7–55; effective thirtieth day thereafter (Register 55, No. 10).
- 3. Amendment filed 1–4–71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 4. Amendment and renumbering from Section 1420.1 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 5. Renumbering and amendment of Section 1430.82 to Section 1430.38 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.83. Citrus, Oranges, Ratio Test Prior to Acceleration in Color.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 10–31–57 as an emergency; effective upon filing. Certificate of Compliance, Gov. Code 11422.1, filed 10–31–57 (Register 57, No. 19).
- Amendment filed 1-4-71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 3. Amendment and renumbering from Section 1419.2 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).
- 4. Repealer filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.84. Oranges, Acceleration of Color.

NOTE: Authority cited: Sections 407, 42682 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 3–25–77; effective thirtieth day thereafter (Register 77, No. 13). For prior history, see Register 75, No. 4.
- 2. Renumbering and amendment of Section 1430.84 to Section 1430.37 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.85. Oranges, Damage on the Segment Walls.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.86. Oranges, Requirements.

NOTE: Authority cited: Sections 407 and 42681, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.87. Oranges, Maturity.

NOTE: Authority cited: Sections 407, 42682 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

Page 167 (4-1-90)

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 3–25–77; effective thirtieth day thereafter (Register 77, No. 13).
- 3. Renumbering and amendment of Section 1430.87 to Section 1430.36 filed 9–27–85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.88. Oranges, Decay.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.89. Oranges, Serious Damage, Freezing.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Renumbering and amendment of Section 1430.89 to Section 1430.39 filed 9–27–85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.90. Oranges, Serious Damage Due to Drying.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.91. Oranges, Damage by Splits, Bruises, or Punctures.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.92. Oranges, Freezing Damage Determination.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Renumbering and amendment of Section 1430.92 to Section 1430.40 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.93. Oranges, Determination of Damage by Freezing Imported Fruit.

HISTORY

- New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Renumbering and amendment of Section 1430.93 to Section 1430.41 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.94. Oranges, Sample for Serious Damage.

NOTE: Authority cited: Sections 407, 42681 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.95. Oranges, Tolerances.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4)
- 2. Renumbering and amendment of Section 1430.95 to Section 1430.44 filed 9–27–85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.96. Citrus, Evidence of Freezing Damage in Oranges.

HISTORY

- Amendment filed 1-4-71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2). For prior history, see Register 70, No. 12.
- 2. Amendment and renumbering from Section 1412 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Renumbering and amendment of Section 1430.96 to Section 1430.43 filed 9–27–85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.97. Citrus, Inspection After Holding; Frozen Oranges.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 1–4–71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2). For prior history, see Register 70, No. 12.
- 2. Amendment and renumbering from Section 1412.1 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Repealer filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.98. Citrus, Examinations of Oranges During Specified Periods.

HISTORY

- 1. Amendment filed 6–4–71; effective thirtieth day thereafter (Register 71, No. 23). For prior history, see Register 71, No. 2.
- 2. Amendment and renumbering from Section 1412.2 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Renumbering and amendment of Section 1430.98 to Section 1430.42 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.99. Oranges, and Royal Mandarins, Count and Average Diameter.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 9–4–74; effective thirtieth day thereafter (Register 74, No. 36)
- 2. Amendment and renumbering from Section 1423.14 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Amendment filed 11-28-84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 42).
- 4. Renumbering and amendment of Section 1430.99 to Section 1430.45 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.100. Tangerines or Mandarins.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75,No. 4).
- 2. Renumbering and amendment of Section 1430.100 to Section 1430.46 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.101. Tangerines or Mandarins, Requirements.

NOTE: Authority cited: Sections 407 and 42681, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.102. Tangerines or Mandarins, Standards Prescribed.

NOTE: Authority cited: Sections 407, 42681 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4)
- 2. Repealer filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.103. Tangerines or Mandarins, Well Colored.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

Page 168 (4-1-90)

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.104. Tangerines or Mandarins, Serious Damage.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Renumbering and amendment of Section 1430.104 to Section 1430.48 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.105. Tangerines or Mandarins, Decay.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.106. Tangerines or Mandarins, Tolerance for Freezing or Drying.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.107. Tangerines or Mandarins, Tolerance Decay.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Renumbering and amendment of Section 1430.107 to Section 1430.49 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.108. Tangerines or Mandarins, Maturity.

HISTORY

- New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Renumbering and amendment of Section 1430.108 to Section 1430.47 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.109. Tangerines (Except Royal Mandarins), Size or Count, and Tolerances.

HISTORY

- 1. Amendment filed 2–21–73 as an emergency; effective upon filing (Register 73, No. 8).
- 2. Certificate of Compliance filed 6-20-73 (Register 73, No. 25).
- 3. Amendment of subsection (a) filed 9-4-74; effective thirtieth day thereafter (Register 74, No. 36).
- 4. Amendment and renumbering from Section 1423.16 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 5. Renumbering and amendment of Section 1430.109 to Section 1430.51 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.110. Tangerines, Irregular Sizes.

HISTORY

- 1. Amendment filed 9–4–74; effective thirtieth day thereafter (Register 74, No. 36).
- 2. Amendment and renumbering from Section 1423.17 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Renumbering and amendment of Section 1430.110 to Section 1430.52 filed 9–27–85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.111. Tangerines, Container Size Markings.

HISTORY

- 1. A mendment filed 2–21–73 as an emergency; effective upon filing (Register 73, No. 8).
- 2. Certificate of Compliance filed 6-20-73 (Register 73, No. 25).
- 3. Amendment filed 9-4-74; effective thirtieth day thereafter (Register 74, No. 36)
- 4. Amendment and renumbering from Section 1423.18 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

5. Renumbering and amendment of Section 1430.111 to Section 1430.53 filed 9–27–85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.112. Tangerines (Except Royal Mandarins), Packing Requirement.

HISTORY

- 1. Amendment filed 9–4–74; effective thirtieth day thereafter (Register 74, No. 36).
- 2. Amendment and renumbering from Section 1423.25 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Renumbering and amendment of Section 1430.112 to Section 1430.50 filed 9–27–85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.113. Citrus Sample, Freezing or Drying Damage.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.114. Citrus Application of Tolerances Other Than Freezing, Drying or Maturity.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.115. Citrus, Determination of Drying in Citrus from Causes Other Than Freezing.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 7–7–55; effective thirtieth day thereafter (Register 55, No. 10).
- 2. Amendment and renumbering from Section 1414 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Repealer filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.116. Citrus, Tolerances Allowed for Defects in Oranges and Limes.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 7-7-55; effective thirtieth day thereafter (Register 55, No. 10).
- 2. Amendment filed 1–4–71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 3. Amendment and renumbering from Section 1415 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 4. Repealer filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.117. Citrus, Selections of Samples of Oranges and Grapefruit Within a Size. Maturity.

NOTE: Authority cited: Sections 407, 42681 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

History

- 1. Originally filed as Section 1412 on 4–26–46 (Register 3).
- 2. Renumbered from Section 1412, filed 7–7–55; effective thirtieth day thereafter (Register 55, No. 10).
- 3. Renumbering from Section 1420.2 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 4. Repealer filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.118. Citrus, Total Lot Sample for Oranges and Grapefruit. Maturity.

NOTE: Authority cited: Sections 407, 42681 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Originally filed as Section 1413 on 4-26-46 (Register 3).
- Renumbered from Section 1413, filed 7-7-55; effective thirtieth day thereafter (Register 55, No. 10).
- 3. Amendment filed 1–4–71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).

Page 169 (4-1-90)

- 4. Amendment and renumbering from Section 1420.3 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 5. Repealer filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.119. Citrus, Sample from Individual Containers. Maturity.

NOTE: Authority cited: Sections 407, 42681 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Originally filed as Section 1414 on 4-26-46 (Register 3).
- Renumbered from Section 1414, filed 7-7-55; effective thirtieth day thereafter (Register 55, No. 10).
- Renumbering from Section 1420.4 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 4. Repealer filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.120. Citrus, Maturity, Determining the Soluble Solids to Acid Ratio.

NOTE: Authority cited: Sections 407, 42682 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 3–25–77; effective thirtieth day thereafter (Register 77, No. 13). For prior history, see Register 75, No. 4.
- 2. Renumbering and amendment of Section 1430.120 to Section 1430.6 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.120.1. Citrus, Maturity, Juice Extraction.

NOTE: Authority cited: Sections 407, 42682 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 3-25-77; effective thirtieth day thereafter (Register 77, No. 13).
- 2. Renumbering and amendment of Section 1430.120.1 to Section 1430.5 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.121. Citrus, Packing Requirements for Standard Containers No. 58, 59 or 63.

HISTORY

- 1. Amendment filed 2–21–73 as an emergency; effective upon filing (Register 73, No. 8).
- 2. Certificate of Compliance filed 6-20-73 (Register 73, No. 25).
- 3. Amendment filed 9–4–74; effective thirtieth day thereafter (Register 74, No. 36).
- 4. Amendment and renumbering from Section 1423.15 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 5. Renumbering and amendment of Section 1430.121 to Section 1430.12 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.122. Citrus, Packing Exemptions.

NOTE: Authority: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 9-4-74; effective thirtieth day thereafter (Register 74, No. 36).
- 2. Amendment and renumbering from Section 1423.20 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Amendment of subsection (d) filed 1–11–79 as an emergency; effective upon filing (Register 79, No. 2).
- 4. Certificate of Compliance filed 4-9-79 (Register 79, No. 15).
- Amendment of subsection (d) filed 3-14-80; effective thirtieth day thereafter (Register 80, No. 11).
- Renumbering and amendment of Section 1430.122 to Section 1430.15 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.123. Citrus, Packing Exemptions.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- Amendment and renumbering from Section 1423.21 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.124. Citrus, Container Exemption for Imported

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1423.26 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.125. Citrus, Consumer Packages in Master Containers, Section 1430.129.

NOTE: Authority cited: Sections 407 and 42681, Food and Agricultural Code.
HISTORY

- 1. New section filed 3-5-58; effective thirtieth day thereafter (Register 58, No. 4).
 - Amendment filed 1-4-71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
 - 3. Amendment and renumbering from Section 1423 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
 - 4. Repealer filed 4-30-75; designated effective 6-1-75 (Register 75, No. 18).

§ 1430.126. Citrus, Closed Containers Numbers 58 and 59.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 7–20–59; effective thirtieth day thereafter (Register 59, No. 12).
- 2. Amendment filed 1–4–71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 3. Amendment and renumbering from Section 1423.5 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).
- 4. Repealer filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.127. Citrus, Closed Container.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1423.7 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.128. Citrus, Marking Requirements.

HISTORY

- 1. Amendment of subsection (b) filed 7–6–76; effective thirtieth day thereafter (Register 76, No. 28). For prior history, see Register 75, No. 18.
- 2. Amendment filed 10–26–77; designated effective 1–1–78 (Register 77, No. 44).
- 3. Renumbering and amendment of Section 1430.128 to Section 1430.13 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.129. Citrus, Consumer–Size Packages and Repackaging Plant.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Amendment of subsection (b) filed 9-4-74; effective thirtieth day thereafter (Register 74, No. 36).
- 2. Amendment and renumbering from Section 1423.29 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Repealer filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.130. Citrus, Consumer.

NOTE: Authority cited: Sections 407 and 42681, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1423.19 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.131. Oranges, Lemons, and Royal Mandarins, Packing Requirement.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

1. Amendment filed 9–4–74; effective thirtieth day thereafter (Register 74, No. 36)

Page 170 (4-1-90)

- 2. Amendment and renumbering from Section 1423.24 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Amendment filed 11–28–84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 48).
- 4. Renumbering and amendment of Section 1430.131 to Section 1430.14 filed 9–27–85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.132. Citrus, Uniform in Size Sampling Procedure.

NOTE: Authority cited: Sections 407 and 42681, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Amendment and renumbering from Section 1423.27 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.133. Citrus, Official Sample to Determine Average Diameter of Citrus Fruits.

HISTORY

- 1. Originally published as Section 1398 on 7-25-45 (Title 3).
- 2. Renumbered from Section 1398 and amendment filed 7-7-55; effective thirtieth day thereafter (Register 55, No. 10).
- 3. Renumbering from Section 1422 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 4. Renumbering and amendment of former Section 1430.133 to Section 1430.11 filed 9–27–85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.134. Citrus, Packed Citrus Count and Average Diameter.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 7–7–55; effective thirtieth day thereafter (Register 55, No. 10).
- 2. Amendment filed 1–4–71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 3. Amendment and renumbering from Section 1422.1 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).
- 4. Repealer filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.135. Citrus, Diameter.

 $Note: Authority\ cited:\ Sections\ 407\ and\ 42681, Food\ and\ Agricultural\ Code.\ Reference:\ Section\ 42941,\ Food\ and\ Agricultural\ Code.$

HISTORY

- 1. Amendment filed 9–4–74; effective thirtieth day thereafter (Register 74, No. 36).
- 2. Amendment and renumbering from Section 1423.8 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Repealer filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.136. Citrus, Uniform Size.

HISTORY

- 1. New subsection (b) filed 2–21–73 as an emergency; effective upon filing (Register 73, No. 8).
- 2. Certificate of Compliance filed 6-20-73 (Register 73, No. 25).
- 3. Amendment filed 9–4–74; effective thirtieth day thereafter (Register 74, No. 36).
- 4. Amendment and renumbering from Section 1423.9 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 5. Renumbering and amendment of Section 1430.136 to Section 1430.10 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.137. Citrus, Packed.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1423.10 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.138. Citrus, Sampling for Count and Size Requirements.

NOTE: Authority cited: Sections 407 and 42681, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

1. Amendment and renumbering from Section 1423.11 filed 1–21–75; effective thirtieth day thereafter (Register 74, No. 4).

2. Repealer filed 9–27–85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.139. Citrus, Definitions.

NOTE: Authority cited: Sections 407 and 42681, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New Sections 1423.6 through 1423.40 filed 1–4–71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 2. Amendment and renumbering from Section 1423.6 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Repealer filed 9–27–85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.140. Citrus, Field Picking Box.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 3–16–56; effective thirtieth day thereafter (Register 56, No. 5).
- 2. Amendment filed 1–4–71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 3. Amendment and renumbering from Section 1422.2 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 4. Repealer filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

§ 1430.141. Reinspection of Citrus Held Under a Non-Compliance Notice.

HISTORY

- 1. New section filed 10–4–72; effective thirtieth day thereafter (Register 72, No. 41).
- 2. Renumbering from Section 1413.1 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Renumbering and amendment of Section 1430.141 to Section 1430.16 filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 45).

Article 23. Green Corn

§ 1432. Green Corn, Defects.

Ears of green corn shall be free from serious damage caused by smut, mold, decay, fermentation, insects, freezing, mechanical damage, or other causes. Except as provided by Section 1432.4, damage is serious when it affects kernels beyond 25 percent of the length of the cob, measuring from the tip.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4)
- 2. Amendment filed 3-8-79; effective thirtieth day thereafter (Register 79, No. 10)
- 3. Amendment filed 3–22–83; effective thirtieth day thereafter (Register 83, No. 13).

§ 1432.1. Green Corn, Mature.

The entire surface of at least one—half of the length of the cob, measured between two cross—sectional lines, shall have kernels that are plump, milky, well developed, and not shriveled due to overmaturity. NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

History

1. Renumbering and amendment of former Section 1432.1 to Section 1432.2 and new Section 1432.1 filed 3–22–83; effective thirtieth day thereafter (Register 83, No. 13).

§ 1432.2. Green Corn, Freezing Damage Defined.

The kernels appear glassy or transparent or have started to shrivel. NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

- 1. New section filed 7-7-55; effective thirtieth day thereafter (Register 55, No. 10).
- 2. Amendment filed 1–4–71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).

- 3. Amendment and renumbering from Section 1435 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 4. Amendment filed 6–13–75; effective thirtieth day thereafter (Register 75 No. 24).
- Amendment filed 3–8–79; effective thirtieth day thereafter (Register 79, No. 10).
- Renumbering of former Section 1432.2 to Section 1432.3 and renumbering and amendment of former Section 1432.1 to Section 1432.2 filed 3–22–83; effective thirtieth day thereafter (Register 83, No. 13).

§ 1432.3. Green Corn, Tolerances.

Not more than 10 percent, by count, of the ears in any one lot of containers or bulk lot may be below the requirements which are prescribed by this article, but no container shall have more than 20 percent, by count, of ears which are below such requirements.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- Repealer and new section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Renumbering and amendment of former Section 1432.3 to Section 1432.4 and renumbering of former Section 1432.2 to Section 1432.3 filed 3–22–83; effective thirtieth day thereafter (Register 83, No. 13).

§ 1432.4. Green Corn, Mechanical Damage.

An ear of green corn shall be considered in compliance with the standards for mechanical damage if it meets either one, but not both, of the following conditions:

- (a) Not more than ten kernels beyond a distance of one inch from the base of the cob have been damaged; or
- (b) Not more than ten kernels beyond 25 percent of the length of the cob measured from the tip have been damaged.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 3-8-79; effective thirtieth day thereafter (Register 79, No. 10).
- 2. Renumbering and amendment of former Section 1432.3 to Section 1432.4 filed 3–22–83; effective thirtieth day thereafter (Register 83, No. 13).

Article 24. Dates

§ 1434. Dates, Exemptions.

NOTE: Authority cited: Sections 407, 42682 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 10–19–84; effective thirtieth day thereafter (Register 84, No. 42)
- 3. Repealer filed 10–26–92; operative 10–26–92 pursuant to AB 884, article 6.5, sections 42803 and 42806 (Register 92, No. 44).

§ 1434.1. Dates, Grading and in Cold Storage.

NOTE: Authority cited: Sections 407, 42682 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 7–7–55; effective thirtieth day thereafter (Register 55, No. 10).
- Amendment filed 1-4-71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 3. Amendment and renumbering from Section 1425 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 4. Repealer filed 10-19-84; effective thirtieth day thereafter (Register 84, No. 42).

§ 1434.2. Dates, Defects.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 10–19–84; effective thirtieth day thereafter (Register 84, No. 42).
- 3. Repealer filed 10–26–92; operative 10–26–92 pursuant to AB 884, article 6.5, sections 42803 and 42806 (Register 92, No. 44).

§ 1434.3. Dates, Interpretation of the Standards.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 10-19-84; effective thirtieth day thereafter (Register 84, No. 42).

§ 1434.4. Dates, Tolerances.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 10–19–84; effective thirtieth day thereafter (Register 84, No. 42).

§ 1434.5. Dates, Container Marking Requirements.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New sections 1425.1 through 1425.3 filed 1–4–71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 2. Amendment and renumbering from section 1425.1 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Amendment filed 10–19–84; effective thirtieth day thereafter (Register 84, No. 42).
- Repealer filed 10–26–92; operative 10–26–92 pursuant to AB 884, article 6.5, sections 42803 and 42806 (Register 92, No. 44).

§ 1434.6. Dates, Placard Markings.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

- 1. Amendment and renumbering from Section 1425.2 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 10-19-84; effective thirtieth day thereafter (Register 84, No. 42).

§ 1434.7. Dates, Container Markings on Three Pounds or Less.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1425.3 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 10-19-84; effective thirtieth day thereafter (Register 84, No. 42).

Article 24.5. Garlic

NOTE: Authority cited: Sections 407, 42682 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New article 24.5 (Sections 1435 and 1435.1) filed 4–12–84; effective thirtieth day thereafter (Register 84, No. 15).
- Repealer of article 24.5 (sections 1435 and 1435.1) filed 8-24-84 as an emergency; effective upon filing (Register 84, No. 36). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 12-22-84.
- 3. Reinstatement of Article 24.5 (Sections 1435 and 1435.1) as it existed prior to emergency repealer filed 8–24–84 by operation of Government Code Section 11346.1(f) (Register 85, No. 38).
- 4. Repealer of Article 24.5 (Sections 1435 and 1435.1) filed 9–19–85; effective thirtieth day thereafter (Register 85, No. 38).

Article 25. Table Grapes and Raisins

§ 1436. Table Grapes, Requirements for Out-of-State Processing.

In addition to the requirements of Section 1390.14, table grapes which are being transported out of state for commercial processing, preserving, or manufacturing shall:

- (a) Comply with the juice grape quality requirements of article 25.5;
- (b) Be in containers with a net weight of at least 350 pounds and that are clearly and conspicuously labeled with the following:
 - (1) Identity and responsibility; and
 - (2) The words "For Manufacturing Purposes Only."

NOTE: Authority cited: Sections 407, 42682 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 8-6-81; effective thirtieth day thereafter (Register 81, No. 32).
- 3. Amendment of article heading and section filed 7–18–83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 30).

§ 1436.1. Table Grapes, Definition.

The term "table grape" means all grapes intended for shipment to market and for fresh consumption.

NOTE: Authority cited: Sections 407, 42681 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Amendment filed 7-3-75; effective thirtieth day thereafter (Register 75, No. 27).
- 3. Amendment filed 7–18–83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 30).

§ 1436.2. Grapes, Container Markings Required for By-Products.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Amendment filed 11–8–78; effective thirtieth day thereafter (Register 78, No. 45).
- 3. Repealer filed 8-6-81; effective thirtieth day thereafter (Register 81, No. 32).

§ 1436.3. Table Grapes, Sampling and Testing Method.

The maturity of table grapes shall be determined by an examination of the grapes in a representative sample of containers taken at random from any lot of containers of grapes. A "lot" means any group of containers that contain grapes of the same variety and of the same grade or brand, and which is set apart or is separate from any other group or groups.

The following procedure shall be used to determine whether grapes in a lot are in compliance with the maturity standards of this article:

(a) Sampling method. There shall be selected at random from the lot, the number of sample containers specified by the following table:

00 containers less	3
01 to 300	5
601 to 500	6
601 to 700	7

For lots of over 700 containers, one additional sample container shall be selected for each additional 200 containers or fraction thereof.

- (b) From the sample containers selected in accordance with paragraph (a), select the three containers which appear to contain the least mature grapes. From these three containers, select the two that contain grapes which appear to be the least mature of the three. Remove from each of these two containers 20 percent of the grapes, by weight, but not less than two bunches, from a contiguous area of each container which appears to be the least mature. Combine the grapes removed from both containers, crush, and extract the juice for testing. After extraction, agitate, thoroughly mix the juice, and test. If the test result complies with the soluble solids standard specified in this article, no further testing is required.
- (c) If the result of the soluble solids test as specified in (b) above fails to comply with the soluble solids standard specified for the variety, proceed to the second test as follows: thoroughly stir the juice used for the soluble solids test, measure out 10 c.c. of this juice, and titrate to determine the ratio of soluble solids to acid; if this ratio is equal to or higher than the ratio standard of 20 to 1 and the minimum soluble solids standard as specified in this article, no further testing is required.
- (d) If the results of either the soluble solids test provided in (b) above, or the ratio test provided in (c) above, fail to equal the standard specified for the variety of grape being tested, proceed to the third test as follows: remove the least mature appearing grapes from the third sample container by the same procedure prescribed in (b) above, extract the juice of the grapes selected from this third container, thoroughly mix the juice, and proceed with the soluble solids test, determine the mathematical average soluble solids percentage of the first test, (b) above, and this third test (d); this percentage shall be deemed the soluble solids percentage for the lot; if the result of this test complies with the soluble solids standard specified in this article, no further testing is required.
- (e) If the results of the soluble solids test provided in (d) above fail to equal the standard specified in this article for the variety being tested, proceed to the fourth test as follows: thoroughly stir the juice used for the soluble solids test provided in (b) (the 2-box test) and (d) above (the 3-box test); remove 10 c.c. of juice from each test, combine and thoroughly mix these two quantities of juice, and remove 10 c.c. of this combined juice and titrate; if the result of this test complies with the ratio standard of 20 to 1, and the minimum soluble solids as specified in this article, no further testing is required.
- (f) A second official sample may be taken and tested for maturity after the immature grapes from the containers in the lot failing the previous test have been removed.

NOTE: Authority cited: Sections 407, 42681 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

- 1. New section filed 5–14–68 as an emergency; effective upon filing. Certificate of Compliance included (Register 68, No. 19). For history of former section, see Register 67, No. 48.
- 2. Amendment filed 5–23–69 as an emergency; effective upon filing. Certificate of Compliance included (Register 69, No. 21).
- 3. Amendment and renumbering from Section 1426 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Amendment filed 7–18–83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 30).

§ 1436.4. Grapes, Additional Samples.

NOTE: Authority cited: Sections 407, 42681 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 6–6–57; effective thirtieth day thereafter (Register 57, No. 9).
- 2. Amendment and renumbering from Section 1426–A filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Repealer filed 7–18–83, effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 30).

§ 1436.5. Table Grapes, Method of Testing.

- (a) All grapes in the sample shall be completely crushed without unnecessary crushing of the stems. The juice shall be poured through a sieve or metal screen strainer that will permit the juice to escape rapidly and at the same time not permit, under pressure. any pulp or solids to go through. In no case shall the screen or sieve be less than 8 mesh per lineal inch.
- (b) When making a soluble solids test, a temperature compensated hand refractometer shall be used, the juice shall be thoroughly mixed and a small sample of the juice shall be placed upon the prism and read immediately to avoid evaporation. When the hand refractometer is used as a dipping instrument, the juice shall be thoroughly mixed and the refractometer shall be immersed to a depth that will ensure complete coverage of the prism for a period of 2 to 3 minutes for temperature equilibrium prior to reading.
- (c) Prior to each grape season, hand refractometers shall be checked for optical accuracy by using a standard solution. If the instrument is not accurate, it shall not be used in any official testing procedure.
- (d) When a test has been completed, the juice shall be drained or dried from all equipment before the juice from a subsequent test is used. The refractometer shall be washed and dried after each use.

NOTE: Authority cited: Sections 407, 42681 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 5–14–68 as an emergency; effective upon filing. Certificate of Compliance included (Register 68, No. 19). For history of former section, see Register 67, No. 48.
- 2. Amendment filed 5–23–69 as an emergency; effective upon filing. Certificate of Compliance included (Register 69, No. 21).
- 3. Renumbering from Section 1426.1 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 4. Amendment filed 7–18–83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 30).

§ 1436.6. Table Grapes, Equipment and Instruments.

- (a) The hand refractometer shall be temperature compensated, read directly in Brix percentage scale with divisions not more than 0.2 degrees, have a sharp demarcation line (shadow), be without interference by color or an indistinct line, and be sealed with acid proof material on the face where the juice is placed.
- (b) Any equipment used shall be made of materials that will not affect, or be affected by, the grape stems or grape juice being tested.

NOTE: Authority cited: Sections 14, 407, 42681, and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 4–28–67; effective thirtieth day thereafter (Register 67, No. 17).
- Amendment filed 5-23-69 as an emergency; effective upon filing. Certificate
 of Compliance included (Register 69, No. 21).
- 3. Renumbering from section 1426.2 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Amendment filed 7–18–83; effective upon filing pursuant to Government Code section 11346.2(d) (Register 83, No. 30).
- 5. Amendment of subsection (a) and NOTE filed 12–3–91; operative 1–2–92 (Register 92, No. 9).

§ 1436.7. Table Grapes, Titration to Determine Soluble Solids to Acid Ratio.

(a) In order to compute the ratio of soluble solids to acid, the equipment necessary is as follows:

- (1) 10 c.c. pipettes
- (2) 250 c.c. Erlenmeyer flasks
- (3) 100 c.c. graduated cylinder
- (4) Bottle for indicator—1 oz. capacity

The additional necessary supplies are phenolphthalein indicator solution and sodium hydroxide standardized so that 1 c.c. is equivalent to 0.01 gram tartaric acid.

- (b) Procedure for making the soluble solids to acid ratio test:
- (1) The soluble solids content of the juice of the grapes in the sample is determined in accordance with present practice.
- (2) 10 c.c. of the clear juice should be pipetted into the Erlenmeyer
- (3) Add up to approximately 100 c.c. of distilled water to the juice in the flask
 - (4) Add three to four drops of the indicator solution.
- (5) Titrate by the addition of the sodium hydroxide (1 c.c. equivalent to 0.01 gram tartaric acid) until the end point is obtained as evidenced by the first definite color (pink) change.
 - (6) Calculate the ratio according to the following:

Sodium hydroxide used = acid content

10

<u>Soluble solids percentage</u> = ratio acid content

An example is given as follows:

1. 16.0 soluble solids percentage

2. 8.0 c.c. of NaOH used

3. 8.0 = 0.80 (acid content)

4. $\underline{16.0} = 20$ (ratio) 0.80

NOTE: Authority cited: Sections 407, 42681 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New Sections 1427 through 1430 filed 7–7–55; effective thirtieth day thereafter (Register 55, No. 10).
- 2. Renumbering from Section 1427 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Amendment filed 7–18–83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 30).

§ 1436.8. Grapes, Standards.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Repealer filed 7–18–83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 30).

§ 1436.9. Grapes, White Varieties.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 7–18–83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 30).

§ 1436.10. Grapes, Red Varieties.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

History

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Repealer filed 7–18–83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 30).

Page 174 Register 92, No. 9; 2–28–92

§ 1436.11. Grapes, Black Varieties.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- New section filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).
- Repealer filed 7–18–83; effective upon filing pursuant to Government Code Section 11346.2 (d) (Register 83, No. 30).

§ 1436.12. Table Grapes, Maturity Standards.

- (a) Except as otherwise provided in subsections (b) and (c) below, all varieties of table grapes shall be considered mature if the variety tests not less than 16 1/2 percent soluble solids in juice, or the juice contains soluble solids equal to or in excess of 20 parts to every part of acid contained in the juice (the acidity of the juice to be calculated as tartaric acid without water of crystallization).
- (b) The following varieties of table grapes shall be considered mature if the variety tests not less than that percent of soluble solids specified below:

10 11.		
Percent of Soluble Solids		ariety
17 1/2	All white varieties of M north and west of San C	Iuscat and White Malaga grown Gorgonio Pass.
17	Thompson Seedless gro Pass.	own north and west of San Gorgonio
15 1/2	Pass; Berenda Red, Car	south and east of San Gorgonio dinal, Imperial Cardinal, Richards north and west of San Gorgonio
	Blackrose	Isabella Regia
	Bleu Grau	Khalili
	Burger	Perlette
	California Concord	Persian 23
	Concord	Pierce Isabella
	Dattier de Beyrouth	Oueen
	Delight	Red Malaga
	Dizmar	Ribier
	Drodelabi	Servian Blue
	Emperor	Sugraone
	Fresno Beauty	Sugrathirteen
14 1/2	and Robin grown south	Imperial Cardinal, Richards Black and east of San Gorgonio Pass; and
	Ladyfinger	Olivette Blanche
	Khandahar	Rish Baba

(c) The Thompson Seedless variety shall be considered mature if the juice contains not less than 15 percent soluble solids, and the Perlette and Sugraone varieties shall be considered mature if the juice contains not less than 14 percent soluble solids, provided the juice so tested for the three varieties shall also contain soluble solids equal to or in excess of 20 parts to every part acid contained in the juice.

14

Exotic

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–2–75; effective thirtieth day thereafter (Register 75, No. 4). 2. Amendment filed 8–6–81; effective thirtieth day thereafter (Register 81, No.
- 32).
 3. Amendment filed 7–18–83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 30).
- Amendment of subsections (b) and (c) and Note filed 10–17–96; operative 11–16–96 (Register 96, No. 42).
- Amendment of subsection (b) and Note filed 6–15–2000; operative 7–15–2000 (Register 2000, No. 24).

§ 1436.13. Grapes, Maturity Standards by Variety.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Amendment filed 5–11–78; effective thirtieth day thereafter (Register 78, No. 19)

- Amendment filed 8-6-81; effective thirtieth day thereafter (Register 81, No. 32).
- Repealer filed 7–18–83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 30).

§ 1436.14. Grapes, Titration.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4)
- Amendment filed 5-11-78; effective thirtieth day thereafter (Register 78, No. 19).
- 3. Amendment filed 8-6-81; effective thirtieth day thereafter (Register 81, No. 32).
- Répealer filed 7–18–83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 30).

§ 1436.15. Grapes, Group A Standards.

NOTE: Authority cited: Sections 407, 42681 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4)
- Repealer filed 7–18–83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 30).

§ 1436.16. Grapes, Not in Group A.

NOTE: Authority cited: Sections 407, 42681 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1-21-75; effective thirtieth day thereafter (Register 75, No.
- Repealer filed 7–18–83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 30).

§ 1436.17. Table Grapes, No Tolerances for Maturity Standards.

The maturity standards which are provided by this article are minimum standards, and no tolerance shall be applied to any test which is made for the purpose of determining whether any variety of table grapes complies with the maturity standards of this article.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Amendment filed 7–18–83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 30).

§ 1436.18. Table Grapes, Standards.

Table grapes shall consist of bunches of grapes which are mature and free from serious damage due to:

- (a) mildew or insect injury which has penetrated or damaged the flesh of the berry;
 - (b) mold, decay, or severe freezing injury;
 - (c) raisined, sunburned, or dried berries; and
 - (d) waterberry or redberry.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Amendment filed 7–18–83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 30).

§ 1436.19. Table Grapes, Serious Damage Defined.

Damage to any one bunch is serious when more than 5 percent, by count, of the berries on any one bunch are affected by one or more of the defects.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4)
- Amendment filed 7–18–83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 30).

§ 1436.20. Table Grapes, Tolerances.

Not more than 10 percent, by weight, of the bunches of grapes in any container or bulk lot may fail to meet the requirements of Section 1436.18.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No.
- Amendment filed 7–18–83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 30).

§ 1436.21. Juice Grapes, Defects.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Repealer filed 7–18–83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 30).

§ 1436.22. Juice Grapes, Tolerances.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4)
- Repealer filed 7–18–83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 30).

§ 1436.23. Grapes, Failure to Meet Juice Grape Standards.

NOTE: Authority cited: Sections 407, 42681 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Répealer filed 7–18–83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 30).

§ 1436.24. Table Grapes, Defect Definitions.

The following definitions apply to this article:

- (a) Raisined Berries. Grapes resembling raisins which do not contain sufficient juice to drop from the berry when pressured between the thumb and forefinger.
- (b) Waterberry. A physiological disorder which is characterized by a watery, soft, or flabby condition of the berry. Affected berries are low in sugar content, have tender skins, and are very easily crushed.
- (c) Redberry. Closely resembles waterberry and is generally found in black varieties. In addition to the characteristics of waterberry, grapes show a red or brownish-red color.
- (d) Sunburned or Dried. Grapes which show drying of all or part of individual berries.
- (e) Severe Freezing Injury. When damage from freezing has affected the pulp of the berries.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4)
- Amendment filed 7–18–83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 30).

§ 1436.25. Grapes, Raisined Berries.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Repealer filed 7–18–83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 30).

§ 1436.26. Grapes, Redberry.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 7–18–83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 30).

§ 1436.27. Grapes, Severe Freezing Injury.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 7–18–83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 30).

§ 1436.28. Grapes, Sunburned or Dried Berries.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4)
- Repealer filed 7–18–83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 30).

§ 1436.29. Grapes, Waterberry.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No.
- Repealer filed 7–18–83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 30).

§ 1436.30. Table Grapes, Marking Requirements.

- (a) In addition to the marking requirements of Section 1359, every nonconsumer container of grapes shall be clearly and conspicuously marked with the following information:
- (1) The name of the variety of grapes, if known, or the words "Unknown Variety."
 - (2) The term "table grapes."
- (3) If two or more varieties are placed in the same container, the words "Mixed Varieties." A mixture of white grapes may be marked "Mixed White Varieties." A mixture of black grapes may be marked "Mixed Black Varieties."
- (4) The net weight statement of 21 pounds. If the grapes are packed in areas located east of a line extending north and south through White Water and that area located east of the 115 meridian, including the Coachella Valley, the containers shall be marked "20 pounds." These weight markings are not required on standard container number 28, or containers with bunches of grapes which are completely wrapped.

The above markings shall be on the containers of grapes when removed from the premises where grown or first packed. However, if the containers are to be stored on the premises of the producer, the containers need not be marked until removal from storage for transportation. In no case shall unmarked containers of grapes be sold or transported to the marketplace.

(b) Closed consumer bags, clear plastic containers closed with a detachable or attached lid, and other types of closed consumer containers shall be marked with identity, responsibility, and net quantity. Closed means that a deliberate attempt has been made to close the container opening (top and/or bottom) in any way, including, but not limited to, tying, or otherwise closed with a pressure—sensitive seal, zip lock, or other closing device. Merely twisting or rolling over of the opening of a bag shall not be considered closed. This definition shall apply only to the portion(s) of the bag with closure capability and shall not apply to ventilation holes.

Not more than 10%, by count, of the subcontainers, as described above, in a representative sample of any lot of master containers may be closed without the required markings.

The requirements of this subsection shall not apply to:

(i) Table grapes imported into California from other states and foreign countries.

(ii) Closed consumer-type containers that have been closed by the retailer and intended to be sold in compliance with Title 4 marking requirements.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from section 1432.9 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 4–30–75; designated effective 6–1–75 (Register 75, No. 18).
- Amendment filed 7–18–83; effective upon filing pursuant to Government Code section 11346.2(d) (Register 83, No. 30).
- Amendment of subsection (d) filed 5–5–86; effective upon filing pursuant to Government Code section 11346.2(d) (Register 86, No. 19).
- Amendment of subsection (a) filed 7-15-94 as an emergency; operative 7-15-94 (Register 94, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-14-94 or emergency language will be repealed by operation of law on the following day.
- Reinstatement of section as it existed prior to emergency amendment filed 2-2-95 by operation of Government Code section 11346.1(f) (Register 95, No. 5).

- 7. Amendment of subsection (d) filed 1–17–96; operative 1–17–96 pursuant to Government Code section 11343.4(d) (Register 96, No. 3).
- 8. Amendment of section and Note filed 5–4–2001 as an emergency; operative 5–4–2001 (Register 2001, No. 18). A Certificate of Compliance must be transmitted to OAL by 9–4–2001 or emergency language will be repealed by operation of law on the following day.
- 9. Reinstatement of section as it existed prior to 5-4-2001 emergency action by operation of Government Code section 11346.1(f) (Register 2001, No. 48).
- 10. Amendment of section and Note filed 11-28-2001; operative 12-28-2001 (Register 2001, No. 48).

§ 1436.31. Table Grapes, Mislabeling.

- (a) Grapes shall not be mislabeled as to variety. In particular, the following variety designations are prohibited:
- (1) The Malvoisie variety shall not be labeled as a Barbara or Barberone variety, but may be labeled a Cinsaut variety.
 - (2) "Palomino Champagne."

[The next page is 177.]

- (b) The term "Chianti" refers to a type or characteristic of wine and shall not be used in connection with the labeling of any variety of grape.
- (c) The term "seedless" shall not be marked on containers of table grapes unless it is used in conjunction with the varietal designation. NOTE: Authority cited: Sections 407 and 42682. Food and Agricultural Code. Ref-

erence: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1428 filed 1-21-75; effective thirtieth day thereaf-
- ter (Register 75, No. 4).
 2. Amendment filed 7–18–83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 30).

§ 1436.32. Grapes, Labeling.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 6-1-64; effective thirtieth day thereafter (Register 64, No.
- 12). For history of former section, see Register 59, No. 12.

 2. Amendment filed 1–4–71 as an emergency: effective upon filing. Certificate of Compliance included (Register 71, No. 2).

 3. Amendment and renumbering from Section 1429 filed 1–21–75; effective thir-
- tieth day thereafter (Register 75, No. 4).
 4. Repealer filed 7–18–83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 30).

§ 1436.33. Seeded Raisins, Variety Markings on Containers.

Every box, package, or carton of seeded raisins, which indicates that it contains raisins, shall be clearly and conspicuously marked with the variety of grape from which the raisins were produced.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1-21-75; effective thirtieth day thereafter (Register 75, No.
- 2. Amendment filed 7–18–83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 30).

§ 1436.34. Raisins, Violation Penalties.

HISTORY

- 1. New section filed 1-21-75; effective thirtieth day thereafter (Register 75, No.
- 2. Repealer filed 7-18-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 30).

§ 1436.35. Grapes, Standard Container Nos. 38J, 38K, 38Q

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 4291, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 7–17–78 as an emergency; effective upon filing (Register 78,
- No. 29). For prior history, see Register 77, No. 31.

 2. Amendment filed 11–8–78; effective thirtieth day thereafter (Register 78, No. 45).
- 3. Certificate of Compliance as to order of 7-17-78 filed 11-9-78 (Register 78, No. 45).
- 4. Repealer filed 7-18-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 30).

§ 1436.36. Grapes, Standard Container No. 38Q.

HISTORY

- 1. Renumbering from Section 1432.7 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 3-18-76; effective thirtieth day thereafter (Register 76, No. 12).

§ 1436.37. Table Grapes, Closed Container Requirements.

All varieties of table grapes shall be in standard containers that have the top opening of the container covered as specified below.

- (a) 40 percent or more of the opening is covered with a material that is part of the construction of the container or is attached to the container opening.
- (b) Notwithstanding subdivision (a), container 38M shall also be considered covered when 90 percent or more of the opening of the container is covered with a wrap, curtain, or pad that is held in place by the weight of the grapes in the container. A liner that is placed inside the container and closed by sealing shall be considered as covering the opening.

(c) Openings in the closing material that facilitate cooling or that are necessary for attaching the material to the container shall be considered as complying with subdivisions (a) and (b).

Containers of table grapes need not meet this requirement when in a retail store and open for display to persons who purchase grapes for their own consumption.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Amendment and renumbering from Section 1432.8 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 7–18–83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 30).
- 3. Amendment filed 1–6–2003; operative 2–5–2003 (Register 2003, No. 2).

§ 1436.38. Table Grapes, Standard Containers.

- (a) All table grapes shall be placed in containers 28, 38J, 38K, 38L, 38M, 38Q, 38R, 38S, 38T, 38U or 38V.
- (b) Containers 38J, 38K, 38L, 38M, 38Q, 38R, 38S, 38T, 38U, and 38V shall be considered standard when they are packed with pads, inner liners, or any other device as long as the inside volume of the container is not reduced by more than 10 percent. The vacant spaces, if any, which result from the use of such devices, shall be readily visible.
- (c) Container 28 shall be considered standard only if it contains grapes which are packed in sawdust, cork, or similar packing material in sufficient amount to completely surround and cover the grapes, and it is used without cleats.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 7-25-77; effective thirtieth day thereafter (Register 77, No. 31). For prior history, see Register 75, No. 4.
- 2. Amendment filed 7-17-78 as an emergency; effective upon filing (Register 78, No. 29).
- 3. Certificate of Compliance filed 11-9-78 (Register 78, No. 45).
- 4. Amendment filed 7-18-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 30).
- 5. Amendment filed 3-9-84; effective thirtieth day thereafter (Register 84, No.
- 6. Amendment filed 4-19-85; designated effective 4-20-85 pursuant to Government Code Section 11346.2(d) (Register 85, No. 16).
- 7. Amendment of subsections (a) and (b) filed 7-2-96; operative 8-1-96 (Register 96, No. 27).
- 8. Amendment of subsections (a) and (b) filed 6-17-98; operative 7-17-98 (Register 98, No. 25).
- 9. Amendment of subsections (a) and (b) and amendment of NOTE filed 5-29-2002; operative 5-29-2002 pursuant to Government Code section 11343.4 (Register 2002, No. 22).

§ 1436.39. Grapes, Container Volume.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Amendment and renumbering from Section 1432.1 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4)
- 2. Repealer filed 7-18-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 30).

§ 1436.40. Grapes, Standard Container No. 28.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code, Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1432.3 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 7-18-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 30).

§ 1436.41. Grapes, Table.

NOTE: Authority cited: Sections 407, 42682 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

- 1. Renumbering from Section 1432.10 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 7-18-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83 No. 30).

§ 1436.42. Table Grapes, Girdled.

The term "girdled" or any designation which implies that table grapes have come from vines or members thereof which have been girdled shall no appear on any container of grapes unless it is a correct and true statement.

Girdled or girdling means the removal of a ring of bark from around the entire periphery of the trunk or member of the vine during the early development of the grapes.

NOTE: Authority cited: Sections 407, 42681 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1432.11 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 7–18–83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 30).

§ 1436.43. Grapes, Group A Shipped As Juice Grapes.

HISTORY

- 1. Amendment filed 4–13–73; effective thirtieth day thereafter (Register 73, No. 15).
- 2. Amendment and renumbering from Section 1432.12 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Repealer filed 7–17–78 as an emergency; effective upon filing (Register 78, No. 29).
- 4. Certificate of Compliance filed 11-9-78 (Register 78, No. 45).

Article 25.5. Juice Grapes

§ 1437. Juice Grapes, Requirements for Out-of-State Processing.

In addition to the requirements of Section 1390.14, juice grapes which are being transported out of state for commercial processing, preserving, or manufacturing shall:

- (a) Comply with the quality requirements of this article;
- (b) Be in containers with a net weight of at least 350 pounds; and
- (c) Be in containers that are clearly and conspicuously labeled with the following:
 - (1) Identity and responsibility.
 - (2) The words "For Manufacturing Purposes Only."

NOTE: Authority cited: Sections 407, 42682 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

1. New Article 25.5 (Sections 1437, 1437.1–1437.12) filed 7–18–83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 30)

§ 1437.1. Juice Grapes, Definition.

The term "juice grape" means all grapes shipped to market and intended for the purpose of extracting juice.

NOTE: Authority cited: Sections 407, 42681 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

§ 1437.2. Juice Grapes, Sampling and Testing Method.

The maturity of juice grapes shall be determined by testing the juice from a composite sample of grapes selected as prescribed by this section.

The following procedure shall be used to determine whether juice grapes are in compliance with the maturity standards of this article:

(a) Sampling method. There shall be selected at random from the lot the number of sample containers specified in the following table:

Lot Size	Sample Size
100 containers or less	3
101 to 300	5
301 to 500	6
501 to 700	7

For lots of over 700 containers, an additional sample container shall be selected for each additional 200 containers or fraction thereof.

- (b) Select at random not less than 10 percent of the grapes, by weight, from each of the containers. Combine the samples and make one composite test from the total juice extracted.
- (c) A second official sample may be taken and tested for maturity after the immature grapes from the containers failing the previous test have been removed.

(d) Titration shall not be used to test the maturity of juice grapes. NOTE: Authority cited: Sections 407, 42681 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

§ 1437.3. Juice Grapes, Method of Testing.

- (a) All grapes in the sample shall be completely crushed without unnecessary crushing of the stems. The juice shall be poured through a sieve or metal screen strainer that will permit the juice to escape rapidly and at the same time not permit, under pressure, any pulp or solids to go through. In no case shall the screen or sieve be less than eight mesh per lineal inch.
- (b) When making a soluble solids test, a temperature compensated hand refractometer shall be used, the juice shall be thoroughly mixed, and a small sample of the juice shall be placed upon the prism and read immediately to avoid evaporation. When the hand refractometer is used as a dipping instrument, the juice shall be thoroughly mixed and the refractometer shall be immersed to a depth that will ensure complete coverage of the prism for a period of two to three minutes for temperature equilibrium prior to reading.
- (c) Prior to each grape season, hand refractometers shall be checked for optical accuracy by using a standard solution. If the instrument is not accurate, it shall not be used in any official testing procedure.
- (d) When a test has been completed, the juice shall be drained or dried from all equipment before the juice from a subsequent test is used. The refractometer shall be washed and dried after each use.

NOTE: Authority cited: Sections 407, 42681 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

§ 1437.4. Juice Grapes, Equipment and Instruments.

- (a) The hand refractometer shall be temperature compensated, read directly in Brix percentage scale with divisions not more than 0.2 degrees, have a sharp demarcation line (shadow), be without interference by color or an indistinct line, and be sealed with acid proof material on the face where the juice is placed.
- (b) Any equipment used shall be made of materials that will not affect, or be affected by, the grape stems or grape juice being tested.

NOTE: Authority cited: Sections 14, 407, 42681, and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

1. Amendment of subsection (a) and NOTE filed 12–3–91; operative 1–2–92 (Register 92, No. 9).

§ 1437.5. Juice Grapes, Maturity Standards.

All varieties of juice grapes shall be considered mature if the variety tests not less than 19 percent soluble solids in juice, except the White Malaga, Thompson Seedless, Alicante, and Palomino varieties which shall test not less than 18 percent soluble solids in juice.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

§ 1437.6. Juice Grapes, No Tolerances for Maturity Standards.

The maturity standards which are provided by this article are minimum standards, and no tolerance shall be applied to any test which is made for the purpose of determining whether any variety of juice grape complies with the maturity standards of this article.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

§ 1437.7. Juice Grapes, Standards.

Juice grapes shall be mature and free from mold, decay, waterberry, redberry, or severe freezing injury.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

§ 1437.8. Juice Grapes, Tolerances.

Not more than 15 percent, by weight, of the berries in any container or bulk lot may fail to meet the requirements of Section 1437.7.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

§ 1437.9. Juice Grapes, Defect Definitions.

The following definitions apply to this article:

- (a) Waterberry. A physiological disorder which is characterized by a watery, soft, or flabby condition of the berry. Affected berries are low in sugar content, have tender skins, and are very easily crushed.
- (b) Redberry. Closely resembles waterberry and is generally found in black varieties. In addition to the characteristics of waterberry, grapes show a red or brownish-red color.
- (c) Severe Freezing Injury. When damage from freezing has affected the pulp of the berry.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

[The next page is 179.]

§ 1437.10. Juice Grapes, Marking Requirements.

- (a) In addition to the marking requirements of section 1359, every nonconsumer container shall be clearly and conspicuously marked with the following information:
 - (1) The term "juice grapes."
- (2) The name of the variety of grapes, if known, or the words "Unknown Variety." If two or more varieties are placed in the same container, the term "Mixed Varieties" shall be used. A mixture of white grapes may be marked "Mixed White Varieties." A mixture of black grapes may be marked "Mixed Black Varieties."
- (A) The varietal designation of the Zinfandel shall be printed or embossed in clear and conspicuous letters on the container label and in ³/4 inch letters on each side panel of the container. Such designation shall be included as part of the label and side panels at the time of manufacture.
- (B) All other varietal labels shall be printed or embossed on each container.
 - (C) Stick-on labels are prohibited for varietal markings.
- (3) A new weight statement of 36 or 42 pounds. Containers exported to countries other than Canada need not comply with this requirement, provided they are marked with:
- (A) The statement "Only For Export Shipment To" followed by the country of destination.
- (B) All of the required markings in the recognized language of the country of destination.
- (b) When any lot of containers of grapes is found to be mislabeled as the Zinfandel variety, or when any lot of containers of the Zinfandel variety is found in noncompliance with subsection (a)(2)(A), above, the grapes shall be removed and placed in properly marked containers or disposed as authorized. For the purpose of this article, a variety other than Zinfandel shall be considered mislabeled when found in containers marked Zinfandel, even though Zinfandel has been obliterated and the proper variety placed on the container.

NOTE: Authority cited: Sections 14, 407, and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 9–5–86; effective upon filing pursuant to Government Code section 11346.2(d) (Register 86, No. 36).
- 2. Repealer of subsection (d)(2), and renumbering of subsections (d)(3) and (d)(4) to subsections (d)(2) and (d)(3) filed 4–16–87; operative 4–20–87 (Register 87, No. 16).
- 3. Amendment filed 8–7–90; operative 8–7–90 pursuant to Government Code section 11346.2(d) (Register 90, No. 39).

§ 1437.11. Juice Grapes, Mislabeling.

- (a) Juice grapes shall not be mislabeled as to variety. In particular, the following variety designations are prohibited:
 - (1) "Palomino Champagne."
- (2) The Malvoisie variety shall not be labeled as a Barbara or Barberone variety, but may be labeled as a Cinsaut variety.
- (b) The term "Chianti" refers to a type or characteristic of wine and shall not be used in connection with the labeling of any variety of juice grape.
- (c) The term "seedless" shall not be marked on containers of juice grapes unless it is used in conjunction with the varietal designation. NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

§ 1437.12. Juice Grapes, Standard Containers.

- (a) All juice grapes shall be placed in standard containers 38K, 38Q, 38R, or 38RPC.
- (b) These containers shall be considered standard when they are packed with pads, inner liners, or any other device as long as the inside volume of the container is not reduced by more than 10 percent. Vacant spaces resulting from the use of such devices shall be readily visible. NOTE: Authority cited: Sections 14, 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

1. Amendment filed 8–7–90; operative 8–7–90 pursuant to Government Code section 11346.2(d) (Register 90, No. 39).

2. Amendment of subsection (a) filed 11–1–2007; operative 12–1–2007 (Register 2007, No. 44).

Article 27. Lettuce

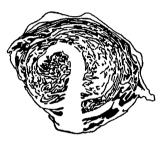
§ 1438. Head Lettuce Defects.

Head lettuce, including partially or completely cored heads, shall not be leafy without head formation, shall be fairly well trimmed, and shall be free from any of the following defects:

- (a) Insect injury, slime, decay, or rot which affects leaves within the
- (b) Seed stems which have been determined to be present by internal examination and which exceed the length permitted in the following official illustration established by the Director.

LETTUCE SEEDSTEM





Maximum length permitted under Section 1438(b)

(c) Serious damage which is caused by broken midribs, bursting, tip burn, or freezing. Damage which is caused by freezing or tip burn is not serious unless it affects any portion of the head inside of the six outer head leaves.

NOTE: Authority cited: Sections 14, 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New Section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Amendment filed 4–17–84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 16).
- 3. Amendment of subsection (b) filed 10–14–87; operative 11–13–87 (Register 87, No. 42).

§ 1438.1. Head Lettuce, Freezing.

Section 1438 provides in part: "damage caused by freezing... is not serious unless it affects any portion of the head inside of the six outer head leaves."

In determining when the heads inside of the six outer head leaves are affected, "blistering" of the epidermis of the leaf does not in itself constitute sufficiently serious damage to be considered serious under this definition. However, if the tissues in the leaf under this epidermis are brittle or soft or pithy or discolored to any extent, due to freezing injury, the leaf has been affected.

It should be noted here that one of the indications of such damage in the tissues which is serious will cause the leaf, when peeled off the head, to break into small particles.

HISTORY

- 1. Amendment filed 1–4–71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 2. Amendment and renumbering from Section 1436.1 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1438.2. Head Lettuce, Fairly Well Trimmed.

Section 1438 requires head lettuce to be "fairly well trimmed." "Fairly well trimmed" means that the butt is trimmed off close to the point of attachment of the outer leaves and that the wrapper leaves do not exceed six in number. "Wrapper leaves" means all leaves which do not closely enfold the compact portion of the head.

HISTORY

- 1. Amendment filed 1–4–71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2). For prior history, see Register 67, No. 43.
- 2. Amendment and renumbering from Section 1436.2 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1438.3. Head Lettuce, Broken Midribs and Bursting.

Section 1438 provides that head lettuce shall be free from serious damage caused by "broken midribs" and "bursting."

Damage to heads of lettuce due to "broken midribs" shall be considered serious when the midribs of more than four of the outer head leaves, which closely enfold the compact portion of the head, are broken in two; i.e., broken and severed all the way across the midrib. Damage to heads of lettuce due to "bursting" shall be considered serious when the head is cracked or split open and any part of the inner portion of the head is exposed.

HISTORY

- 1. Amendment filed 1–4–71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 2. Amendment and renumbering from Section 1436.3 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1438.4. Lettuce, Tipburn.

Tipburn shall be considered serious damage if the affected portion on one or more leaves exceeds, in the aggregate, an area of one inch by one-half inch, and the color of the tipburn is light buff or darker, but does not include areas showing tan to brown specks with normal lettuce color between such specks.

HISTORY

- 1. New Sections 1436 and 1436.1 filed 7–7–55; effective thirtieth day thereafter (Register 55, No. 10).
- 2. Amendment filed 5-1-61; effective thirtieth day thereafter (Register 61, No. 9)
- 3. Renumbering from Section 1436 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1438.5. Head Lettuce, Tolerances.

Not more than 15 percent, by count, of the heads of lettuce in any one container or bulk lot may be below the requirements which are prescribed by this article, but not to exceed 5 percent, shall be allowed for decay or slime. Individual containers in any lot may, however, contain not more than 1 1/2 times the tolerance which is specified, if the percentage of defects in the entire lot averages within the tolerance specified, as determined by inspection of a representative sample.

HISTORY

New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1438.6. Lettuce, Marking Requirements.

In addition to the basic marking requirements of Identity, Responsibility, and Net Quantity as required by Section 1359, every nonconsumertype container of packed lettuce shall be marked, in letters and numbers not less than those prescribed in Table 1 of Section 1363, with the exact number of heads contained therein.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- Renumbering from Section 1437.10 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 4-30-75; designated effective 6-1-75 (Register 75, No. 18).
- 3. Amendment filed 11–8–78; effective thirtieth day thereafter (Register 78, No. 45).

§ 1438.7. Head Lettuce, Standard Containers, Requirements and Exemptions.

Any head lettuce which is prepared for transportation or sale shall be packed in closed standard container numbers 45A, 45B, 45C, or 45F except the following:

- (a) Head lettuce which is in a retail establishment in the possession of a retailer for the purpose of resale directly to consumers.
- (b) Head lettuce which is sold by a producer that is regularly engaged in the production of lettuce, directly to consumers on the premises where

the lettuce is produced or lettuce at a retail stand which is operated by such producer near the point of production.

- (c) Head lettuce which is prepared for transportation, transported, or sold by a producer or jobber of lettuce in containers which contain less than 18 heads of lettuce for sale to retail stores of not more than one such container per sale.
- (d) Head lettuce which is sold to the armed forces of the United States Government or for export markets other than Canada or Mexico.
 - (e) Head lettuce placed loose in standard container number 45.
- (f) Individual containers which are placed in master containers as defined in Section 1361(c).
- (g) Head lettuce measuring less than fourteen inches in circumference when measured at its widest point.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 5–20–77; effective thirtieth day thereafter (Register 77, No. 21). For prior history, see Register 75, No. 50.
- Amendment filed 12–31–79 as an emergency; effective upon filing (Register 80, No. 1). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 4–30–80.
- 3. Certificate of Compliance filed 4-17-80 (Register 80, No. 16).
- Amendment filed 5–8–81; effective thirtieth day thereafter (Register 81, No. 19).
- New subsection (f) filed 4–17–84; effective upon filing pursuant to Government Code section 11346.2(d) (Register 84, No. 16).
- Change without regulatory effect amending first paragraph filed 1–25–93 pursuant to title 1, section 100, California Code of Regulations (Register 93, No. 5).
- 7. New subsection (g) filed 5–23–2008; operative 6–22–2008 (Register 2008, No. 21).

§ 1438.8. Lettuce, General Provisions for Standard Containers and Packs.

The standard containers and packs for lettuce, when being packed or placed in any container, or after packing, or when delivered for shipment, loaded, shipped, being transported or sold in any container, are as prescribed in Sections 1438.7, 1438.16, and 1438.17 of this article.

NOTE: Authority cited: Section 85, Chap. 1470, Stats. 1970, and Sections 407 and 42681, Food and Agricultural Code.

.. History

- 1. New Sections 1437.2 through 1437.8 and 1437.10 filed 1-4-71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2)
- 2. Amendment filed 2–2–72; effective thirtieth day thereafter (Register 72, No. 6).
- 3. Amendment and renumbering from Section 1437.2 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1438.9. Closed or Lidded.

As used in this group, closed or lidded means the following:

- (a) In the case of fiberboard containers, that the opening is completely covered, except for necessary ventilation openings, with material of similar quality and strength to the adjoining portion of the container and as required in Section 1438.12.
- (b) In the case of nailed wooden, wirebound, or other containers, that 40 percent or more of the opening is covered with material which is similar to that used in the construction of the sides of such container, which is securely attached to the top.

HISTORY

1. Amendment and renumbering from Section 1437.3 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1438.10. Lettuce, Use of Cleats on Containers.

When the California Administrative Code provides for the use of standard containers, but fails to provide for the use of cleats, a container is not considered standard when cleats underneath the lid are used, which in effect increase the depth of the container.

Reference is made to State Attorney General's opinion No. 10273 dated October 16, 1935: "The object of the legislation prescribing standard sizes of crates is to insure uniformity of capacity, in order to prevent

Page 180

fraud and deception. If a packer should be allowed to increase the size of his crate by 10 percent, this uniformity would no longer exist and the purpose of the law would be frustrated."

HISTORY

- New section filed 7–7–55; effective thirtieth day thereafter (Register 55, No. 10).
- 2. Amendment and renumbering from Section 1437 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1438.11. Consumer, Flaps, and Retail Establishment.

As used in this group:

- (a) Consumer means a person that buys lettuce for use as food, and not for commercial distribution, or for resale.
- (b) Inner and outer flaps means the parts of the container that are attached to the top of the sides and ends which are used to form the cover or lid of the container.
- (c) Retail establishment includes a retailer's warehouse from which the lettuce is distributed by such retailer to his individual retail outlets or stores.

HISTORY

1. Renumbering from Section 1437.4 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1438.12. Lettuce, Fiberboard Container.

Standard containers for lettuce which are made of fiberboard shall be constructed with inner and outer side flaps which are attached to each end and side. The total width of the two side flaps shall not exceed the inside width of the container and, if closed after packing, shall be closed by folding the inner and outer flaps inward at the manufacturer's score lines which shall be above the inside bottom surface of the container at a point equal to the inside depth of the container. For standard container number 45A, if they are fastened in a closed position, the opening between the outer side flaps shall not average more than two inches for the entire length of the container, allowing a 10 percent tolerance for the containers in any one lot.

HISTORY

1. Renumbering from Section 1437.5 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1438.13. Lettuce, Two and One-Half Dozen Size.

Section 1438.16 of Title 3, California Code of Regulations, provides that heads of lettuce "of the 2 1/2 dozen size when fairly tightly packed in standard container numbers 45A, 45B, or 45F" may be placed in such containers as a bridge pack, with 12 heads in the lower layer and 12 heads in the upper layer with six heads of the same size between such layers. "Two and one-half dozen size" in the bridge pack described in this section, means heads of lettuce of uniform size which are (1) larger than heads of lettuce that can be packed flat with 15 heads to a layer (3 x 5) in standard container numbers 45A, 45B, or 45F and (2) smaller than heads of lettuce that can be packed with two dozen heads in two layers of 12 heads in each layer (3 x 4) in the same container. When determining the size of heads of lettuce as defined in this section the heads shall be fairly tightly packed but not so tight that the lettuce is damaged or injured in such packing.

NOTE: Authority cited: Sections 407, 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 12–31–79 as an emergency; effective upon filing (Register 80, No. 1). For prior history, see Register 75, No. 4, and 74, No. 25. A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 4–30–80.
- Certificate of Compliance including amendment filed 4–17–80 (Register 80, No. 16).
- Amendment filed 5-8-81; effective thirtieth day thereafter (Register 81, No. 19).
- Change without regulatory effect amending section filed 1–25–93 pursuant to title 1, section 100, California Code of Regulations (Register 93, No. 5).

§ 1438.14. Lettuce, Slight Bulge Definition.

Slight bulge shall mean that when lettuce is placed in container numbers 45B or 45C:

- (1) The gap between the top or bottom side flaps when stapled or glued in a closed position does not exceed one—half inch at any point in addition to the normal gap between the side flaps of an empty container when in a closed position.
- (2) The top and bottom side and end flaps on container number 45B shall be 7 3/4 inches wide as measured from the score line to the edge of the flap when in a closed position.

Standard container number 45C shall be standard for lettuce and may have a slight bulge when the lettuce is first placed or packed in it as provided in this section, except that each side flap shall not exceed 7 1/8 inches.

- (3) When a closing device is used to properly close these containers, it shall only be used as a means to assist in closing the carton and is not to be used to apply pressure to the extent that any excessive bulge would be eliminated.
- (4) The nonbulge lettuce containers numbers 45B and 45C may have a slight bulge, when the lettuce is first placed or packed in them, on each side, each end, the top, and the bottom. Inspections to determine the requirements of the slight bulge, when possible, shall be made at the time the lettuce is in the field. However, in cases where this is not practical or possible, inspections may be made at the cooler, prior to cooling and loading for final shipment.

NOTE: Authority cited: Sections 407 and 42681, Food and Agricultural Code. Reference: Section 43607, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 1–4–71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2). For prior history, see Register 68, No. 19.
- 2. Amendment and renumbering from Section 1436.5 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1438.15. Lettuce, Slight Bulge Tolerance.

Not more than 5 percent, by count, of containers numbers 45B or 45C in any lot may exceed the slight bulge.

HISTORY

1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No.

§ 1438.16. Lettuce, Size Variation and Pack Arrangements.

- (a) Head lettuce, which is packed or placed in layers in any container, shall not vary in size in any one container more than 15 percent of heads which would fairly tightly pack a size, larger or smaller, than the size which is marked. It shall be fairly tightly packed with the same numerical count of regularly arranged heads in each layer. None of the heads shall be placed outside of the regular arrangement of two uniform flat layers in standard container numbers 45A, 45B, 45C, or 45F. If, however, 2 1/2 dozen heads of lettuce of the 2 1/2 dozen size when fairly tightly packed in standard container numbers 45A, 45B, or 45F are packed in such containers, six heads of the same size or dimensions as the heads which are contained in the upper and lower layers may be placed between such layers if the upper and lower layers consist of 12 heads each and the total count in the container is 30 heads.
- (b) Not more than 15 percent, by count, of the individual heads of partially or completely cored lettuce in any master container may measure more than 1 1/2 inches larger in diameter than the smallest head in the container.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

- 1. Amendment filed 12–31–79 as an emergency; effective upon filing (Register 80, No. 1). For prior history, see Registers 77, No. 21, and 75, No. 4. A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 4–30–80.
- 2. Certificate of Compliance filed 4-17-80 (Register 80, No. 16).
- Amendment filed 5-8-81; effective thirtieth day thereafter (Register 81, No. 19).
- 4. Editorial correction (Register 81, No. 34).

- Amendment filed 4-17-84; effective upon filing pursuant to Government Code section 11346.2(d) (Register 84, No. 16).
- Change without regulatory effect amending subsection (a) filed 1–25–93 pursuant to title 1, section 100, California Code of Regulations (Register 93, No. 5).

§ 1438.17. Lettuce, Packing Requirements As to Count.

In addition to other packing requirements in this group, head lettuce which is packed or placed in layers shall contain either 1 1/2 dozen, two dozen, or 2 1/2 dozen heads of lettuce per standard container.

Partially or completely cored heads of lettuce shall be packed or placed four, six, or eight heads to a container which shall be placed in a master container.

Head lettuce measuring less than fourteen inches in circumference when measured at its widest point is exempt from this section.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 9–21–73; effective thirtieth day thereafter (Register 73, No. 38).
- 2. Renumbering from Section 1437.8 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Amendment filed 4–17–84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 16).
- 4. Amendment filed 5-23-2008; operative 6-22-2008 (Register 2008, No. 21).

§ 1438.18. Head Lettuce, General Provisions.

The director may by regulation establish quality standards for head lettuce to be used for chopping and shredding, prior to chopping or shredding, in conjunction with standards for lettuce which has been chopped or shredded and packaged. He may also establish regulations for granting, denial, suspension, and revocation of permits to insure compliance with this article and the regulations promulgated thereunder, including the transportation and sale of the product to be used for chopping or shredding.

HISTORY

1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1438.19. Head Lettuce to Be Used Commercially for Salad Products.

NOTE: Authority cited for Sections 1438, 1438.1, 1438.2 and 1438.3: Sections 407 and 42681, Food and Agricultural Code. Reference: Section 48059, Food and Agricultural Code.

HISTORY

- 1. New Sections 1438, 1438.1 and 1438.2 filed 2–4–70 as an emergency; effective upon filing. Certificate of Compliance included (Register 70, No. 6).
- 2. Amendment filed 12–2–70; effective thirtieth day thereafter (Register 70, No. 49).
- 3. Renumbering from Section 1438 filed 1–21–75; effective thirtieth day thereafter (Register 75, N. 4).
- 4. Repealer filed 12-6-77; effective thirtieth day thereafter (Register 77, No. 50).

§ 1438.20. Sectioning Defined.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1438.45 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Repealer filed 4–17–84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 16)

§ 1438.21. Official Sample, Prior to Preparation.

Sampling shall be taken at random and in the amounts as follows:

_	-																						
	<i>tolerand</i> lbs. or leading to the second to	ess .		 																			
	5 tons																						
over	5 tons			 ٠.	٠.	 	• •	 ٠	 ٠.	٠.	٠.	٠	٠.	٠		٠.		•		٠.	•	200	•
Defect less t	tolerand than 500	ces: O lbs.		 																		25 1	bs.
500 1	bs. to 2	000 1	bs.	 		 			 												1	001	bs.
over	2000 It	S		 																	2	200 1	bs.
														1	oli	ıs	10	OC	11	bs.	. f	or ea	ich
														•								0001	

Adequate space and equipment for sampling and inspection for the enforcing officer shall be provided by the owner or person in possession.

HISTORY

- 1. New section filed 12–2–70; effective thirtieth day thereafter (Register 70, No. 49).
- 2. Renumbering from Section 1438.3 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1438.22. Standards for Commercial Salad Products.

It is unlawful for any person to prepare, pack, place, deliver for shipment, deliver for sale, load, ship, transport, cause to be transported, or sell any salad product in any container or subcontainer unless the salad product and the containers conform to this article.

NOTE: Authority cited for former Sections 1438.40 through 1438.46: Sections 407 and 42681, Food and Agricultural Code. Reference: Section 48059, Food and Agricultural Code.

HISTORY

- 1. New Sections 1438.40, 1438.41, 1438.42, 1438.43, 1438.44, 1438.45, 1438.46 filed 12–2–70; effective thirtieth day thereafter (Register 70, No. 49).
- Renumbering from Section 1438.40 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Editorial correction of Authority cite (Register 95, No. 8).

§ 1438.23. Minimum Requirements for Salad Products.

Salad products shall be clean and free from excessive moisture, insects, insect parts, insect injury, slime, decay, rot, cores, core pieces, and discoloration.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1438.41 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 12–6–77; effective thirtieth day thereafter (Register 77, No. 50).
- Amendment filed 4–17–84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 16).

§ 1438.23.1. Salad Products, Reporting Requirements.

 $Note: Authority\ cited: Sections\ 407\ and\ 42795, Food\ and\ Agricultural\ Code.\ Reference:\ Section\ 42941,\ Food\ and\ Agricultural\ Code.$

HISTORY

- 1. New section filed 6-20-88; operative 7-20-88 (Register 88, No. 26).
- 2. Repealer of section and amendment of NOTE filed 3-13-2001; operative 4-12-2001 (Register 2001, No. 11).

§ 1438.24. Salad Products, Definition of Terms.

- (a) "Salad products" means shredded or chopped head lettuce, leaf-type lettuce or cabbage, either individually packaged or mixed with other vegetables.
- (b) "Shredded" means any salad product cut in shreds of which more than 50 percent, by weight, of the package contents measures less than 1/2 inch in width.
- (c) "Chopped" means any salad product cut in pieces of which more than 50 percent, by weight, of the package contents measures 1/2 inch and larger in width.
- (d) "Processor" means any person engaged in the business of preparing salad products for market, but it does not include a person engaged in:
- (1) manufacturing from salad products to another and different product, and
- (2) operating a restaurant or retail grocery outlet where salad products are prepared and sold to consumers.

NOTE: Authority cited: Sections 14 and 407, Food and Agricultural Code. Reference: Sections 42684, 42795 and 42941, Food and Agricultural Code.

History

- 1. Amendment filed 12-2-70; effective thirtieth day thereafter (Register 70, No. 49).
- 2. Renumbering from Section 1438.1 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Amendment filed 4–17–84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 16).
- 4. Amendment of subsection (c), and repealer and new subsection (d) filed 6-20-88; operative 7-20-88 (Register 88, No. 26).

Page 182

or fraction thereof

§ 1438.25. Salad Products, Minimum Requirements.

It is unlawful for any person to prepare vegetables other than lettuce for salad products unless prior to such preparation the quality requirements for that vegetable are met that are contained in the California Administrative Code.

HISTORY

- 1. Amendment filed 12–2–70; effective thirtieth day thereafter (Register 70, No. 49).
- 2. Amendment and renumbering from Section 1438.2 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1438.25.1. Salad Products, Maintenance of County Inspection Records.

NOTE: Authority cited: Sections 407 and 42795, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 6-20-88; operative 7-20-88 (Register 88, No. 26).
- 2. Repealer of section and amendment of Note filed 3-13-2001; operative 4-12-2001 (Register 2001, No. 11).

§ 1438.25.2. Salad Products, Maintenance of Processor Inspection Records.

NOTE: Authority cited: Sections 407 and 42795, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 6-20-88; operative 7-20-88 (Register 88, No. 26).
- 2. Repealer of section and amendment of Note filed 3-13-2001; operative 4-12-2001 (Register 2001, No. 11).

§ 1438.25.3. Salad Products, Inspection Fee.

NOTE: Authority cited: Sections 407 and 42795, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 6-20-88; operative 7-20-88 (Register 88, No. 26).
- Repealer of section and amendment of NOTE filed 3–13–2001; operative 4–12–2001 (Register 2001, No. 11).

§ 1438.25.4. Salad Products, Minimum Inspection.

NOTE: Authority cited: Sections 407 and 42795, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 6-20-88; operative 7-20-88 (Register 88, No. 26).
- 2. Repealer of section and amendment of Note filed 3-13-2001; operative 4-12-2001 (Register 2001, No. 11).

§ 1438.26. Salad Products, Restricted Produce.

Vegetables which have been prepared for sale in their whole form and found to be in noncompliance of the quality requirements shall not be used for salad products until they are brought into compliance with the quality requirements of Group 4 prior to preparation into salad products. NOTE: Authority cited: Sections 407 and 42681, Food and Agricultural Code. Reference: Section 48059, Food and Agricultural Code.

HISTORY

- New section filed 12–2–70; effective thirtieth day thereafter (Register 70, No. 49).
- 2. Amendment and renumbering from Section 1438.80 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1438.27. Clean Defined.

Clean means free from dirt, sand, or other foreign material which includes additives or preservatives not approved for use in food products.

HISTORY

1. Renumbering from Section 1438.42 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1438.28. Salad Products, Excessive Moisture Defined and Tolerance.

Excessive moisture means free liquid exceeding 1/2 of 1 c.c. for each pound of finished product within a container, provided, however, the entire lot averages within the specified tolerance for excessive moisture, individual containers may exceed up to double the tolerance and 1/10 of the containers may exceed double the tolerance.

NOTE: Authority cited: Sections 14 and 407, Food and Agricultural Code. Reference: Sections 42684 and 42941, Food and Agricultural Code.

HISTORY

- Renumbering from Section 1438.43 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 6-20-88; operative 7-20-88 (Register 88, No. 26).

§ 1438.29. Salad Products, Tolerance for Defects.

- (a) Compliance or noncompliance with the quality requirements of this article shall be determined in accordance with Table 1, Table 2, and applicable procedures stated in subsection (b), below.
- (b) In applying Table 1 for shredded lettuce and Table 2 for chopped lettuce, the sample containers shall be selected at random as governed by Tables 1 and 2. A lot shall be considered in compliance or noncompliance in accordance with the amount of grams of defects established for each step. When the number of grams of defects in one or more steps is:
- (1) Equal to or less than the number in the "Accept" column, the lot shall be passed.
- (2) Equal to or more than the number in the "Reject" column, the lot shall be rejected.
- (3) More than the numbers in the "Accept" column but less than those in the "Reject" column, the next step shall be completed. The sample product and defects from all steps shall be combined in determining whether to pass or reject a lot.

Table 1. Defect Sampling Plan-Shredded Product

		Cumulative		
	No. of	<i>No</i> .		
Step	Containers	Containers	Accept	Reject
1	2	2	48g	74g
2	2	4	109g	134g
3	2	6	171g	191g
4	2	8	236g	247g
5	2	10	300g	301g

Table 2. Defect Sampling Plan—Chopped Product

		Cumulanve		
	No. of	No.		
Step	Containers	Containers	Accept	Reject
1	2	2	128g	154g
2	2	4	269g	292g
3	2	6	411g	430g
4	2	8	555g	602g
5	2	10	700g	701g

The foregoing sampling plan is based on a 10-pound bag as a sampling unit. If there is any variation from the 10-pound bag as a sample unit (e.g., 1, 5, or 15 pounds), the number of sample containers shall remain constant but the allowable grams shall change proportionally (10%, 50%, 150%) with the size of the container.

NOTE: Authority cited: Sections 14 and 407, Food and Agricultural Code. Reference: Sections 42681, 42684 and 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1438.44 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 4–17–84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 16).
- 3. Editorial correction (Register 84, No. 33).
- 4. Amendment of subsection (b) filed 4-9-85 as an emergency; effective upon filing (Register 85, No. 16). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 8-7-85.
- 5. Amendment of subsection (b) filed 8-1-85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 31).
- 6. Amendment of subsection (b) filed 6-20-86; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 86, No. 25).
- 7. Repealer and new section filed 6–20–88; operative 7–20–88 (Register 88, No. 26).

§ 1438.30. Salad Products, Official Sample to Determine Moisture Content.

Noncompliance of the lot due to excessive moisture content shall be determined by the inspection of three containers in each 100–container lot with one additional container for each additional 100 containers in the total lot provided that not more than one such container is sampled from each master container selected.

NOTE: Authority cited: Sections 14 and 407, Food and Agricultural Code. Reference: Sections 42681, 42684 and 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1438.46 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 6-20-88; operative 7-20-88 (Register 88, No. 26).

§ 1438.31. Disposal Order at Time of Receiving Load of Bulk Lettuce.

NOTE: Additional authority cited Section 48001, Food and Agricultural Code.

HISTORY

- 1. New section filed 5–26–71; effective thirtieth day thereafter (Register 71, No. 22).
- Renumbering from Section 1438.65 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Repealer filed 12–10–75; effective thirtieth day thereafter (Register 75, No. 50).

§ 1438.32. Permit to Transport Intrastate Loads of Lettuce for Shredding.

NOTE: Authority cited: Sections 407, 42682 and 48003, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- New section filed 9-21-73; effective thirtieth day thereafter (Register 73, No. 38).
- Renumbering from Section 1438.76 filed 1–21–75; effective thirtieth day thereafter (Register 75. No. 4).
- 3. Repealer filed 12-10-75; effective thirtieth day thereafter (Register 75, No. 50).

§ 1438.33. Salad Products, Transportation of Loads of Lettuce for Shredding.

It shall be unlawful to sell, buy, or cause to be transported lettuce or other vegetables to be used for shredding, chopping, or sectioning for salad products which fail to meet any of the quality requirements of Group 4.

NOTE: Authority cited: Sections 407 and 42681, Food and Agricultural Code. Reference: Section 48001, Food and Agricultural Code.

HISTORY

- 1. Amendment and renumbering from Section 1438.70 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4). For prior history, see Register 73, No. 38.
- 2. Amendment filed 12–10–75; effective thirtieth day thereafter (Register 75, No. 50)

§ 1438.34. Shredder Plant Defined.

NOTE: Authority cited: Sections 407 and 42681, Food and Agricultural Code. Reference: Section 48001, Food and Agricultural Code.

HISTORY

- 1. New section filed 5-26-71; effective thirtieth day thereafter (Register 71, No. 22).
- Renumbering from Section 1438.55 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Repealer filed 12-10-75; effective thirtieth day thereafter (Register 75, No. 50).

§ 1438.35. Verification of Facilities.

HISTORY

- 1. Renumbering from Section 1438.74 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 12-10-75; effective thirtieth day thereafter (Register 75, No. 50).

§ 1438.36. Verification of Sale.

HISTORY

- 1. Amendment filed 5–26–71; effective thirtieth day thereafter (Register 71, No. 22).
- 2. Renumbering from Section 1438.71 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Repealer filed 12–10–75; effective thirtieth day thereafter (Register 75, No. 50).

§ 1438.37. Failure to Issue Disposal Order.

NOTE: Authority cited: Sections 407 and 42681, Food and Agricultural Code. Reference: Section 48001, Food and Agricultural Code.

HISTORY

- 1. New Sections 1438.72, 1438.73, 1438.74 and 1438.75 filed 5–26–71; effective thirtieth day thereafter (Register 71, No. 22).
- 2. Renumbering from Section 1438.72 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Repealer filed 12–10–75; effective thirtieth day thereafter (Register 75, No. 50).

§ 1438.38. Weight Certificates.

HISTORY

- 1. Renumbering from Section 1438.73 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 12-10-75; effective thirtieth day thereafter (Register 75, No. 50).

§ 1438.39. Markings Required on Containers of Commercially Prepared Salad Products.

NOTE: Authority cited: Sections 407 and 42681, Food and Agricultural Code. Reference: Sec. 48059, Food and Agricultural Code.

HISTORY

- 1. New section filed 12–2–70; effective thirtieth day thereafter (Register 70, No. 49).
- 2. Amendment filed 9–21–73; effective thirtieth day thereafter (Register 73, No. 38).
- 3. Editorial correction (Register 74, No. 34).
- 4. Renumbering from Section 1438.60 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 5. Repealer filed 4-30-75; designated effective 6-1-75 (Register 75, No. 18).

§ 1438.40. Standard Containers and Markings for Intrastate Transportation of Lettuce to a Shredding Plant.

NOTE: Authority cited: Sections 407, 48003 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 9-21-73; effective thirtieth day thereafter (Register 73, No. 38).
- 2. Renumbering from Section 1438.61 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Amendment filed 4–30–75; designated effective 6–1–75 (Register 75, No. 18).
- 4. Repealer filed 12–10–75; effective thirtieth day thereafter (Register 75, No. 50).

§ 1438.41. Lettuce, Experimental Bulk Containers.

NOTE: Authority cited: Sections 407, 42682 and 48003, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

1. Amendment filed 9–21–73; effective thirtieth day thereafter (Register 73, No. 38).

- 2. Amendment and renumbering from Section 1438.75 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Repealer filed 12–10–75; effective thirtieth day thereafter (Register 75, No. 50).

§ 1438.42. Standard Containers for Salad Products.

All salad products, before being transported or sold, shall be placed in closed containers which are not tinted or colored unless approved by the Director.

NOTE: Authority cited: Sections 14, 407, 42681 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- New sections 1438.50, 1438.51, 1438.52, 1438.53, 1438.54 filed 12-2-70; effective thirtieth day thereafter (Register 70, No. 49).
- Amendment filed 9–21–73; effective thirtieth day thereafter (Register 73, No. 38).
- 3. Renumbering from Section 1438.50 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Amendment of section and NOTE filed 6–20–91; operative 7–22–91 (Register 91, No. 39).

§ 1438.43. Consumer Containers.

NOTE: Authority cited: Sections 14, 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1438.51 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Amendment filed 12-6-77; effective thirtieth day thereafter (Register 77, No. 50).
- 3. Repealer filed 6-20-91; operative 7-22-91 (Register 91, No. 39).

§ 1438.44. Master Containers for Salad Products.

- (a) All standard containers of salad products shall be placed in master containers.
- (b) Closed master containers shall be new. Open master containers may be used provided they are clean.

Consumer containers that are in retail establishment for the purpose of sale directly to consumer need not be in master containers.

HISTORY

- Amendment filed 5-26-71; effective thirtieth day thereafter (Register 71, No. 22).
- Amendment filed 9–21–73; effective thirtieth day thereafter (Register 73, No. 38).
- 3. Renumbering from Section 1438.52 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1438.45. Closed Defined.

Closed means that the container is closed with a lid material of a similar quality to the adjoining portion of the container to the degree that no part of the produce within the container can be removed without opening the container.

History

1. Renumbering from Section 1438.53 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

Article 28. Melons, Other Than Cantaloupes

§ 1442. Melons, Full Slip Defined.

As used in this article, "full slip" means that the fruit has separated from the stem leaving a clean, natural scar, with no portion of the stem remaining attached, and no torn or broken skin on the fruit.

NOTE: Authority cited for Article 28: Sections 42 and 43, Chapter 1404, Statutes of 1974 and Sections 407, 42681 and 42682, Food and Agricultural Code. Reference: Sections 42941, Food and Agricultural Code.

HISTORY

1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1442.1. Melons, Standards.

Persian melons, casabas, honeydew and honeyball melons, and watermelons shall be mature but not overripe and shall be free from any of the following defects.

- (a) Mold, decay, and insect injury which has penetrated or damaged the edible portion of the melon.
- (b) Serious damage, due to growth cracks, cuts, bruises, sunburn, softness, or other causes. Damage to any melon which is mentioned in this section is not serious unless it affects the edible portion of the melon.

HISTORY

1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1442.2. Melons, Tolerance.

Not more than 10 percent, by count, of the melons in any one container or bulk lot may be below the requirements which are prescribed by this article, but not to exceed one-half of this tolerance, shall be allowed for any one cause.

HISTORY

1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1442.3. Melons, Defines Mature.

"Mature," in the case of casabas, honeydew and honeyball melons, and watermelons, means that the appearance from the outside of the melon indicates maturity and that the arils which surround the seeds have been absorbed and also the following:

- (a) In the case of watermelons, that the flesh of the watermelons has not less than 75 percent red color.
- (b) In the case of honeyball and honeydew melons, that the juice of the edible portion contains not less than 10 percent soluble solids as determined by the standard hand refractometer, or that the fruit has been separated from the vine by a full slip which indicates actual maturity. The honeyball melon shall be netted and have pink flesh.

HISTORY

1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1442.4. Melons, Soluble Solids Methods.

The soluble solids content of the edible portion of the honeyball and honeydew melons shall be determined by extracting the juice from two plugs of the flesh, one from each of opposite sides of the melons, and taken at approximately one—half the distance between the stem and blossom ends. The plugs shall be approximately one—half of an inch in diameter. That portion of the plug three—eighths of an inch from the outside edge of the rind shall not be included as the edible portion of the plug of flesh.

HISTORY

1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1442.5. Honeydew Melons: Soluble Solids; Sampling and Testing Procedure.

- (a) The following procedure shall be used to determine whether honeydew melons in a lot are in compliance with Section 1442.3 with respect to requirements of said section that the juice of the edible portion shall contain not less than 10 percent soluble solids. For the purpose of this section a lot is defined as one group of containers of honeydew melons of the same count size, and the same grade or brand.
- (b) Sampling Method: Selection of Sample Containers. There shall be selected at random from the lot the number of sample containers specified by the following table:

Number of Containers	Sample Containers
in Lot	Required
50 containers or less	
51 to 200	
201 to 400	
401 to 600	

For lots of over 600 containers an additional three sample containers shall be selected for each additional 500 containers or fraction thereof.

(c) Sampling Procedure: Selection of Total Sample of Honeydew Melons to Be Tested. From the sample containers selected in accordance with

paragraph (b), there shall be selected a total sample of honeydew melons for testing in accordance with the following procedure:

- (1) There shall be selected from each sample container the two least mature appearing honeydew melons. These honeydew melons shall comprise the total sample to be tested to determine compliance of the honeydew melons in the lot.
- (d) Testing Method: Determination of the Percent of Soluble Solids. The total sample of honeydew melons selected in accordance with paragraph (c) shall be tested in accordance with the following procedure:
- (1) Remove two plugs from the sides of the honeydew melons according to the procedure specified in Section 1442.4; extract, combine and thoroughly mix the juice obtained, and determine the soluble solids content of this composite juice. If the soluble solids is 10 percent or above, no further testing is required, and the lot shall be deemed to comply with the soluble solids requirement in Section 1442.3.
- (e) Lots of honeydew melons which do not comply with the percentage of soluble solids required by Section 1442.3 as determined by the sampling and testing procedure specified in this section and Section 1442.4 shall be rejected.

HISTORY

- 1. Amendment of subsections (a), (d) and (e) filed 1–4–71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2). For prior history, see Register 65, No. 9.
- 2. Amendment and renumbering from Section 1441 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1442.6. Markings on Containers.

HISTORY

- 1. Renumbering from Section 1441.9 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 4-30-75; designated effective 6-1-75 (Register 75, No. 18).

§ 1442.7. Standard Containers, Melons.

- (a) Except as otherwise provided in this section, all melons shall be packed in standard container numbers 44H, 44I, 44J, 44K, 44L, 44N, or 44O.
- (b) Honeyball Melons. In addition to the containers listed in Subsection (a), honeyball melons may be packed in standard container number 41.
 - (c) Exceptions. This Section does not apply to any of the following:
 - (1) Cantaloupes.
 - (2) Crane melons which are shipped intrastate.
 - (3) Watermelons.
- (4) Melons which are in a retail establishment in possession of a retailer for the purpose of resale directly to consumers.
- (5) Melons which are sold by a producer regularly engaged in the production of melons directly to consumers on the premises where the melons are produced or at a retail stand which is operated by such producer near the point of production. Such retail stand shall not be outside of the county in which the melons were produced.
- (6) Casabas which are shipped intrastate, or when placed loose in container 44M and shipped to the states of Nevada, Oregon, Utah or Washington or British Columbia, Canada. The shipper or person in possession of casabas which are placed in containers 44M and which are intended to be transported or which are being transported out of this state shall, upon request of an enforcing officer, furnish receipts or other evidence as may be reasonably required to show that the conditions of this Section are being met.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- Renumbering from Section 1441.7 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 8–12–76; effective thirtieth day thereafter (Register 76, No. 33)
- 3. Amendment of subsection (c)(2) filed 8-15-78 as an emergency; designated effective on filing through 9-15-78 (Register 78, No. 33).
- 4. Subsection (c)(2) refiled 9–13–78 as an emergency; designated effective on filing through 10–15–78 (Register 78, No. 39).

- 5. Language of subsection (16) reverted on 10–16–78 to that appearing prior to emergency filing of 8–15–78, by operation of law. Certificate of Non–Compliance filed 10–27–78 as to emergency filing of 9–13–78 (Register 78, No. 43).
- 6. Amendment of subsection (c) filed 7–13–79; effective thirtieth day thereafter (Register 79, No. 28).
- 7. Amendment of subsection (a) and NoTE filed 12–5–96; operative 1–4–97 (Register 96, No. 49).
- 8. Amendment of subsection (a) and amendment of Note filed 10–9–2002; operative 11–8–2002 (Register 2002, No. 41).
- 9. Amendment of subsection (a) filed 6–25–2004; operative 6–25–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 26).

§ 1442.8. Consumer.

As used in this group, consumer means a person that buys melons for use as a food and not for resale.

HISTORY

1. Renumbering from Section 1441.6 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1442.9. Honeyball Melons, Standard Containers.

HISTORY

- 1. Amendment and renumbering from Section 1441.8 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 8-12-76; effective thirtieth day thereafter (Register 76, No. 33).

§ 1442.10. Melons, Other Than Cantaloupes Closed or Lidded.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New Sections 1441.5 through 1441.9 filed 1–4–71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 2. Renumbering from Section 1441.5 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Repealer of section and amendment of NOTE filed 10-9-2002; operative 11-8-2002 (Register 2002, No. 41).

§ 1442.11. Watermelons, Official Sample to Determine Maturity.

Section 1442.3 relating to standards for melons, provides that "mature" in the case of watermelons means that the appearance from the outside indicates maturity; and that the arils which surround the seeds have been absorbed, and that the flesh of the watermelons has not less than 75 percent red color.

In order to provide a uniform method of selecting a sample to determine the maturity of watermelons, one of the two following procedures shall be followed:

- (a) When the outside appearance of watermelons in the lot indicates immaturity, those immature appearing melons shall be cut to determine whether or not the inside indications of immaturity confirm the outside indications, and the maturity of the lot may be determined on that basis. However, in the case of a rejection, enough immature melons must be found to provide sufficient basis to reject the whole load or lot.
- (b) Where the outside appearance of the watermelons does not readily indicate immaturity, the sample of melons from the load or lot shall be taken at random; that is, without respect to appearance or any outside indications of maturity.
- (1) From the load, select at random, five of the melons; cut them and determine their maturity.
- (A) If all of the five melons cut are found to be mature, consider the load or lot to be mature. (In the case of inspection fo the purpose of issuing an "inspection" certificate, and the maturity of the load is being determined by cutting only, then the number cut must be at least 10 melons).
- (B) If one or more of the five melons are found upon cutting to be immature take an additional five melons in the manner described in item (b) above, on all loads or lots up to 10-ton loads. (See item (2) below for loads over 10 tons.)
- (2) When a load or lot of watermelons contains over 10 tons, and the original cutting of five melons (paragraph (b)(1) above) shows one or

Page 186

more immature melons, proceed with selecting additional melons; but the second cutting will be on the basis of one melon for each ton in the load. For example, in a 13–ton lot, the second cut would be on eight additional melons, and the rejectable melons in both the first cut of five and the second cut of eight would be added together to determine the percentage in the total of 13 melons cut.

(3) Any melons selected under method (a) shall not be combined in any way with those cut for method (b).

HISTORY

- Amendment filed 3–16–56; effective thirtieth day thereafter (Register 56, No. 5).
- Amendment filed 1-4-71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 3. Amendment and renumbering from Section 478 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1442.12. Watermelons, Overripe.

When the heart has broken loose from the sides of the melon, or it can be lifted out easily by the hand, and in addition, the aril strings are yellow and rubbery, then the melon is considered overripe; in some instances they may also be slimy, but this is not a requirement for rejection.

HISTORY

1. Renumbering from Section 1476 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1442.13. Watermelons, Rind Rot.

A rejection shall only be based on those melons in which the defect occurs in the edible portion, and particularly not based on outside indications such as bumps, welts, or off-color. To determine that the edible portion is damaged to the extent that the melon is rejectable, cut the melon in any direction, but there must be a distinct brown color or decay in the edible flesh and it must be a realistic amount. If there are outside indications of damage from rind rot, cut the melon through these welts or spots; it may also be necessary to cut the melon lengthwise, or peel the rind off the melon in such a way that it makes the line between the edible flesh and the rind more visible.

HISTORY

1. Renumbering from Section 1477 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1442.14. Watermelons, Heart Cracks.

Where such a crack does not in any way involve the edibility of a watermelon, it is not to be considered serious; however, such melons, when transported long distances and handled roughly, will break down in the center, and could easily cause the melon to be rejected. If the heart of the melon is split open badly in such a manner as to make that portion of the flesh inedible in the same degree as an overripe condition might appear, it is considered rejectable under the term "other causes." When a melon or the flesh of the melon is referred to as being inedible, we mean that it is damaged and jarred to a condition that is undesirable for the average consumer to eat.

HISTORY

- 1. New Sections 1473 through 1478 filed 7–7–55; effective thirtieth day thereafter (Register 55, No. 10).
- 2. Renumbering from Section 1473 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1442.15. Watermelons, Yellow or Tan Colored Spots Within the Edible Flesh.

When one cubic inch or more of the edible flesh of a watermelon is yellow or tan in color, the watermelon so affected is considered as not in compliance with the defect provisions of Section 1442.1.

Compliance with this section of the California Administrative Code shall be determined by the examination of not less than 10 watermelons, selected at random from each load or lot. When the load or lot contains more than 10 tons of watermelons, and the original examinations of the 10 melons show one or more melons seriously damaged by said yellow or tan colored spots, an additional melon for each ton, or fraction thereof, more than the original 10 tons in the load or lot shall be selected and examined. For example: when a load is composed of 12 tons, and the first

10 melons cut contained one or more melons seriously damaged due to this cause, it is required that 2 additional watermelons be selected in the same manner as the first 10 melons, and be cut and the results of these additional cuts be combined with the others to complete the sample for this 12–ton load.

In determining serious damage due to said defects in the edible portion of a single melon, the melon shall be cut in half, from stem to blossom end. If no evidence of yellow or tan colored spots appears on either of the two cut surfaces, the melon shall be deemed to be in compliance without further cutting. If any evidence of yellow or tan colored spots appears on either of the cut surfaces, then each of the two halves shall be cut lengthwise, through the seed cavities, to determine the extent of the damage.

HISTORY

- 1. Amendment filed 7–20–59; effective thirtieth day thereafter (Register 59, No. 12)
- 2. Amendment filed 1–4–71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 3. Amendment and renumbering from Section 1474 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1442.16. Watermelons, White Heart.

The characteristic white "V" at the stem is permissible, except if the thin string of white goes beyond the center of the melon, but this white string which extends beyond the center of the melon must be more than three-fourths of an inch in thickness before the melon would be rejected.

HISTORY

1. Renumbering from Section 1475 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

Article 29. Mushrooms

§ 1444. Mushrooms, Insect Injury.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- New section filed 7-7-55; effective thirtieth day thereafter (Register 55, No. 10).
- 2. Amendment filed 1–4–71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 3. Renumbering from section 1442 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 4. Amendment filed 3–22–83; effective thirtieth day thereafter (Register 83, No. 13).
- Repealer filed 10-7-92; operative 10-7-92 pursuant to AB 884, article 6.5, sections 42803 and 42806 (Register 92, No. 41).

§ 1444.1. Mushrooms, Edible Portion Defined.

 $Note: Authority\ cited: Sections\ 407\ and\ 42684, Food\ and\ Agricultural\ Code.\ Reference:\ Section\ 42941,\ Food\ and\ Agricultural\ Code.$

HISTORY

- 1. New section filed 3–22–83; effective thirtieth day thereafter (Register 83, No. 13).
- Repealer filed 10–7–92; operative 10–7–92 pursuant to AB 884, article 6.5, sections 42803 and 42806 (Register 92, No. 41).

Article 30. Nectarines

§ 1446. Nectarines, Standards.

Nectarines shall be mature, but not overripe, and free from the following defects:

- (a) Insect injury which has penetrated or damaged the flesh.
- (b) Split pits which cause an unhealed crack or one or more well healed cracks which, either singly or in the aggregate, are more than 3/8 inch in length.
 - (c) Mold, brown rot, and decay which has affected the edible portion.
- (d) Serious damage due to skin breaks, cuts, growth cracks, bruises, or other causes.

Damage to any nectarine is serious when it causes a waste of 10 percent or more, by volume, of the individual nectarine. NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Editorial amendment filed 5–12–78; effective thirtieth day thereafter (Register 78, No. 19).
- Amendment filed 5-4-84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 18).

§ 1446.1. Nectarines, Maturity.

Nectarines shall be considered mature if at the time of picking they comply with one of the following:

- (a) An aggregate area of at least 1 inch in diameter of the surface of the individual fruit has broken from green or dark green to a distinct flecking of light green or a light green which indicates equivalent maturity.
- (b) The shoulders and suture are well developed and filled out. NOTE: Authority cited: Sections 407 and 42684. Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Amendment filed 5-4-84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 18).

§ 1446.2. Nectarines, Tolerances.

- (a) General Defects. Not more than 10 percent, by count, of the nectarines in any one container or bulk lot may be below the requirements which are prescribed by this article, but not to exceed 5 percent, by count, for any one defect, except split pits.
- (b) Split Pits. An additional tolerance of 10 percent, by count, of the nectarines in any one container or bulk lot may contain nectarines affected with split pits.
- (c) Application. For the purpose of this section, subsection (b) means a total tolerance of 20 percent is allowed for all defects including split pits, but not to exceed 15 percent for split pits alone.

NOTE: Authority cited: Sections 407, 42681, and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 8–31–76; effective thirtieth day thereafter (Register 76, No. 36).

§ 1446.3. Nectarines, Split Pits.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- New section filed 7–7–55; effective thirtieth day thereafter (Register 55, No. 10).
- 2. Renumbering from Section 1443 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Amendment filed 8–31–76; effective thirtieth day thereafter (Register 76, No. 36)
- Repealer filed 5-4-84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 18).

§ 1446.4. Nectarines, Marking Requirements.

In addition to the basic marking requirements of Section 1359, every nonconsumer container of nectarines shall be clearly and conspicuously marked with the following information:

- (a) A numerical size description, followed by the word size, as established in Section 1446.9(c). This requirement shall apply only to volume or loose–filled nonconsumer containers.
- (b) The count description if the nectarines are packed in trays or uniform layers or rows.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1443.5 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 4–30–75; designated effective 6–1–75 (Register 75, No. 18).
- Amendment filed 5-4-84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 18).
- 4. Amendment filed 7–14–2000; operative 8–13–2000 (Register 2000, No. 28).
- Amendment of first paragraph, repealer of subsection (a) and subsection relettering filed 4–13–2006; operative 4–13–2006 pursuant to Government Code section 11343.4 (Register 2006, No. 15).

§ 1446.5. Nectarines, Four-Basket Container.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1443.6 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Repealer filed 5-4-84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 18).

§ 1446.6. Nectarines, Variation in Count Tolerance.

HISTORY

- 1. Renumbering from Section 1443.7 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 4-30-75; designated effective 6-1-75 (Register 75, No. 18).

§ 1446.7. Nectarines, Standard Container Requirements.

Nectarines shall be in containers 5, 9B, 10A, 12B, 22B, 22D, 22E, 22G, 22H, 22I, 31, 32, 33, 34, 35, or 36. Container 31 shall only be standard for nectarines which are placed in molded forms.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 5–6–77; effective thirtieth day thereafter (Register 77, No. 19). For prior history, see Register 76, No. 12.
- 2. Amendment filed 6–23–78; effective thirtieth day thereafter (Register 78, No. 25).
- Amendment filed 11–25–80; effective thirtieth day thereafter (Register 80, No. 48).
- Amendment filed 5-4-84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 18).
- Amendment filed 4–19–85; designated effective 4–20–85 pursuant to Government Code Section 11346.2(d) (Register 85, No. 16).
- Amendment filed 5–5–86; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 86, No. 19).
- 7. Amendment filed 4-16-87; operative 4-20-87 (Register 87, No. 16).
- 8. Amendment filed 5-29-97; operative 6-28-97 (Register 97, No. 22).
- 9. Amendment filed 6-17-98; operative 7-17-98 (Register 98, No. 25).
- 10. Amendment of section and NoTE filed 5-29-2002; operative 5-29-2002 pursuant to Government Code section 11343.4 (Register 2002, No. 22).
- 11. Amendment filed 8–26–2003; operative 8–26–2003 pursuant to Government Code section 11343.4 (Register 2003, No. 35).

§ 1446.8. Nectarines, Molded Forms in Container No. 31.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1443.2 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 5-4-84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 18).

§ 1446.9. Nectarines, Size Variation and Tolerance, and Size Description Requirements.

- (a) Packed nectarines shall not vary in size between the fruits in any container more than 3/8 inch in diameter when measured through the widest portion of the cross section of the fruit.
- (b) Size variation shall not exceed 5 percent, by count, in any container.
- (c) Nectarines in volume-filled nonconsumer containers marked with one of the size descriptions established below in Column A shall comply with the corresponding requirement in Column B:

	Column B
Column A	Maximum Number of Fruit
Size Description	in a 16 lb Sample
118	112
112	105
108	100
96	90
88	84
84	78
80	75
72	68
70	63
64	57
60	53
56	48
54	45
50	42
48	41
44	36
42	34
40	32
36	29
34	27
32	25
30	23
11 1 440 1	

For sizes smaller than 118 size, the maximum number of nectarines in a 16-pound sample shall be equal to the number of nectarines that would be packed in the corresponding tray-pack size. For example, a 130 tray-pack size would have a maximum of 130 nectarines in a 16-pound sample.

(d) Peento type nectarines in volume-filled nonconsumer containers marked with one of the size descriptions established below in Column A shall comply with the corresponding requirement in Column B:

Column A	Column B Maximum Number of Fruit
Size Description	in a 16 lb Sample
80 .	140
72	128
70	111
64	99
60	93
56	87
54	80
50	77
48	74
44	70
42	68
40	59
36	53
34	50
32	39
30	32

For sizes smaller than 80, no weight/count has been assigned, and are exempt from this Section.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- Renumbering from Section 1443.4 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Amendment filed 5-4-84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 18).
- Amendment of section heading and new subsection (c) filed 7-14-2000; operative 8-13-2000 (Register 2000, No. 28).
- 4. Amendment of subsection (c) filed 4–15–2005; operative 4–15–2005 pursuant to Government Code section 11343.4 (Register 2005, No. 15).
- 5. New subsection (d) filed 3–27–2007; operative 4–26–2007 (Register 2007, No. 13).

§ 1446.10. Nectarines, Cup Pack.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 3–5–58; effective thirtieth day thereafter (Register 58, No. 4).
- 2. Amendment filed 1–4–71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 3. Amendment and renumbering from Section 1449.8 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).
- Repealer filed 5-4-84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 18).

§ 1446.11. Nectarines, Exceptions.

NOTE: Authority cited: Sections 407, 42682, and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 5–12–78; effective thirtieth day thereafter (Register 78, No. 19).
- Repealer filed 5-4-84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 18).

§ 1446.12. Nectarines, Permits.

NOTE: Authority cited: Sections 407, 42682, and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 5–12–78; effective thirtieth day thereafter (Register 78, No. 19)
- Repealer filed 5-4-84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 18).

§ 1446.13. Nectarines, Schedule of Permit Fees.

The board of supervisors of the county from which the nectarines are to be transported pursuant to the provisions of this article shall establish a schedule of fees, which shall be based upon the cost to the county in carrying out the provisions of this article, to be paid by any person who requests a permit under this article. Such fees shall be deposited in a county fund and be used for carrying out the provisions of this Article. NOTE: Authority cited: Sections 407, 42682 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

1. New section filed 5–12–78; effective thirtieth day thereafter (Register 78, No. 19).

Article 31. Olives

§ 1448. Olives, Affected by Scale Damage.

Fresh unprocessed olives when offered for sale in wholesale or retail markets are regulated by this section. An individual olive is considered seriously damaged as defined in Section 42950 of the Food and Agricultural Code if scale on the fruit results in definite depressions *and* discoloration of the flesh.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 7-7-55; effective thirtieth day thereafter (Register 55, No. 10).
- Amendment filed 1-4-71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 3. Renumbering from Section 1444 filed 1–21–75; effective thirtieth day thereafter (Register 75 No. 4).
- 4. Amendment filed 3–22–83; effective thirtieth day thereafter (Register 83, No. 12)

Article 32. Onions

§ 1450. Onions, Standards.

Onions shall be free from the following defects:

- (a) Insect injury which has penetrated or damaged the edible portion of the onion.
 - (b) Mold and decay.
- (c) Serious damage due to sunscald, heat, freezing, sprouting, or other causes. Except as provided by Section 1450.2, damage is serious when it wastes 20 percent, by volume, of the individual onion.

 $Note: Authority\ cited: Sections\ 407\ and\ 42684, Food\ and\ Agricultural\ Code.\ Reference:\ Section\ 42941,\ Food\ and\ Agricultural\ Code.$

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 3–22–83; effective thirtieth day thereafter (Register 83, No. 13).

§ 1450.1. Onions, Damage Definition.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 3-22-83; effective thirtieth day thereafter (Register 83, No. 13).

§ 1450.2. Onions, Sprout Damage.

Damage is serious when a sprout is more than one inch in length, measured from the neck of the onion where the sprout emerges to the tip of such sprout, or the onion has become soft or spongy.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 3–22–83; effective thirtieth day thereafter (Register 83, No. 13).

§ 1450.3. Onions, Tolerances.

Not more than 5 percent, by weight, of the onions in any one container or bulk lot may be below the requirements prescribed by this article.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Amendment filed 3–22–83; effective thirtieth day thereafter (Register 83, No. 13).

§ 1450.4. Onions, Markings on Containers.

HISTORY

- 1. New section filed 1–4–71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 2. Renumbering from Section 1445 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Repealer filed 4–30–75; designated effective 6–1–75 (Register 75, No. 18).

Article 33. Green Onions and Shallots

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

1. Repealer of Article 33 (Sections 1452 and 1452.1) filed 3–22–83; effective thirtieth day thereafter (Register 83, No. 13). For prior history, see Register 75, No. 4.

Article 34. Peaches

§ 1454. Peaches, Exceptions.

NOTE: Authority cited: Sections 407, 42682, and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No.
- 2. Amendment filed 5–12–78; effective thirtieth day thereafter (Register 78, No. 19).
- Repealer filed 5-4-84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 18).

§ 1454.1. Peaches, Permits.

NOTE: Authority cited: Sections 407, 42682 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4)
- Repealer filed 5-4-84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 18).

§ 1454.2. Peaches, Verification.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

Repealer filed 5-4-84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 18).

§ 1454.3. Peaches, Standards.

Fresh peaches shall be mature, but not overripe, and free from the following defects:

- (a) Insect injury which has penetrated or damaged the flesh.
- (b) Split pits which cause an unhealed crack or one or more healed cracks which, either singly or in the aggregate, are more than 1/2 inch in length.
 - (c) Mold, brown rot, and decay.
- (d) Serious damage due to cuts, skin breaks, growth cracks, bruises, scab, rust, blight, disease, hail, or other causes.

Damage to any peach is serious when it causes a waste of 10 percent or more, by volume, of the individual peach.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Amendment filed 5-4-84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 18).

§ 1454.4. Peaches, Maturity.

All varieties of peaches shall be considered mature if, at the time of picking, the shoulders and sutures are well developed and filled. In addition, the flesh of peaches of the Elberta variety shall be a yellowish color and the color in the skin and flesh of varieties of semi-cling and cling peaches shall be that which is characteristic of the variety.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Amendment filed 5-4-84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 18).

§ 1454.5. Peaches, Tolerances.

Not more than 10 percent, by count, of the peaches in any container or bulk lot may be below the requirements prescribed by this article. Not more than one-half of this tolerance shall be allowed for any one cause. Individual containers in any lot may contain not more than 1 1/2 times the tolerances specified if the percentage of defects of the entire lot averages within the tolerances.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Amendment filed 5-4-84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 18).

§ 1454.6. Peaches, Maturity.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 1–4–71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No 2).
- 2. Amendment and renumbering from Section 1449 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Repealer filed 5–4–84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 18).

§ 1454.7. Peaches, Blossom Tip Bruising.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1447 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 5–4–84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 18).

§ 1454.8. Peaches, Bruising.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1448 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Repealer filed 5-4-84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 18).

§ 1454.9. Peaches, Split Pits.

NOTE: Authority cited: Sections 407 and 42684. Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New Sections 1446 through 1449 filed 7–7–55; effective thirtieth day thereafter (Register 55, No. 10).
- Renumbering from Section 1446 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Amendment filed 8–31–76; effective thirtieth day thereafter (Register 76, No. 36).
- Repealer filed 5–4–84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 18).

§ 1454.10. Peaches, Marking Requirements.

In addition to the basic marking requirements of Section 1359, every nonconsumer container of fresh peaches shall be clearly and conspicuously marked with the following information:

- (a) A numerical size description as established in Section 1454.16(c). This requirement shall apply only to volume or loose–filled nonconsumer containers.
- (b) The count description if the peaches are packed in trays or uniform layers or rows.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1449.13 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 4-30-75; designated effective 6-1-75 (Register 75, No. 18).
- Amendment filed 5-4-84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 18).
- 4. Editorial correction of section heading (Register 84, No. 33).
- 5. Amendment filed 7-14-2000; operative 8-13-2000 (Register 2000, No. 28).
- Amendment of first paragraph, repealer of subsection (a) and subsection relettering filed 4–13–2006; operative 4–13–2006 pursuant to Government Code section 11343.4 (Register 2006, No. 15).

§ 1454.11. Peaches, Four-Basket Crates.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1449.14 filed 1–21–5; effective thirtieth day thereafter (Register 75, No. 4).
- Repealer filed 5-4-84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 18).

§ 1454.12. Peaches, Variation in Count Tolerance.

HISTORY

- 1. Renumbering from Section 1449.15 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 4-30-75; designated effective 6-1-75 (Register 75, No. 18).

§ 1454.13. Peaches, Cup Pack.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Repealer filed 5–4–84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 18).

§ 1454.14. Peaches, Standard Container Requirements.

Peaches shall be in containers 5, 9B, 10A, 12B, 22D, 22E, 22G, 22H, 22I, 31, 32, 33, 34, 35, or 36. Container 31 shall only be standard for peaches which are placed in molded forms.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 5–6–77; effective thirtieth day thereafter (Register 77, No. 19). For prior history, see Register 76, No. 12.
- 2. Amendment filed 6–23–78; effective thirtieth day thereafter (Register 78, No. 25)
- 3. Amendment filed 11–25–80; effective thirtieth day thereafter (Register 80, No. 48).
- 4. Amendment filed 5–4–84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 18).
- Amendment filed 5–5–86; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 86, No. 19).
- 6. Amendment filed 4-16-87; operative 4-20-87 (Register 87, No. 16).
- 7. Amendment filed 5-29-97; operative 6-28-97 (Register 97, No. 22).
- 8. Amendment filed 6-17-98; operative 7-17-98 (Register 98, No. 25).
- Amendment of section and Note filed 5–29–2002; operative 5–29–2002 pursuant to Government Code section 11343.4 (Register 2002, No. 22).
- 10. Amendment filed 8–26–2003; operative 8–26–2003 pursuant to Government Code section 11343.4 (Register 2003, No. 35).

§ 1454.15. Peaches, Molded Forms in Standard Containers.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1449.10 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Repealer filed 5-4-84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 18).

§ 1454.16. Peaches, Size Variation and Tolerance, and Size Description Requirements.

- (a) Packed peaches shall not vary in size between the fruits in any container more than 3/8 inch in diameter when measured through the widest portion of the cross section of the fruit.
- (b) Size variation shall not exceed 5 percent, by count, in any container.
- (c) Peaches in volume-filled nonconsumer containers marked with one of the size descriptions established below in Column A shall comply with the corresponding requirement in Column B:

	Column B
Column A	Maximum Number of Fruit
Size Description	in a 16 lb Sample
108	108
96	96
88	92
84	83
80	77
72	69
70	65
64	58
60	53
56	48
54	46
50	43
48	41
44	37
42	34
40	32
36	29
34	28
32	25
30	23
28	21
26	20

For sizes smaller than 108 size, the maximum number of peaches in a 16-pound sample shall be equal to the number of peaches that would be packed in the corresponding tray-pack size. For example, a 130 tray-pack size would have a maximum of 130 peaches in a 16-pound sample.

(d) Peento type peaches in volume-filled nonconsumer containers marked with one of the size descriptions established below in Column A shall comply with the corresponding requirement in Column B:

Column A	Column B Maximum Number of Fruit
Size Description	in a 16 lb Sample
80 '	140
72	128
70	111
64	99
60	93
56	87
54	80
50	77
48	74
44	70
42	68
40	59
36	53
34	50
32	39
30	32

For sizes smaller than 80, no weight/count has been assigned, and are exempt from this Section.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 14491.12 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Amendment filed 5-4-84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 18).
- Amendment of section heading and new subsection (c) filed 7–14–2000; operative 8–13–2000 (Register 2000, No. 28).
- Amendment of subsection (c) filed 4–15–2005; operative 4–15–2005 pursuant to Government Code section 11343.4 (Register 2005, No. 15).
- 5. New subsection (d) filed 3–27–2007; operative 4–26–2007 (Register 2007, No. 13).

Article 35. Pears

§ 1456. Pears, Exceptions.

NOTE: Authority cited: Sections 407, 42682 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 10-19-84; effective thirtieth day thereafter (Register 84, No. 42).

§ 1456.1. Pears, By-Product Regulations.

NOTE: Authority cited: Sections 407, 42682 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 10-19-84; effective thirtieth day thereafter (Register 84, No. 42).

§ 1456.2. Pears, Processing.

NOTE: Authority cited: Sections 407, 42682 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 10–19–84; effective thirtieth day thereafter (Register 84, No. 42).

§ 1456.3. Pears, Permit for Transporting Out-of-State for Further Packing.

NOTE: Authority cited: Sections 407, 42682 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 11–3–71; effective thirtieth day thereafter (Register 71, No. 45).
- 2. Amendment and renumbering from Section 1452.7 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Amendment filed 4–30–75; designated effective 6–1–75 (Register 75, No. 18).
- 4. Repealer filed 10-19-84; effective thirtieth day thereafter (Register 84, No. 42).

§ 1456.4. Pears, Standards.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4)
- Amendment filed 10–19–84; effective thirtieth day thereafter (Register 84, No. 42).
- Repealer filed 7–27–92 as an emergency; operative 7–27–92 (Register 92. No. 31). A Certificate of Compliance must be transmitted to OAL 11–24–92 or emergency language will be repealed by operation of law on the following day.

§ 1456.5. Pears, Serious Damage Defined.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Amendment filed 10–19–84; effective thirtieth day thereafter (Register 84, No. 42).
- Repealer filed 7–27–92 as an emergency; operative 7–27–92 (Register 92, No. 31). A Certificate of Compliance must be transmitted to OAL 11–24–92 or emergency language will be repealed by operation of law on the following day.

§ 1456.6. Pears, Hail Damage.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New Sections 1450 through 1452 filed 7–7–55; effective thirtieth day thereafter (Register 55, No. 10).
- 2. Renumbering from Section 1450 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Repealer filed 10-19-84; effective thirtieth day thereafter (Register 84, No. 42).

§ 1456.7. Pears, Limb Rub.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1451 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 10-19-84; effective thirtieth day thereafter (Register 84, No. 42).

§ 1456.8. Pears, Tolerances.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agriculture Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Amendment filed 10–19–84; effective thirtieth day thereafter (Register 84, No. 42).
- Repealer filed 7-27-92 as an emergency; operative 7-27-92 (Register 92, No. 31). A Certificate of Compliance must be transmitted to OAL 11-24-92 or emergency language will be repealed by operation of law on the following day.

§ 1456.9. Pears, Codling Moth.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 10–19–84; effective thirtieth day thereafter (Register 84, No. 42).
- Repealer filed 7-27-92 as an emergency; operative 7-27-92 (Register 92, No. 31). A Certificate of Compliance must be transmitted to OAL 11-24-92 or emergency language will be repealed by operation of law on the following day.

§ 1456.10. Pears, Maturity.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 10–19–84; effective thirtieth day thereafter (Register 84, No. 42).
- Repealer filed 7-27-92 as an emergency; operative 7-27-92 (Register 92, No. 31). A Certificate of Compliance must be transmitted to OAL 11-24-92 or emergency language will be repealed by operation of law on the following day.

§ 1456.11. Pears, Pressure Test.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4)

- Amendment filed 10–19–84; effective thirtieth day thereafter (Register 84, No. 42).
- Repealer filed 7-27-92 as an emergency; operative 7-27-92 (Register 92, No. 31). A Certificate of Compliance must be transmitted to OAL 11-24-92 or emergency language will be repealed by operation of law on the following day.

§ 1456.12. Pears, Soluble Solids.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- New Note filed 10–19–84; effective thirtieth day thereafter (Register 84, No. 42).
- Repealer filed 7-27-92 as an emergency; operative 7-27-92 (Register 92, No. 31). A Certificate of Compliance must be transmitted to OAL 11-24-92 or emergency language will be repealed by operation of law on the following day.

§ 1456.13. Pears, Red Bartlett-Maturity.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1452 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 10-19-84; effective thirtieth day thereafter (Register 84, No. 42).

§ 1456.14. Pears, Marking Requirements.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 2-2-72; effective thirtieth day thereafter (Register 72, No. 6).
- 2. Amendment and renumbering from section 1452.4 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Amendment filed 4–30–75; designated effective 6–1–75 (Register 75, No. 18).
- Amendment filed 7–10–75; effective thirtieth day thereafter (Register 75, No. 28).
- 5. Amendment filed 10–19–84; effective thirtieth day thereafter (Register 84, No. 42)
- 6. Repealer filed 7–27–92 as an emergency; operative 7–27–92 (Register 92, No. 31). A Certificate of Compliance must be transmitted to OAL 11–24–92 or emergency language will be repealed by operation of law on the following day.

§ 1456.15. Pears, Hail Damage.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 11–8–78; effective thirtieth day thereafter (Register 78, No. 45).
- 3. Amendment filed 10–19–84; effective thirtieth day thereafter (Register 84, No. 47)
- Repealer filed 7–27–92 as an emergency; operative 7–27–92 (Register 92, No. 31). A Certificate of Compliance must be transmitted to OAL 11–24–92 or emergency language will be repealed by operation of law on the following day.

§ 1456.16. Pears, Exceptions and Permit Requirements.

NOTE: Authority cited: Sections 407, 42682 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- New section filed 11-3-71; effective thirtieth day thereafter (Register 71, No. 45).
- 2. Amendment filed 2–2–72; effective thirtieth day thereafter (Register 72, No. 6).
- 3. Amendment and renumbering from Section 1456.6 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 4. Amendment filed 4-30-75; designated effective 6-1-75 (Register 75, No. 18)
- 5. Repealer filed 10-19-84; effective thirtieth day thereafter (Register 84, No. 42).

§ 1456.17. Pears, Standard Container Requirements.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- Amendment filed 6-23-78; effective thirtieth day thereafter (Register 78, No. 25). For prior history, see Register 75, No. 4.
- Two orders amending section filed 7-25-83; effective thirtieth day thereafter (Register 83, No. 31).

- 3. Amendment filed 6–14–84; effective thirtieth day thereafter (Register 84, No. 24)
- 4. Amendment filed 10–19–84; effective thirtieth day thereafter (Register 84, No. 42).
- Repealer filed 7-27-92 as an emergency; operative 7-27-92 (Register 92, No. 31). A Certificate of Compliance must be transmitted to OAL 11-24-92 or emergency language will be repealed by operation of law on the following day.

§ 1456.18. Pears, Uniform in Size.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New sections 1452.3 through 1452.5 filed 1–4–71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 2. Renumbering from section 1452.3 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Amendment filed 10–19–84; effective thirtieth day thereafter (Register 84, No. 42).
- Repealer filed 7-27-92 as an emergency; operative 7-27-92 (Register 92, No. 31). A Certificate of Compliance must be transmitted to OAL 11-24-92 or emergency language will be repealed by operation of law on the following day.

§ 1456.19. Pears, Variation in Count Tolerance.

HISTOR'

- 1. Renumbering from Section 1452.5 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 4-30-75; designated effective 6-1-75 (Register 75, No. 18).

Article 36. Peas

§ 1458. Peas, Overmature.

"Overmature" means that more than one-third of the surface of the pea pod is wrinkled, shriveled, or yellowed.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 3–22–83; effective thirtieth day thereafter (Register 83, No. 13).

§ 1458.1. Peas, Standards.

Pods of peas shall not be poorly filled or overmature and shall be free from:

- (a) Insect larvae.
- (b) Serious damage due to insects, freezing, mildew, decay, or other causes. Damage is serious when 20 percent or more of the peas in the pod are affected.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 3–22–83; effective thirtieth day thereafter (Register 83, No. 13).

§ 1458.2. Peas, Poorly Filled.

Pods of peas are poorly filled if one-half or more of the pod is filled with undeveloped peas.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- Repealer and new section filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 3–22–83; effective thirtieth day thereafter (Register 83, No. 12)

§ 1458.3. Peas, Damage.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

History

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 3-22-83; effective thirtieth day thereafter (Register 83, No. 13).

§ 1458.4. Peas, Tolerances.

Not more than 10 percent, by weight, of the pods in any one container or bulk lot may be below the requirements prescribed by this article. Not more than one-half of this tolerance shall be allowed for any one cause. The percentage shall be based on a random sample of not less than 10 percent, by weight, of the peas in any one container or bulk lot.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 3–22–83; effective thirtieth day thereafter (Register 83, No. 13).

Article 37. Oriental Persimmons

§ 1460. Persimmons, Standards.

Persimmons shall be mature, at time of picking, but not overripe, and shall be free from the following defects:

- (a) Mold and decay.
- (b) Serious damage due to cuts, bruises, broken skin, growth cracks, hail, or other causes. Damage is serious when it wastes 10 percent, by volume, of an individual persimmon.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–1–75; effective thirtieth day thereafter (Register 75, No. 4). For former section, see Register 74, No. 34.
- 2. Amendment filed 10–5–83; effective thirtieth day thereafter (Register 83, No. 41).

§ 1460.1. Persimmons, Maturity.

A persimmon shall be considered mature when its outside surface meets the following color requirements:

- (a) Persimmons of the Hachiya Variety: The blossom end has attained an orange or reddish color equal to or darker than Munsell Color Chart 6.7YR—5.93/12.7 on at least one—third of the length of the fruit measuring in a straight line from the blossom end to the stem end with the remaining two—thirds a green color equal to or lighter than Munsell Color Chart 2.5GY 5/6 (Lot #10114D).
- (b) Persimmons of other varieties: When they have attained a yellowish–green color equal to or lighter than Munsell Color Chart 10Y 6/6 (Lot #7138).

NOTE: Authority cited: Sections 407, 42681 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Amendment filed 10-5-83; effective thirtieth day thereafter (Register 83, No. 41).

§ 1460.2. Persimmons, Maturity.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- New section filed 9-12-69 as an emergency; effective upon filing. Certificate of compliance included (Register 69, No. 37).
- 2. Amendment and renumbering from Section 1453 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Repealer filed 10-5-83; effective thirtieth day thereafter (Register 83, No. 41).

§ 1460.3. Persimmons, Tolerances.

Not more than 10 percent, by count, of the persimmons in a container or bulk lot, may be below the requirements prescribed by this article. Not more than one-half of this tolerance shall be allowed for any one cause. Note: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

2. Amendment filed 10–5–83; effective thirtieth day thereafter (Register 83, No. 41)

§ 1460.4. Persimmons, Size Variation.

Packed persimmons shall not vary in any one container more than one-half inch in diameter when measured through the widest portion of the cross-section of the persimmons.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New Section filed 1–4–71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 2. Renumbering from Section 1453.1 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Amendment filed 10-5-83; effective thirtieth day thereafter (Register 83, No. 41)

Article 38. Plums and Fresh Prunes

§ 1462. Plums and Fresh Prunes, Exceptions.

This Group does not prohibit any person, under a permit issued pursuant to this Article, from transporting out of the state plums and fresh prunes which fail to comply with the quality, packing, container, or marking requirements of this Group, if both of the following requirements are satisfied:

- (a) The permit is issued for and is attached to each load or lot transported.
- (b) The plums and fresh prunes are loose in containers which are not closed, or in bins each holding 200 pounds or more of the plums and fresh prunes.

NOTE: Authority cited for Article 38: Sections 42 and 43, Chapter 1404, Statutes of 1974 and Sections 407, 42681, 42682 and 42684 Food and Agricultural Code. Reference: Sections 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4). For former section, see Register 67, No. 23.
- 2. Amendment filed 5–12–78; effective thirtieth day thereafter (Register 78, No. 19).

§ 1462.1. Plums and Fresh Prunes, Permits.

The permit may be issued by the commissioner of the county from which the plums and fresh prunes are to be transported if such commissioner has satisfactory verification by a like officer of the state of destination that the plums and fresh prunes are to be transported to a purchaser for commercial processing, preserving, or manufacturing on the premises of the purchaser. Such verification shall include a statement that such official will report to the commissioner who issued the permit as to the commercial processing, preserving, or manufacturing use to which the plums and fresh prunes so transported under the permit were actually put by the purchaser of the plums and fresh prunes.

HISTORY

New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4). For former section, see Register 67, No. 23.

§ 1462.2. Plums and Fresh Prunes, Standards.

Plums and fresh prunes shall be mature, but not overripe, and shall be free from any of the following defects:

- (a) Insect injury which has penetrated or damaged the flesh.
- (b) Unsealed skin breaks or cuts, mold, brown rot, or decay.
- (c) Serious damage which is due to bruises, growth cracks, sunburn, hail, doubles, insects, internal growth cracks, cavities, gum spots, or other causes.

HISTORY

 New section filed 1-21-75; effective thirtieth day thereafter (Register 75, No.4). For former section, see register 67. No. 23.

§ 1462.3. Plums and Fresh Prunes, Defects.

Damage to any one plum or fresh prune is serious if it is caused by any of the following:

(a) Bruises which affect the flesh more than three-sixteenths of an inch in depth or more than an aggregate surface area of one-half of an inch in diameter.

- (b) Growth cracks over one-half of an inch in length or over three-sixteenths of an inch in depth, except that healed growth cracks within the stem end cavity are not serious damage unless they are over five-eights of an inch in length or over three-sixteenths of an inch in depth.
 - (c) Sunburn which affects the flesh.
- (d) Hail which results in one or more depressions over three-sixteenths of an inch in depth or which affects more than an aggregate surface area of one-half of an inch in diameter.
- (e) Doubles, if one portion is one-fourth or less in size than the other portion of the plum or fresh prune.
- (f) Thrip marks or other similar insect injury if 15 percent or more of the surface of the plum or fresh prune is affected or which causes one or more depressions or raised portions (bumps or welts) one-fourth of an inch or more in depth or height.
- (g) Internal growth cracks, cavities, or gum spots if they cause the plum to be seriously malformed.

1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No.

§ 1462.4. Plums, Immaturity.

After plums have been picked and stored for some time, they will increase in color. They do not increase in maturity regardless of the color, and therefore whenever a lot of plums arrives at the packing house and is immature, it must be reconditioned immediately. It would be impossible within a relatively short period of storage to determine which of the individual plums were immature unless sorting is done upon arrival at the packing house.

HISTORY

1. Renumbering from Section 1457 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1462.5. Plums, Heat Damage.

Hot weather sometimes causes internal damage to plums. This does not come under the classification of "sunburn," defined in Section 1462.2. The provision of Section 1462.2 which does apply is "serious damage due to . . . other causes." Such heat damage shall not be considered serious unless the flesh affected is dark brown to black in color, and affects at least 10 percent of the volume of the individual fruit.

HISTORY

- 1. Amendment filed 1-4-71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 2. Amendment and renumbering from Section 1458 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).

§ 1462.6. Plums and Fresh Prunes, Tolerances.

(a) Not more than 10 percent, by count, of the plums or fresh prunes in any one container or bulk lot may be below the requirements which are prescribed by this article, but not to exceed one-half of this tolerance shall be allowed for any one cause. Individual containers in any lot may, however, contain not more than 1 1/2 times the tolerances which are specified if the percentage of defects of the entire lot averages within the tol-

(b) In addition to the tolerance specified for any one cause, containers of plums or fresh prunes which are conspicuously marked "hail marked" shall be permitted a tolerance of 10 percent for hail damage, provided that no hail mark permitted under such additional tolerance may exceed 3/8 inch in depth, or exceed an aggregate area of 3/4 inch in diameter. Individual containers shall not have more than 17 1/2 percent hail damage (7 1/2 percent for any one cause plus 10 percent under the additional toler-

NOTE: Authority cited: Sections 14, 407, 42682, and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1-21-75; effective thirtieth day thereafter (Register 75, No.
- 2. New subsection (a) designator, subsection (b) and NOTE filed 4-23-92; operative 4-23-92 pursuant to Government Code section 11346.2(d) (Register 92, No. 20).

§ 1462.7. Plums and Fresh Prunes, Additional Tolerances.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code

HISTORY

- 1. New section filed 1-21-75; effective thirtieth day thereafter (Register 75, No.
- 2. Amendment of subsection (c) filed 11-8-78; effective thirtieth day thereafter (Register 78, No. 45). Repealer filed 4–23–92; operative 4–23–92 pursuant to Government Code sec-
- tion 11346.2(d) (Register 92, No. 20).

§ 1462.8. Plums, Hail Damage.

NOTE: Authority cited: Sections 14, 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New sections 1455 through 1458 filed 7-7-55; effective thirtieth day thereafter (Register 55, No. 10).
- 2. Amendment of subsection (a) filed 1-4-71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2)
- 3. Amendment and renumbering from section 1455 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Amendment of subsection (b) filed 11-8-78; effective thirtieth day thereafter (Register 78, No. 45).
- 5. Amendment of subsection (b) filed 5-15-91 as an emergency; operative 5-15-91 (Register 91, No. 26). A Certificate of Compliance must be transmitted to OAL by 9-12-91 or emergency language will be repealed by operation of law on the following day.
- 6. Repealer filed 4–23–92; operative 4–23–92 pursuant to Government Code section 11346.2(d) (Register 92, No. 20).

§ 1462.9. Plums, Maturity.

Column A

(a) The varieties of plums listed in Column A, to be considered mature as required by Section 1462.2, shall at least comply with the minimum standard specified in Column B opposite each variety name.

Column B

1. Ace	1/2 of surface mottled red color characteristic of the variety, or 3/4 red or light amber flesh color.
2. Abundance	Full greenish yellow, or trace of red.
3. Apex	Full greenish yellow, or trace of red.
4. Beauty	85 percent of surface yellowish green, or trace of red.
Becky Smith	Full yellow, or trace of red.
6. Blue Giant	2/3 surface blue color, or full light greenish yellow.
7. Botan	Full greenish yellow, or trace of red.
8. Bradshaw	1/4 surface blue color, or full light greenish yellow.
9. Burbank	Full light greenish yellow, or 1/2 of surface red color.
10. Burmosa	Full yellowish green, or 1/2 of surface red color.
11. Burton Mammoth	Full light yellowish green, or trace of red.
12. Casselman	3/4 of surface distinct red color, or full light yellow color.

13. Climax 85% of surface light yellowish green, or trace of red.

14. Clyman Full light green, or trace of red. 15. Del Norte 1/4 surface red color, or full light greenish

Diamond 1/2 of surface blue color, or full light greenish yellow.

17. Duarte 1/2 of surface mottled red color characteristic of the variety, or 3/4 red or light amber flesh color.

18. Earliana 1/2 surface blue color, or full light greenish

19 El Dorado Shoulders smooth with good "spring." Full dark red surface color, or part red and rest of surface yellow color.

20. El Dorosa 1/2 red surface color, or full light greenish

21. Elephant Heart 1/2 of surface mottled red color characteristic of the variety, or 3/4 red or light

amber flesh color. 22. Emily 3/4 of surface red color, or full light greenish

23. Empress Full dark purplish blue, or 75% dark purplish blue, remainder light greenish yellow 24. Fallenberg 3/4 of surface purple, or full light greenish

(American blue, or yellow. German prune) Formosa Full light greenish yellow, or trace of red. Gaviota Full yellowish green, or trace of red.

Column A	Column D	Color Definitions: The following relations are listed in their reason		
Column A 27. Gavora	Column B 3/4 red surface color, or full light greenish	Color Definitions: The following color terms are listed in their prop		
27. Gavora	yellow.	order, beginning with light green the darkest to yellow the lightest:		
28. Giant (Free from pit)	1/4 of surface red color, or full light greenish yellow.	light green yellowish green		
29. Grand Duke	2/3 of surface purple, or full light greenish yellow.	3. light yellowish green		
30. Gros Hungarian	1/2 of surface red color characteristic of the	4. greenish yellow 5. light greenish yellow		
31. Hinora	variety, or full light greenish yellow. 1/3 surface purple color, or full light greenish yellow.	6. light yellow		
32. Honey Heart	Full light yellowish green, or trace of red.	7. yellow		
33. Improved Late	3/4 of surface distinct red, or full Santa Rosa light yellow color.	Good Spring: Good spring is defined as that degree of solidity which is no longer hard and yields to reasonable pressure over the entire surface		
34. Kelsey	Surface smooth and good "spring." Full light	of the plum.		
35. Laroda	green color, or trace of red color. Full dark red color, or dark red color at blossom end and remainder of plum full light greenish	NOTE: Authority cited: Sections 407 and 42681, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.		
36. Late Duarte	yellow. 1/2 of surface mottled red color characteristic	HISTORY 1. Amendment filed 5–18–65, effective thirtieth day thereafter (Register 65, No.		
	of the variety, or 3/4 red or light amber flesh	8).		
37. Late Santa Rosa	color. 3/4 of surface distinct red, or full light yellow	2. Amendment of subsection (a) filed 1–4–71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).		
38. Late Tragedy	color. 1/2 of surface purple, or full light (Rayburn	3. Amendment and renumbering from Section 1456 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).		
	Tragedy) greenish yellow.			
39. Mammoth (Burton) 40. Mariposa	Full light yellowish green, or trace of red. 1/2 of surface mottled red color characteristic	§ 1462.10. Plums and Fresh Prunes, Marking Requirements.		
40. Maiposa	of the variety, or 3/4 red or light amber flesh	In addition to the basic marking requirements of Section 1359, every		
4	color.	nonconsumer container of plums or fresh prunes shall be clearly and con-		
41. Nubianna	Good "spring." Full dark purplish blue, or 75% of surface dark purplish blue, remainder light	spicuously marked with the following:		
	amber color characteristic of the variety.	(a) A numerical size designation, followed by the word "size," in ac-		
42. Padre	1/4 red surface color, or full light greenish yellow.	cordance with the requirements of Section 1462.11. This requirement		
43. President	3/4 of surface reddish purple, and under color	shall apply only to volume or tight-filled nonconsumer containers.		
	light yellowish green, or full light greenish yellow.	NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.		
44. Prieze	Full yellow, or some red surface color.	HISTORY		
45. Queen Anne	Good "spring." Full dark purple, or 90% of surface dark purple color with remainder light	1. Amendment and renumbering from Section 1458.8 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).		
46. Red Heart	greenish yellow. 1/2 surface mottled red color characteristic of	2. Amendment filed 4–30–75; designated effective 6–1–75 (Register 75, No. 18).		
	the variety, or 3/4 red or light amber flesh color.	3. Amendment of section and new NOTE filed 6–21–95; operative 7–21–95 (Register 95, No. 25).		
47. Red Roy	1/2 of surface red color, or full yellow with 10% of surface red.	4. Amendment filed 5–29–97; operative 6–28–97 (Register 97, No. 22).		
48. Salsa Pride	3/4 of surface distinct red color, or full light yellowish green color.	5. Amendment of section and NOTE filed 7–14–2000; operative 8–13–2000 (Register 2000, No. 28).		
49. Santa Rosa	40% of surface red color, or full light greenish yellow.	6. Amendment of first paragraph, repealer of subsection (a) and subsection relettering filed 4–13–2006; operative 4–13–2006 pursuant to Government Code		
50. Satsuma	(Improved 1/2 of surface mottled red color characteristic Satsuma and Duarte of the	section 11343.4 (Register 2006, No. 15).		
	variety, or 2/3 red or light amber Deluxe) flesh	§ 1462.11. Plums and Fresh Prunes, Numerical Size		
	color.	Designation Requirements.		
51. Sharkey 52. Sharpes Pearl	Full yellowish green, or trace of red. Full light greenish yellow, or trace of red.	When containers of plums or fresh prunes are marked with a numerical		
53. Shiro	Full greenish yellow, or trace of red.	size designation as required by Section 1462.10(b), the numerical size		
54. Sugar Prune	1/4 of surface red color, free from pit, or full	designation shall be one of the designations established by subsection (a)		
55. Tragedy	light greenish yellow. 30% of surface purple, or full light greenish	or as otherwise provided by subsection (c).		
55. Hagouy	yellow.	(a) A random sample of plums or fresh prunes that are represented by		
56. Wickson	Full yellowish green, or trace of red.	any one of the following designations shall weigh not less than 10 pounds.		
(b) Definitions:		The number of plums or fresh prunes in such sample shall be identical to		
Color: When reference	is made to a part of the surface showing red,	the numerical size designation marked on the container (example: where		

Color: When reference is made to a part of the surface showing red

blue or purple color, any degree or intensity of the color is acceptable. When reference is made to a distinct color, this refers to a good, well

developed color. When reference is made to red flesh color, any degree of red or pink

will be considered as meeting this requirement. When the word "full" is used in connection with a color description (example, full light greenish yellow) it means the entire surface has that

When alternate maturity standards are applied, some areas of the surface may show the primary color for that variety, such as red, blue or purple, this primary color will be considered as meeting the requirements of the alternate standard. For example, full light greenish yellow when used as an alternate standard means the entire surface has this color, except that part of the entire surface of the plum which has the primary color, this area of primary color shall be considered as equal to or better than full light greenish yellow.

the designation is "80 Size," 80 fruit shall weigh not less than 10 pounds):

20	50	90
25	55	100
30	60	110
35	65	120
40	70	140
45	80	170

- (b) Notwithstanding subsection (a), other numerical size designations may be used in increments of five, provided that the sampling procedures and 10-pound minimum weight established by this section shall apply to such other designations.
- (c) If the sample of fruit from any container of plums or fresh prunes weighs less than 10 pounds, the lot from which such sample was taken shall be rejected.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1458.9 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 6-21-95; operative 7-21-95 (Register 95, No. 25).
- 3. Amendment of section heading, new section, and amendment of NOTE filed 5-29-97; operative 6-28-97 (Register 97, No. 22)

§ 1462.12. Plums and Fresh Prunes, Designations of Numerical Description.

NOTE: Authority cited: Sections 14, 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from section 1458.10 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 5-15-91 as an emergency; operative 5-19-91 (Register 91, No. 26). A Certificate of Compliance must be transmitted to OAL by 9-12-91 or emergency language will be repealed by operation of law on the following
- 3. Amendment of section and new table filed 4-23-92; operative 4-23-92 pursuant to Government Code section 11346.2(d) (Register 92, No. 20). 4. Repealer filed 6–21–95; operative 7–21–95 (Register 95, No. 25).

§ 1462.13. Plums and Fresh Prunes, Standard Container No. 9C, Size Designations, Markings.

NOTE: Authority cited: Sections 14, 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

- 1. Amendment and renumbering from Section 1458.11 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4)
- 2. Repealer of section and new Note filed 6-21-95; operative 7-21-95 (Register 95, No. 25).

§ 1462.14. Plums and Fresh Prunes, Size Markings.

NOTE: Authority cited: Sections 14, 407 and 42682, Food and Agricultural Code. References: Sections 42941, 49605, 49641, 49642, 49643, and 49644, Food and Agricultural Code.

HISTORY

- 1. New section filed 4-16-69; effective thirtieth day thereafter (Register 69, No.
- 2. Amendment filed 1-4-71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2)
- 3. Amendment and renumbering from Section 1454 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).
- 4. Repealer of section and amendment of Note filed 6-21-95; operative 7-21-95 (Register 95, No. 25).

§ 1462.15. Standard Container Requirements.

Plums and fresh prunes shall be in containers 5, 9C, 10A, 12A, 12B, 22B, 22D, 22G, 22H, 32, 33, 34, 35, or 36.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New Sections 1458.1 through 1458.11 filed 1-4-71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 2. Amendment filed 12-21-73; designated effective 6-1-74 (Register 73, No. 51).
- 3. Reinstatement of section as it existed prior to emergency amendment filed 12–21–73, by operation of Section 11422.1(b), Gov. C. (Register 74, No. 38).
- 4. Renumbering from Section 1458.1 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).
- 5. Amendment filed 4–19–85; designated effective 4–20–85 pursuant to Government Code Section 11346.2(d) (Register 85, No. 16)
- 6. Amendment filed 4-16-87; operative 4-20-87 (Register 87, No. 16).
- 7. Amendment filed 6–17–98; operative 7–17–98 (Register 98, No. 25).
- 8. Amendment of section and NOTE filed 5-29-2002; operative 5-29-2002 pursuant to Government Code section 11343.4 (Register 2002, No. 22).
- 9. Amendment filed 8-26-2003; operative 8-26-2003 pursuant to Government Code section 11343.4 (Register 2003, No. 35).

§ 1462.16. Size Variation.

Plums and fresh prunes shall not vary in size between the fruits, in any one container, more than 1/4 inch in diameter if measured through the widest portion of cross section of the fruit, provided a 3/8-inch variation shall be allowed for volume-filled containers of plums measuring 2 1/4 inches or larger in diameter.

NOTE: Authority cited: Sections 14, 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1458.3 filed 1-21-75; effective thirtieth day there-
- after (Register 75, No. 4).

 2. Amendment filed 5–5–86; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 86, No. 19).

§ 1462.17. Plums and Fresh Prunes, Standard Container No. 9C, Packing Requirements.

If plums or fresh prunes are packed in standard container number 9C, the bottom layer or layers may contain a fewer number of plums or fresh prunes than in the top layer if both of the following requirements are com-

- (a) The plums or fresh prunes in each such bottom layer are placed so that they are not compact within the layer.
- (b) All of the plums or fresh prunes in the container are uniform in size as required in Section 1462.16.

HISTORY

1. Amendment and renumbering from Section 1458.4 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).

[The next page is 197.]

§ 1462.18. Numerical Description.

HISTORY

- 1. Renumbering from section 1458.5 filed 1-21-75; effective thirtieth day thereaf-
- ter (Register 75, No. 4). 2. Repealer filed 4–23–92; operative 4–23–92 pursuant to Government Code section 11346.2(d) (Register 92, No. 20).

§ 1462.19. Variation in Count Tolerance.

HISTORY

- 1. Renumbering from Section 1458.6 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 4-30-75; designated effective 6-1-75 (Register 75, No. 18).

§ 1462.20. Plums and Fresh Prunes, Minimum Diameter Definitions.

Minimum diameter means the smallest diameter measured through the center of the plum or fresh prune at a right angle to a straight line that is drawn from the stem end to the distal end of the fruit.

NOTE: Authority cited: Sections 14, 407, and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from section 1458.7 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment of subsection (b) and adoption of Note filed 4-23-92; operative 4-23-92 pursuant to Government Code section 11346.2(d) (Register 92, No. 20).
- 3. Amendment of section heading and section filed 6-21-95; operative 7-21-95 (Register 95, No. 25).

Article 39. Pomegranates

§ 1464. Pomegranates, Standards.

Pomegranates shall be mature and free from the following defects:

- (a) Rot and decay.
- (b) Serious damage which is due to sunburn, growth cracks, cuts, bruises, or other causes.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4). For former section, see Register 67, No. 23.
- 2. Amendment filed 8-18-83; designated effective 8-25-83 pursuant to Government Code Section 11346.2(d) (Register 83, No. 34).

§ 1464.1. Pomegranates, Serious Damage.

Damage, except damage caused by sunburn, is serious when it causes a waste of 10 percent, by volume, of the fruit. Damage caused by sunburn is serious when 20 percent of the seed arils of the fruit fail to show the characteristic reddish color of normal matured fruit.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1-21-75; effective thirtieth day thereafter (Register 75, No.
- 2. Amendment filed 8-18-83; designated effective 8-25-83 pursuant to Government Code Section 11346.2(d) (Register 83, No. 34).

Pomegranates, Sampling to Determine Compliance or Noncompliance.

- (a) Compliance or noncompliance with the quality requirements of this Article shall be determined in accordance with Table 1 and applicable procedures stated in subsection (b), below.
- (b) In applying Table 1, the number of sample containers and fruits shall be selected at random. A lot shall be considered in compliance or noncompliance in accordance with the number of defects established for any one cause or combination of causes in each step. When the number of defects in one or more steps is:

- (1) Equal to or less than the numbers in Column A, the lot shall be passed.
- (2) Equal to or more than the numbers in Column B, the lot shall be rejected.
- (3) More than the numbers in Column A but less than those in Column B, the next step shall be completed. The sample fruits and defects from all steps shall be combined in determining whether to pass or reject a lot.

TABLE 1. DEFECT SAMPLING PLAN

				Scoreable Defects			
				Any One		Combination	
		Fruit Per		Cause		of Cause	
Step	Containers	Container S	ample Size	A*	B^{**}	A *	B^{**}
1	2	10	20	0	4	1	6
2	2	10	40	1	5	3	8
3	2	5	50	2	6	4	10
4	2	5	60	3	7	6	11
5	2	5	70	4	8	7	12
6	2	5	80	5	8	9	13
7	2	5	90	6	8	10	13
8	2	5	100	7	8	12	13

^{*} Compliance

NOTE: Authority cited: Sections 407, 42681 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1-21-75; effective thirtieth day thereafter (Register 75, No.
- 2. Amendment filed 7-16-81; effective thirtieth day thereafter (Register 81, No. 29).
- 3. Amendment filed 8-18-83; designated effective 8-25-83 pursuant to Government Code Section 11346.2(d) (Register 83, No. 34).

§ 1464.3. Pomegranates, Maturity Defined.

Pomegranates shall be considered mature when both of the following requirements are satisfied:

- (a) The juice from a composite sample of at least 10 percent of the fruit in any container does not exceed 1.85 percent of acid.
- (b) The juice is a shade of red equal to or darker than Munsell Color Chart 5R–5/12, Lot 8730.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1-21-75; effective thirtieth day thereafter (Register 75, No.
- 2. Amendment filed 8-18-83; designated effective 8-25-83 pursuant to Government Code Section 11346.2(d) (Register 83, No. 34).

Pomegranates, Testing Procedures to Determine Maturity.

To determine whether the juice meets the standard set forth in Section 1464.3, select sample containers from the lot at random in accordance with Section 1370.8. Take 10 percent of the fruit at random from each

When the lot to be tested is in bulk, select the number of pomegranates which would have been selected if the pomegranates had been packed in standard container No. 22C as defined in Section 1380.19.

Extract, combine, strain, and thoroughly mix the juice from the pomegranates selected for the sample. Place 10 c.c. of juice in a flask. Add 100 c.c. of water and 10 drops of phenolphthalein indicator solution. With the use of a pipette, add sodium hydroxide solution (.1562N). As sodium hydroxide is added, the reddish color of the juice will turn white and then to a pink shade. When this occurs, divide the amount of sodium hydroxide used by ten to determine the percent of acid.

NOTE: Authority cited: Sections 407, 42681 and 42684 Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

^{**} Noncompliance

HISTORY

- HISTORY

 1. Amendment filed 8–26–69 as an emergency; effective upon filing (Register 69, No. 35). For prior history, see Register 64, No. 12.

 2. Certificate of Compliance—Section 11422.1, Gov. Code, filed 10–9–69 (Register 69, No. 41).

 3. Amendment and renumbering from Section 1459 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).

 4. Amendment filed 8–18–83; designated effective 8–25–83 pursuant to Government Code Section 11346.2(d) (Register 83, No. 34).

§ 1464.5. Pomegranates, Exceptions.

NOTE: Authority cited: Sections 407 and 42684. Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

1. New section filed 1-21-75; effective thirtieth day thereafter (Register 75, No.



2. Repealer filed 8–18–83; designated effective 8–25–83 pursuant to Government Code Section 11346.2(d) (Register 83, No. 34).

§ 1464.6. Pomegranates, By-Product Regulations.

NOTE: Authority cited: Sections 407, 42682 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 8–18–83; designated effective 8–25–83 pursuant to Government Code Section 11346.2(d) (Register 83, No. 34).

§ 1464.7. Pomegranates, Permits.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 10–9–69 as an emergency; effective upon filing. Certificate of Compliance included (Register 69, No. 41).
- 2. Amendment of subsection (a) filed 1–4–71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 3. Amendment and renumbering from Section 1459.1 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 4. Repealer filed 8–18–83; designated effective 8–25–83 pursuant to Government Code Section 11346.2(d) (Register 83, No. 34).

§ 1464.8. Pomegranates, Marking Requirements.

In addition to the basic marking requirements of Section 1359, every nonconsumer container of pomegranates shall be clearly and conspicuously marked with the following information:

- (a) The name of the variety, if known, or if not known, the words "Unknown Variety."
 - (b) The count when packed.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–4–71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 2. Renumbering from Section 1459.3 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Amendment filed 4-30-75; designated effective 6-1-75 (Register 75, No. 18).
- Amendment filed 8–18–83; designated effective 8–25–83 pursuant to Government Code Section 11346.2(d) (Register 83, No. 34).

§ 1464.9. Pomegranates, Size Variation and Tolerance.

- (a) Packed pomegranates shall not vary in any container more than one-half inch in diameter when measured through the widest portion of the cross section.
- (b) Size variation shall not exceed 10 percent by count in any container.

NOTE: Authority cited: Sections 407, 42681 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–4–71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 2. Renumbering from Section 1459.2 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Amendment filed 8–18–83; designated effective 8–25–83 pursuant to Government Code Section 11346.2(d) (Register 83, No. 34).

Article 40. Potatoes

§ 1466. Potatoes, Exceptions for By-Products Use.

NOTE: Authority cited: Sections 407, 42681 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4). For former section, see Register 67, No. 27.
- 2. Repealer filed 10-9-84; effective thirtieth day thereafter Register 84, No. 41).

§ 1466.1. Potatoes, Requirements for Out-of-State Processing.

In addition to the requirements of Section 1390.14, potatoes which are being transported out of state for processing, preserving, or manufacturing shall be loose in bins that will hold 500 pounds or more, or in bulk loads. Containers holding 100 pounds or less may be used provided such containers are marked in three–inch letters with the words "processing potatoes."

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 10–9–84; effective thirtieth day thereafter (Register 84, No. 41).

§ 1466.2. Potatoes, Verification for Permit.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 10-9-84; effective thirtieth day thereafter (Register 84, No. 41).

§ 1466.3. Potatoes, Board of Supervisors Establish Fee Schedule.

The board of supervisors of the county from which the potatoes are to be transported pursuant to the provisions of this article shall establish a schedule of fees, which shall be based upon the cost to the county in carrying out the provisions of this article, to be paid by any person who requests a permit under this article. Such fees shall be deposited in a county fund and be used for carrying out the provisions of this article.

NOTE: Authority cited: Sections 407 and 42681, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. New NOTE filed 10-9-84 (Register 84, No. 41).

§ 1466.4. Potatoes, Standards.

Except as otherwise provided in this article, potatoes shall conform to the United States No. 2 grade or better. However, potatoes less than 1 1/2 inches in diameter shall not be considered as meeting a U.S. grade unless:

- (1) containers are marked to specify the diameter in connection with the grade marking; and
- (2) not more than 10 percent, by weight, of the potatoes in each container so marked shall exceed 1 7/8 inches in diameter.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 8–13–75 as an emergency; effective upon filing (Register 75, No. 33).
- 3. Amendment filed 11–18–75; effective thirtieth day thereafter (Register 75, No. 47).
- 4. Amendment filed 10–9–84; effective thirtieth day thereafter (Register 84, No. 41).

§ 1466.5. Potatoes, Regulations.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4)
- 2. Repealer filed 10-9-84; effective thirtieth day thereafter (Register 84, No. 41).

§ 1466.6. Potatoes, Marking for Processing Out-of-State.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- $2.\ Repealer\ filed\ 10-9-84; effective\ thirtieth\ day\ thereafter\ (Register\ 84,\ No.\ 41).$

§ 1466.7. Potatoes, Markings for Processing in This State.

Notwithstanding any provision of Section 1390, all potatoes, in containers designed to hold 100 pounds or less of potatoes, destined for processing in this state that fail to meet United States No. 2 grade size and

Page 199 (4-1-90)

maturity standards established by the Article shall be clearly and conspicuously marked with a statement of responsibility (name and address). In addition, each container of such potatoes shall also have printed or stenciled on it in three—inch letters the full unabbreviated words "processing potatoes," and such potatoes shall only be used for processing purposes.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 5–31–85; effective thirtieth day thereafter (Register 85, No. 22).

§ 1466.8. Potatoes, Decay, Soft and Wet Rots.

All decay, or soft and wet rots, regardless of the name or type, and without regard to the size of the tuber, shall cause the tuber to be rejected when there has developed a soft or mushy condition in the tissue.

A defect, such as jelly-end, would be considered as decay, only when it causes the flesh to be soft, or mushy, however, when this defect is still glassy and firm, it would have to cause 10 percent waste on the individual potato before being considered serious.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- Amendment filed 6-7-67; effective thirtieth day thereafter (Register 67, No. 23).
- 2. Renumbering from Section 1463 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. New NOTE filed 10-9-84 (Register 84, No. 41).

§ 1466.9. Potatoes, Method of Inspection.

In the inspection of a carload of potatoes (300 sacks) of 100–pound sacks, *all* the potatoes in at least 6 sacks shall be inspected. In the case of smaller sized sacks, a proportionate number of sacks shall be selected for inspection (that is, 50–pound sacks, 12 sacks inspected).

If internal defects not discernible from external examination are present, cut at least 20 pounds of potatoes, taken at random, from each of the sacks. If the 20 pounds so examined reveal less than the tolerance permitted, this should be sufficient to consider the lot passable. However, if a percentage found in this 20–pound sample exceeds the tolerance permitted, an additional 30 pounds shall be taken at random and cut in a like manner. The total taken shall not exceed 50 pounds of a 100–pound sack. Proportionate amounts shall be used in the case of smaller sacks.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1465 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 5–31–85; effective thirtieth day thereafter (Register 85, No. 22).
- 3. Editorial correction of printing error (Register 85, No. 31).

§ 1466.10. Potatoes, Certified for Seed Purposes.

Potatoes for seed purposes, unless certified pursuant to the Food and Agricultural Code, Chapter 3 (commencing with Section 52651), Division 18, shall comply with all of the requirements of this group which relate to potatoes.

NOTE: Authority cited: Sections 407, 42682 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4)
- 2. New NOTE filed 10-9-84 (Register 84, No. 41).

§ 1466.11. Potatoes, for Seed, Exemption for Greening and Green Ends.

Potatoes failing to meet standards for serious damage due to greening and green ends may be used for seed purposes within the state, if:

(a) containers are marked for seed purposes, or

(b) accompanied by a warning notice directing disposition for seed purposes.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 10–9–84; effective thirtieth day thereafter (Register 84, No. 41).

§ 1466.12. Potatoes, for Seed Purposes, Under Notice and Order.

NOTE: Authority cited: Sections 407 and 42884, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 10-9-84; effective thirtieth day thereafter (Register 84, No. 41).

§ 1466.13. Name and Address Requirements.

HISTORY

- New section filed 1-4-71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 2. Renumbering from Section 1468.2 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Repealer filed 4-30-75; designated effective 6-1-75 (Register 75, No. 18).

§ 1466.14. Grade Marking Requirements.

All containers of potatoes holding less than 50 pounds shall be marked with one of the grade markings for potatoes established by the United States Department of Agriculture. Open containers need not be marked with one of the grade markings when they are part of an open display of potatoes which is marked with one of the grade markings. The potatoes in such containers shall meet the grade marked on the open display.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- New section filed 1-4-71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 2. Renumbering from Section 1468.3 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. New NOTE filed 10-9-84 (Register 84, No. 41).

§ 1466.15. Potatoes, Definition of Mislabeling.

Mislabeling means any of the following:

- (a) Incomplete designations of U.S. Grade terms. For example, "U.S. No." is incomplete and shall be obliterated with a solid black line at least one-half the height of the term, or shall be completed, such as "U.S. No. 1";
- (b) U.S. Grade terms which do not exist in the U.S. Grades for Potatoes. For example, the term "U.S. Fancy No. 1"; and
- (c) Use of a percentage figure with the term "U.S. No. 1" unless both of these designations are preceded by the term "U.S. Commercial." For example, "U.S. Commercial, 85% U.S. No. 1."

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42943, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- Amendment filed 10–9–84; effective thirtieth day thereafter (Register 84, No. 41).

§ 1466.16. Potatoes, Photographs, Serious Damage.

NOTE: Authority cited: Sections 407 and and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- New section filed 6-7-67; effective thirtieth day thereafter (Register 67, No. 23).
- 2. Renumbering from Section 1468.1 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Repealer filed 10-9-84; effective thirtieth day thereafter (Register 84, No. 41).

§ 1466.17. Potatoes, Maturity Requirements.

Potatoes shall be mature.

Page 200 (4-1-90)

(a) Mature potatoes are those which are not more than slightly skinned. "Slightly skinned" is defined as a potato with not more than one-fourth of the skin missing or feathered.

Not more than 15 percent, by weight, of the potatoes in a lot may be more than slightly skinned. Individual containers shall be permitted 30 percent, provided the lot averages 15 percent or less.

(b) Exception. Potatoes in containers labeled U.S. No. 2 need not comply with the skinning requirements of this section.

NOTE: Authority cited: Sections 407 and 42681, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 4–29–75 as an emergency; effective upon filing (Register 75, No. 18).
- 2. Certificate of Non-Compliance (repealer by operation of Section 11422.1, Gov.C.) filed 8-21-75 (Register 75, No. 34).
- 3. New section filed 4–9–76 as an emergency; effective upon filing (Register 76, No. 15).
- 4. Certificate of Compliance filed 8-5-76 (Register 76, No. 32).
- Amendment filed 1–21–83; effective thirtieth day thereafter (Register 83, No. 4).
- 6. Amendment of NOTE filed 10-9-84 (Register 84, No. 41).

Article 41. Quinces

§ 1468. Quinces, Standards.

Quinces shall be mature, but not overripe, and shall be free from the following defects:

- (a) Insect injury which has penetrated or damaged the flesh.
- (b) Mold and decay.
- (c) Serious damage due to cuts or skin breaks, bruises, cracks, scab, disease, hail, or other causes. Damage is serious when it causes a waste of 10 percent or more, by volume of the individual quince.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 3–22–83; effective thirtieth day thereafter (Register 83, No. 13)

§ 1468.1. Quinces, Tolerances.

Not more than 10 percent, by count, of the quinces in any one container or bulk lot may be below the requirements prescribed by this article. Not more than one—half of this tolerance shall be allowed for any one cause. Note: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 3–22–83; effective thirtieth day thereafter (Register 83, No. 13).

§ 1468.2. Quinces, Size Variation.

Packed quinces shall not vary in size in any one container more than one-half inch in diameter when measured through the widest portion of the cross section of the quinces.

 $Note: Authority\ cited: Sections\ 407\ and\ 42684, Food\ and\ Agricultural\ Code.\ Reference:\ Section\ 42941,\ Food\ and\ Agricultural\ Code.$

HISTORY

- New section filed 1-4-71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 2. Renumbering from Section 1469 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Amendment filed 3–22–83; effective thirtieth day thereafter (Register 83, No. 13).

Article 42. Sweet Potatoes

§ 1470. Sweet Potatoes, Standards.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 3–22–83; effective thirtieth day thereafter (Register 83, No. 13).
- Repealer filed 10–26–92; operative 10–26–92 pursuant to AB 884, article 6.5, sections 42803 and 42806 (Register 92, No. 44).

§ 1470.1. Sweet Potatoes, Corky Condition in the Flesh.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 7–7–55; effective thirtieth day thereafter (Register 55, No. 10).
- Amendment filed 3-5-58; effective thirtieth day thereafter (Register 58, No. 4).3. Amendment filed 1-4-71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 4. Amendment and Renumbering from section 1470 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 5. Amendment filed 3–22–83; effective thirtieth day thereafter (Register 83, No. 13).
- Repealer filed 10–26–92; operative 10–26–92 pursuant to AB 884, article 6.5, sections 42803 and 42806 (Register 92, No. 44).

§ 1470.2. Sweet Potatoes, Tolerances.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 3–22–83; effective thirtieth day thereafter (Register 83, No. 13)
- Repealer filed 10–26–92; operative 10–26–92 pursuant to AB 884, article 6.5, sections 42803 and 42806 (Register 92, No. 44).

§ 1470.3. Markings on Containers.

HISTORY

- Renumbering from Section 1470.4 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 4-30-75; designated effective 6-1-75 (Register 75, No. 18).

§ 1470.4. Unlawful Grade Markings.

HISTORY

- 1. Renumbering from Section 1470.5 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 4-30-75; designated effective 6-1-75 (Register 75, No. 18).

§ 1470.5. Sweet Potatoes, General Provisions for Standard Containers and Packs.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New sections 1470.1 through 1470.5 filed 1–4–71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- Renumbering from Section 1470.1 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Repealer filed 3–22–83; effective thirtieth day thereafter (Register 83, No. 13).

§ 1470.6. Standard Container Numbers.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1470.2 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 3-22-83; effective thirtieth day thereafter (Register 83, No. 13).

§ 1470.7. Standard Container Requirements.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from section 1470.3 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 3–22–83; effective thirtieth day thereafter (Register 83, No. 13).
- 3. Repealer filed 10–26–92; operative 10–26–92 pursuant to AB 884, article 6.5, sections 42803 and 42806 (Register 92, No. 44).

Article 43. Tomatoes

§ 1472. Tomatoes, Standards.

Tomatoes shall be mature, but not overripe, and shall be free from:

- (a) The following defects:
- (1) Mold, decay, wet or soft rot, dirt, manure, bird or animal droppings that adhere to the surface of the tomato.
- (2) Pinworm penetrating beyond the tissue making up the base of the core of the tomato.
 - (3) Other insect injury which has penetrated or damaged the flesh.
- (b) Serious damage due to freezing, blossom end rot, mosaic, alkali spot, sunscald, bruises, catfaces, growth cracks, or other causes. Damage is serious when it wastes 10 percent, by volume, of the individual tomato. NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 25, No. 4). For former section, See Registers 74, No. 27 and 55, No. 10.
- Amendment filed 10-5-83; effective thirtieth day thereafter (Register 83, No. 41).
- 3. Amendment of subsection (a) filed 5–18–2006; operative 5–18–2006 pursuant to Food and Agriculture Code section 42802 (Register 2006, No. 20).

§ 1472.1. Tomatoes, Growth Cracks.

Growth cracks generally affect the stem end of the tomato. To determine the amount of waste caused by this defect, the normal method used in preparing the tomato for table use is a practical method of removing the damaged portion. In instances where there are three or more growth cracks, cut or slice under the affected portion from the point of the longest growth crack to remove the damage. The cut may have more depth to include portions of the defect which penetrates more deeply, or less depth where damage is not as deep.

In other instances where there are one or two growth cracks, opposite each other, gouge out the damaged portion. In the case of other combinations of cracks, use the same principle.

Growth cracks may also extend in a complete or partial circle on the top half (stem end or shoulder), in which case the method described in the first paragraph above is suggested.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New sections 1471, 1471.1 and 1472 filed 7–7–55; effective thirtieth day thereafter (Register 55, No. 10).
- 2. Renumbering from Section 1471 filed 1–26–75; effective thirtieth day thereafter (Register 75, No. 4). For prior history, see Register 71, No. 2.
- 3. Editorial correction adding NOTE filed 4-27-83 (Register 83, No. 18).

§ 1472.2. Tomatoes, Catfaces.

Catfaces generally affect the blossom end of the tomato, and they take such varied twists and gnarls that only a general principle is suggested.

In some instances, scarred tissue considered damaged can be removed by slicing it off; if so, such flesh or tissue can be added to determine if 10 percent, by weight, has been damaged from this defect. In other instances when you cannot see the full depth of the catface, it may be necessary to halve the tomato and with a slanting cut (similar in some respects to that suggested for growth cracks), slice off from each half the affected portion and add it to the weight of the defective tissue.

In either method, only include in the defective portion, the pulp or tissue which has the abnormal rough growth characteristic of a catface. Distortion in the shape of the tomato alone cannot be considered as damage. NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1471.1 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Editorial correction adding NOTE filed 4-27-83 (Register 83, No. 18).

§ 1472.3. Tomatoes, Tolerances.

Not more than 10 percent, by weight, of the tomatoes in any one container or bulk lot may be below the requirements prescribed by this article. Not more than one-half of this tolerance shall be allowed for any one cause.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75: effective thirtieth day thereafter (Register 75, No. 4). For former section, see Register 74, No. 7.
- 2. Amendment filed 10–5–83; effective thirtieth day thereafter (Register 83, No. 41).

§ 1472.4. Tomatoes, Marking Requirements.

In addition to basic marking requirements of Section 1359, every nonconsumer container of tomatoes shall be marked with a grower and lot identification code to enable traceback. Every nonconsumer type container of tomatoes of the Roma, "saladette", or "plum" type shall be clearly and conspicuously marked with a weight statement of 25 lbs. accompanied by the words "net weight" or "net wt."

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 5–18–93; operative 6–17–93 (Register 93, No. 21). For prior history, see Register 75, No. 18.
- 2. Amendment filed 5–18–2006; operative 5–18–2006 pursuant to Food and Agriculture Code section 42802 (Register 2006, No. 20).

§ 1472.5. Tomatoes, Vine Ripened Defined.

Tomatoes labeled with the term "vine ripened" shall be considered mislabeled unless the skin surface or the flesh of each tomato has attained some discernible degree of pink or red color at the time of harvest.

NOTE: Authority cited: Sections 407, 42681 and 42682, Food and Agricultural Code. Reference: Sections 42941 and 42943, Food and Agricultural Code.

HISTORY

- 1. New section filed 7–20–59; effective thirtieth day thereafter (Register 59, No. 12).
- Amendment filed 1-4-71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 3. Renumbering from Section 1371.1 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4). For former section, see Register 74, No. 27.
- 4. Amendment filed 10-5-83; effective thirtieth day thereafter (Register 83, No. 41).
- Amendment of section heading, section and Note filed 8–10–2004; operative 9–9–2004 (Register 2004, No. 33).

§ 1472.6. Tomatoes, Standard Container Requirements.

All green tomatoes which are not wrapped shall be in standard container numbers 22C, 53, 54, 55, 56, 56A, 57, 57A, 57B, 57C, or 57D.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 6–23–78; effective thirtieth day thereafter (Register 78, No. 25). For prior history, see Register 75, No. 44.
- 2. Amendment filed 5–19–82; effective thirtieth day thereafter (Register 82, No. 21)

§ 1472.7. Tomatoes, New Container Requirements.

All tomatoes shall be in new and unused containers. This provision shall not apply to tomatoes that are reconditioned and repacked into the original containers by the original packer of the tomatoes, or to tomatoes that are reconditioned and repacked by a commercial repacker who is registered with the Secretary of the Department of Food and Agriculture as provided in Section 1472.7.1.

NOTE: Authority cited: Sections 407, 42681 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

1. New Sections 1472.1 through 1472.9 filed 1–4–71 as an emergency, effective upon filing. Certificate of Compliance included (Register 71, No. 2).

- 2. Renumbering from Section 1472.1 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4). For former section, see Register 74, No. 27.
- 3. Repealer filed 10-5-83; effective thirtieth day thereafter (Register 83, No. 41).
- 4. New section filed 2-2-95; operative 3-6-95 (Register 95, No. 5).
- 5. Editorial correction of cross reference section number 1472.4.1 to 1472.7.1 (Register 95, No. 6).

§ 1472.7.1. Tomatoes, Registration of Commercial Repackers.

- (a) A commercial repacker is a person or firm who is engaged in repacking of tomatoes in used containers, and has facilities for receiving, storing, and grading tomatoes. Every commercial repacker shall register with the Secretary of the Department of Food and Agriculture. Registration shall be on a Department form and shall include only the following:
- (1) The name, address (including zip code), and telephone number of the repacking company;
 - (2) The name of the principal owner(s) of the repacking company.
- (3) The address of each location where the tomatoes are being repacked.
- (b) Registration shall be valid for one year beginning April 1 and ending March 31 of the following year.
- (c) To be approved by the Secretary, repacking facilities shall have the following:
 - (1) Lighting adequate for inspection by an enforcing officer;
 - (2) Tables for grading and sorting tomatoes;
 - (3) A drinkable water supply;
- (4) Approved weighing scales for assuring quantity of containers packed to net weight.

NOTE: Authority cited: Sections 407, 42681 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

1. New section filed 2-2-95; operative 3-6-95 (Register 95, No. 5).

§ 1472.7.2. Tomatoes, Registration of a Handler.

- (a) For purposes of this section, a handler is any individual or company that engages in the operation of selling, marketing, or distributing tomatoes that have been produced, purchased, or acquired from a producer, and are first marketed on behalf of a producer, whether as an owner, agent, employee, broker, or otherwise, but shall not include retailers or restaurants, and Certified Producers as defined in Section 1392.2.
- (b) Prior to commencing packing, handlers shall register with the Secretary of the Department of Food and Agriculture. Registration shall be on a Department form and shall include only the following:
- (1) The name, address (including zip code), and telephone number of the handler.
 - (2) The name of the principal owner(s) of the company.
- (c) In the event of a suspected violation of this article, a handler shall provide, upon request of the Secretary or his representative, records related to field location, grower, harvest date, pack date, transporter, and purchaser of packed tomatoes. Such records shall be maintained for the current marketing year.

NOTE: Authority cited: Sections 407, 42681, 42802 and 42808, Food and Agricultural Code. Reference: Sections 42681 and 42808, Food and Agricultural Code.

HISTORY

 New section filed 5-18-2006; operative 5-18-2006 pursuant to Food and Agriculture Code section 42802 (Register 2006, No. 20).

§ 1472.8. Tomatoes, Greenhouse Grown Defined.

Tomatoes labeled with the term "greenhouse grown" shall be considered mislabeled unless tomatoes are grown in a fixed steel structure using irrigation and climate control, in an artificial medium that substitutes for soil.

NOTE: Authority cited: Sections 407, 42681 and 42682, Food and Agricultural Code. Reference: Sections 42941 and 42943, Food and Agricultural Code.

HISTORY

1. New section filed 8-10-2004; operative 9-9-2004 (Register 2004, No. 33).

Article 44. Walnuts

§ 1474. Walnuts, Exceptions.

NOTE: Authority cited: Sections 407, 42682 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 3–1–84; effective thirtieth day thereafter (Register 84, No. 9).

§ 1474.1. Walnuts, Permit.

NOTE: Authority cited: Sections 407, 42682 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4)
- 2. Repealer filed 3-1-84; effective thirtieth day thereafter (Register 84, No. 9).

§ 1474.2. Walnuts, Well Dried.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 3-1-84; effective thirtieth day thereafter (Register 84, No. 9).
- Repealer filed 9–8–92; operative 9–8–92 pursuant to AB 884, article 6.5, sections 42803 and 42806 (Register 92, No. 37).

§ 1474.3. Walnuts, Defects.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 3–1–84; effective thirtieth day thereafter (Register 84, No. 9).
- 3. Repealer filed 9–8–92; operative 9–8–92 pursuant to AB 884, article 6.5, sections 42803 and 42806 (Register 92, No. 37).

§ 1474.4. Walnuts, External Defects.

NOTE: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 3–1–84; effective thirtieth day thereafter (Register 84, No. 9).
- 3. Repealer filed 9–8–92; operative 9–8–92 pursuant to AB 884, article 6.5, sections 42803 and 42806 (Register 92, No. 37).

§ 1474.5. Walnuts, Determining Percentage of Defects and Undersize.

NOTE: Authority cited: Sections 407, 42681 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from section 1341 filed 1-4-71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- Renumbering from section 1472.23 filed 1–21–75; effective thirtieth day thereafter (Register 75, No 4).
- 3. Amendment filed 3–1–84; effective thirtieth day thereafter (Register 84, No. 9).
- Repealer filed 9–8–92; operative 9–8–92 pursuant to AB 884, article 6.5, sections 42803 and 42806 (Register 92, No. 37).

§ 1474.6. Walnuts, Determining Percentage of Defective Hulls and Size.

NOTE: Authority cited: Sections 407, 42681 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 6-6-57; effective thirtieth day thereafter (Register 57, No. 9).
- 2. Renumbering from Section 1341.1 filed 1–4–71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 3. Amendment and renumbering from Section 1472.24 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).
- 4. Repealer filed 3-1-84; effective thirtieth day thereafter (Register 84, No. 9).

§ 1474.7. Walnuts, Determining Percentage of Defects in Containers Holding Less Than 100 Pounds of Nuts.

NOTE: Authority cited: Sections 407, 42681 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1341.2 filed 1–4–71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 2. Renumbering from Section 1472.25 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Repealer filed 3-1-84; effective thirtieth day thereafter (Register 84, No. 9).

§ 1474.8. Walnuts, Marking Requirements.

NOTE: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Amendment and renumbering from section 1472.31 filed 1-21-75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Amendment filed 4-30-75; designated effective 6-1-75 (Register 75, No. 18).
- 3. Amendment filed 3-1-84; effective thirtieth day thereafter (Register 84, No. 9).
- 4. Repealer filed 9-8-92; operative 9-8-92 pursuant to AB 884, article 6.5, sections 42803 and 42806 (Register 92, No. 37).

§ 1474.9. Walnuts, Size Designations.

NOTE: Authority cited: Sections 407, 42681 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. New sections 1472.26 through 1472.31 filed 1–4–71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 2. Renumbering from section 1472.26 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Amendment filed 3–1–84; effective thirtieth day thereafter (Register 84, No. 9).
- Repealer filed 9–8–92; operative 9–8–92 pursuant to AB 884, article 6.5, sections 42803 and 42806 (Register 92, No. 37).

§ 1474.10. Walnuts, Jumbo Size.

NOTE: Authority cited: Sections 407, 42681 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1472.27 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 3-1-84; effective thirtieth day thereafter (Register 84, No. 9).

§ 1474.11. Walnuts, Large Size.

NOTE: Authority cited: Sections 407, 42681 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1472.28 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 3-1-84; effective thirtieth day thereafter (Register 84, No. 9).

§ 1474.12. Walnuts, Medium or Standard Size.

NOTE: Authority cited: Sections 407, 42681 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1472.29 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 3-1-84; effective thirtieth day thereafter (Register 84, No. 9).

§ 1474.13. Walnuts, Baby Size.

NOTE: Authority cited: Sections 407, 42681 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1472.30 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 2. Repealer filed 3-1-84; effective thirtieth day thereafter (Register 84, No. 9).

§ 1474.14. Walnuts, Official Sample.

NOTE: Authority cited: Sections 407, 42681 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- Amendment and renumbering from Section 1340 filed 1-4-71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2). For prior history, see Register 11, No. 8.
- 2. Amendment and renumbering from Section 1472.20 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Repealer filed 3–1–84; effective thirtieth day thereafter (Register 84, No. 9).

§ 1474.15. Walnuts, Sample from Bulk.

NOTE: Authority cited: Sections 407 and 42681, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 1340.2 filed 1–4–71 as an emergency; effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- Renumbering from Section 1472.22 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Repealer filed 3–1–84; effective thirtieth day thereafter (Register 84, No. 9).

§ 1474.16. Walnuts, Separate Lots.

NOTE: Authority cited: Sections 407, 42681 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

HISTORY

- 1. Renumbering from section 1340.1 filed 1–4–71 as an emergency, effective upon filing. Certificate of Compliance included (Register 71, No. 2).
- 2. Amendment and renumbering from section 1472.21 filed 1–21–75; effective thirtieth day thereafter (Register 75, No. 4).
- 3. Amendment filed 3–1–84; effective thirtieth day thereafter (Register 84, No. 9).
- Repealer filed 9–8–92; operative 9–8–92 pursuant to AB 884, article 6.5, sections 42803 and 42806 (Register 92, No. 37).
- Editorial correction repealing list of former Group 4 sections (Register 2004, No. 35).

Subchapter 5. Grapes for By-Products

NOTE: Authority cited: Sections 407, 41161, 41162 and 41163, Food and Agricultural Code.

History

- 1. New sections 1488 through 1494 filed 6–24–55; effective thirteenth day thereafter (Register 55, No. 9).
- 2. Amendment filed 4–28–67; effective thirtieth day thereafter (Register 67, No. 17).
- 3. Repealer of Group 5 (Sections 1488–1494) filed 12–30–81; effective thirtieth day thereafter (Register 82, No. 1). For prior history, see Registers 76, No. 41; 76, No. 32; 73, No. 33; 71, No. 17; 67, No. 17; 61, No. 7; and 55, No. 9.

Subchapter 6. Honey

§ 1495. Markings on Containers of Honey.

Subcontainers of five ounces or less need not bear the name and address of the producer or distributor of honey provided all markings required do appear on the master container when sold as a unit directly to the consumer.

NOTE: Authority cited: Sections 407 and 29443, Food and Agricultural Code. Reference: Sections 29671 and 29673, Food and Agricultural Code.

HISTORY

- 1. New Sections 1495, 1496 and 1497 filed 7–7–55; effective thirtieth day thereafter (Register 55, No. 10).
- 2. Amendment filed 6–25–62; effective thirtieth day thereafter (Register 62, No. 13).

§ 1495.1. Abbreviation of Color Markings.

The color classification terms on other than opaque containers of honey may be labeled with the following abbreviations:

W. White Ex. White White Ex. L. Amber L. Amber Amber D. Amber

NOTE: Authority cited: Sections 407 and 29443, Food and Agricultural Code. Reference: Sections 29671 and 29673, Food and Agricultural Code.

HISTORY

- 1. New Sections 1495.1 and 1495.3 through 1495.9 filed 6–25–62; effective thirtieth day thereafter (Register 62, No. 13).
- 2. Editorial correction of NOTE filed 8-23-83 (Register 83, No. 35).

§ 1495.3. U.S. Grade Terms.

NOTE: Authority cited: Sections 407 and 29443, Food and Agricultural Code. Reference: Section 29582, Food and Agricultural Code.

HISTORY

1. Repealer filed 8–23–83; effective thirtieth day thereafter (Register 83, No. 35).

§ 1495.4. Determining Foreign Material.

Honey strained through a metal sieve measuring 23 meshes per inch, or other meshes per inch as provided in the U.S. grades currently in effect, shall be considered equal to honey strained through standard bolting cloth of the same number of meshes per inch, and may be used in lieu of the standard bolting cloth.

To determine whether honey is free from foreign material, as required for the various grades, a four—ounce sample of honey heated to 130 degrees Fahrenheit shall be strained through the standard bolting cloth or sieve. If any foreign material is left on the cloth or sieve, the honey does not meet the requirements of the grade.

NOTE: Authority cited: Sections 407 and 29443, Food and Agricultural Code. Reference: Section 29671, Food and Agricultural Code.

HISTORY

1. Amendment filed 8–23–83; effective thirtieth day thereafter (Register 83, No. 35).

§ 1495.5. Chunk or Bulk Comb Honey.

Containers of chunk or bulk comb honey shall not be considered mislabeled as to grade when the term "unclassified" is used as a grade term. NOTE: Authority cited: Sections 407 and 29443, Food and Agricultural Code. Reference: Sections 29671 and 29673, Food and Agricultural Code.

HISTORY

1. Editorial correction adding NOTE filed 8-23-83 (Register 83, No. 35).

§ 1495.6. Color of Chunk or Bulk Comb Honey.

NOTE: Authority cited: Sections 407 and 29443, Food and Agricultural Code. Reference: Sections 29582 and 29583 Food and Agricultural Code.

HISTORY

1. Repealer filed 8-23-83; effective thirtieth day thereafter (Register 83, No. 35).

§ 1495.7. Foreign Material.

Leaves, blossoms, wax cappings, parts of any plant or other visible material in the honey shall be considered foreign material.

 $Note: Authority\ cited: Sections\ 407\ and\ 29443, Food\ and\ Agricultural\ Code.\ Reference:\ Sections\ 29671\ and\ 29677,\ Food\ and\ Agricultural\ Code.$

HISTORY

1. Editorial correction adding NOTE filed 8-23-83 (Register 83, No. 35).

[The next page is 205.]

§ 1495.8. Crystallized Honey and Partially Crystallized Honey.

The term "crystallized" as it applies to extracted honey shall include crystallized and partially crystallized honey as defined in the U.S. grades for honey.

To determine the color of honey in crystallized form, a sample of the honey shall be liquefied by heating in a container of hot water (to prevent overheating) at a temperature of 140 degrees to 160 degrees Fahrenheit and immediately chilled, and the honey graded on the liquid basis.

NOTE: Authority cited: Sections 407 and 29443, Food and Agricultural Code. Reference: Sections 29617 and 29673, Food and Agricultural Code.

HISTORY

1. Editorial correction adding NOTE filed 8-23-83 (Register 83, No. 35).

§ 1495.9. Means of Color Classification.

The color classification of honey as determined by means of the U.S.D.A. permanent glass color standards for honey as provided in the U.S. grades currently in effect shall be considered equal to the color classification of the Pfund color grader.

NOTE: Authority cited: Sections 407 and 29443, Food and Agricultural Code. Reference: Section 29617, Food and Agricultural Code.

HISTORY

1. Editorial correction adding NOTE filed 8-23-83 (Register 83, No. 35).

§ 1496. Methods of Inspection.

HISTORY

1. Repealer filed 6-25-62; effective thirtieth day thereafter (Register 62, No. 13).

§ 1497. Honey to U. S. Government Agencies.

NOTE: Authority cited: Sections 407 and 29443, Food and Agricultural Code. Reference: Sections 29471 and 29671, Food and Agricultural Code.

HISTORY

1. Repealer filed 8-23-83; effective thirtieth day thereafter (Register 83, No. 35).

Subchapter 7. Seed Potatoes*

(Originally Printed 7–25–45) Revision Filed 4–17–50

* For Certified Seed Potato regulations, see Sections 3035–3035.8, Art. 7, Group 2, Subchapter 3, of Chapter 4.

Article 1. Standards, Rules and Regulations for California Certified Seed Potatoes

§ 1500. Standards, Rules and Regulations for California Certified Seed Potatoes.

NOTE: Authority cited for Group 7 (§§ 1500 to 1560, inclusive): Sections 16 and 961, Agricultural Code.

HISTORY

- 1. Group 7 originally published 7-25-45.
- 2. Revision filed 4–17–50 (Register 20, No. 1). 3. Repealer of group 7 (§§ 1500–1560) filed 4–19–66 (Register 66, No. 11). 12

Subchapter 8. Emergency Standards

(Originally Printed 7–25–45)

HISTORY

Sections 1565 through 1586.2 have expired by their own terms. For prior history
of specific sections, see Register 63, No. 22, and Register 68, No. 5 (Register
69, No. 11).

Subchapter 9. Poultry and Rabbit Meat Classes

Article 1. Inspection and Application

§ 1600. Duties of Enforcing Officers.

NOTE: Authority cited for Group 9: Section 16, and Article 2, Chap. 8, Div. 5 of Agriculture Code.

HISTORY

- 1. New Group 9 (§§ 1600 through 1613) filed 5–31–56; effective thirtieth day thereafter (Register 56, No. 10).
- 2. Repealer filed 3-5-58; effective thirtieth day thereafter (Register 58, No. 4).

§ 1601. Inspection and Sampling.

Compliance or noncompliance with the requirements of Article 2, Chapter 8, Division 5 of the Agricultural Code, shall be determined by the examination of a representative sample of the poultry meat in any given lot. A representative sample shall consist of the number of carcasses or packages at least equal to the square root of the number of carcasses or individual packages in any lot of poultry meat, and shall be taken at random from such lot. If the poultry meat is placed in master containers, the representative sample, defined here, shall be taken from no less than the following number of containers:

From all containers if the lot consists of three containers or less.

From three containers if the lot consists of not less than four containers and not more than 20 containers.

From five containers if the lot consists of not less than 21 containers and not more than 50 containers.

From seven containers if the lot consists of not less than 51 containers and not more than 140 containers.

Over 140 containers, from 5% of the number in the lot.

§ 1602. Rejection Procedure.

HISTORY

1. Repealer filed 3-5-58; effective thirtieth day thereafter (Register 58, No. 4).

§ 1603. Rejection Notice Form.

HISTORY

1. Repealer filed 3-5-58; effective thirtieth day thereafter (Register 58, No. 4).

§ 1604. Proper Markings As to Class.

As to markings of the class of poultry meat, as affected by Sections 1111, 1114.1 and as required by Sections 1113 and 1114 of the Agricultural Code:

- (a) The designation of class, when placed upon the carcass or the wrapper of a carcass, or the package of cut-up poultry meat, shall be on the surface normally exposed to view when being displayed for sale, and in conspicuous letters at least one-fourth of an inch in height, or
- (b) In the case of poultry carcasses, or packages of cut-up poultry meat which are marked with tags or clips securely attached to the carcasses or packages, the designation of class may be placed upon such tags or clips, in which case such marking shall be in a conspicuous place on the surface normally exposed to view, and in letters at least one-eighth of an inch in height, or
- (c) In the case of poultry meat bearing the designation of class in conjunction with the official inspection mark as required by Section 377.4 of the Agricultural Code, and approved by the Director of the Department of Agriculture, the designation of class shall be in the size of lettering as approved, or
- (d) In the case of poultry meat bearing the designation of class in conjunction with the official inspection mark required, and approved by the Poultry Division of the Agricultural Marketing Service of the United States Department of Agriculture as provided for in Section 1116, subsection (a), of the Agricultural Code, the designation of class shall be in the size of lettering as approved.

(e) The markings used to show the class of poultry meat shall comply with the requirements of Section 1111, subsection (e), of the Agricultural Code and shall not be abbreviated.

HISTORY

1. Amendment filed 3-5-58; effective thirtieth day thereafter (Register 58, No. 4).

§ 1605. Classification Terms, Section 1112 Agr. Code.

The class designations may consist of different forms of the words used, or terms may appear in different order, and additional descriptive terms may be used such as "frying chicken" in lieu of "fryer," or "roasting rabbit" in lieu of "rabbit roaster," or "stewing hen" in lieu of "hen," or other similar combinations. When additional words are used to describe the class of poultry meat, each such grouping of descriptive terms shall contain the adequate class designations, and such additional terms shall not be misleading.

When two or more words are required by the law to designate the class, such as "stewing chicken" or "young tom turkey," or "rabbit fryer," all the words in the specified class must appear and such words must appear adjacent to, or in conjunction with, each other in the class designation marking.

HISTORY

1. Amendment filed 3-5-58; effective thirtieth day thereafter (Register 58, No. 4).

§ 1606. Caponette Class Requirements.

HISTORY

1. Repealer filed 3-5-58; effective thirtieth day thereafter (Register 58, No. 4).

§ 1607. Rabbits, Weight Requirements, Section 1112 Agr. Code.

"Ready-to-cook weight" as applied to rabbits, shall mean the weight of a rabbit which has been slaughtered for human food, from which the head, blood, skin, feet and inedible viscera have been removed.

The weight measurements in each class shall apply to an individual carcass and, in the case of packages of cut-up rabbits consisting of all of the parts of the carcass in "ready-to-cook" form, shall apply to the weight of the individual carcass used.

History

1. Amendment filed 3-5-58; effective thirtieth day thereafter (Register 58, No. 4).

§ 1608. Mislabeling, Section 1111 Food and Agr. Code.

Poultry meat, and each carcass, cut—up poultry or poultry parts or their containers shall be considered mislabeled as defined in Section 1111(f) of the Food and Agricultural Code, if such poultry meat fails to meet the class as marked. Poultry meat classes shall be considered as specifying certain characteristics of use for said classification.

HISTORY

1. Amendment filed 3-5-58; effective thirtieth day thereafter (Register 58, No. 4).

§ 1609. Poultry Meat Cut Up into Small Pieces; Processing Exemption.

HISTORY

1. Repealer filed 3-5-58; effective thirtieth day thereafter (Register 58, No. 4).

§ 1610. Exempt When Classed by Federal Inspector.

Poultry meat or the containers thereof are exempt from the provisions of Article 2, Chapter 8, Division 5 of the Food and Agricultural Code when marked with the official class, as prescribed by the Poultry Division of the Agricultural Marketing Service of the United States Department of Agriculture, only if such poultry meat has been inspected and passed by the official inspection service of said division, and the designation of class as marked meets the requirements of Article 2, and is accompanied by evidence of such U. S. D. A. approval or inspection.

§ 1611. Exemption When Slaughtered on Premises Where Produced, Section 1116 Food and Agr. Code.

(a) Poultry meat to be exempt from the provisions of Article 2, Chapter 8, Division 5 of the Food and Agricultural Code, as provided in Section

- 1116, paragraphs (c) and (d), must be produced and slaughtered in California.
- (b) The term "producer" as defined in part (3) of subsection C of Section 1116 of the Food and Agricultural Code, and in Section 1111(i) of the Food and Agricultural Code applies to the term "producer" as used in subsections (1) and (2) of subsection C of said Section 1116.

HISTORY

1. Amendment filed 3-5-58; effective thirtieth day thereafter (Register 58, No. 4).

§ 1612. Poultry Meat Processed and Stored Prior to July 1, 1956.

HISTORY

1. Repealer filed 3-5-58; effective thirtieth day thereafter (Register 58, No. 4).

§ 1613. Definitions, Section 1116, Food and Agr. Code.

As used in Article 1 of these regulations, "slaughter," "slaughtering" and "slaughtered" mean the process of killing and preparing poultry for market in the form of poultry meat. "Produce" means to grow, feed and care for poultry. "Production" means the process of producing poultry.

HISTORY

1. Amendment filed 3–5–58; effective thirtieth day thereafter (Register 58, No. 4).

§ 1614. Poultry Meat Labeling—Point of Origin.

- (a) The marking requirements of Section 1116.1 of the Food and Agricultural Code pertaining to whole carcasses of chicken poultry meat may be met by—
- (1) Designating the name and address of the plant where the chicken was slaughtered preceded by any of the words "packed by," "packed at," "processed by," "processed at," "slaughtered by," "slaughtered at," "dressed by," "dressed at," or other similar words which are in their commonly accepted primary meaning synonymous with the word "slaughtered" as applied to poultry, or
- (2) Designating the name and address of the plant where slaughtered without other descriptive words, or
- (3) Designating the name of the state in which the chicken was raised or grown followed by the words "raised" or "grown" or preceded by the words "grown in" or "raised in."
- (b) All markings required shall be plain, legible, and conspicuous so as to be clearly visible, and not deceptive or misleading.
- (c) In addition, any other name and address permitted by law may be placed on the label provided it is not misleading or deceptive and does not convey the impression that the chicken was grown or slaughtered at any place other than the actual place of growing or slaughtering.

 NOTE: Authority cited: Sections 16 and 1115, Food and Agricultural Code. Reference: Section 1116.1, Food and Agricultural Code.

HISTORY

1. New section filed 6–21–62; effective thirtieth day thereafter (Register 62, No. 12).

Subchapter 10. Raw Products Inspection for Processing Analysis Different

Article 1. Inspection of Grapes for Wine and By-Products

§ 1650. Notification.

Notification in writing shall be made by the winery requesting inspection to the Director or county agricultural commissioner of the county in which the testing location is designated. Grapes shall be inspected at a location designated by the winery.

NOTE: Authority cited: Sections 407 and 41194, Food and Agricultural Code. Reference: Sections 41191 and 41192, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 7–22–74 as an emergency; effective upon filing (Register 74, No. 30). For prior history, see Register 67, No. 20.
- 2. Certificate of Compliance filed 11-19-74 (Register 74, No. 47).
- 3. Repealer and new Article 1 (Sections 1650–1662, not consecutive) filed 12–30–81; effective thirtieth day thereafter (Register 82, No. 1). For prior histo-

ry, see Registers 76, No. 41; 76, No. 32; 74, No. 47; 74, No. 30; 72, No. 52; and 72, No. 35.

§ 1650.1. Prior Notice.

Notification shall be made five (5) or more days prior to the date of inspection.

Less than five days notification may be made if it has been established to the satisfaction of the Director or county agricultural commissioner that the inspection facilities, equipment, and trained personnel are available

NOTE: Authority cited: Sections 407 and 41194, Food and Agricultural Code. Reference: Sections 41191 and 41192, Food and Agricultural Code.

§ 1650.2. Prior Agreement.

The date, time, and hours of the day that inspection will be conducted shall be based on the availability of the inspection facilities, equipment, and trained personnel. An agreement shall be established prior to inspection between the Director or county agricultural commissioner and the winery requesting inspection.

NOTE: Authority cited: Sections 407 and 41194, Food and Agricultural Code. Reference: Sections 41191 and 41192, Food and Agricultural Code.

§ 1650.15. Request for Defect Inspection.

- (a) After January 1, 1994, the Director shall be notified by May 1, of each year, by the person requesting defect inspection of the selection of the "hand sort method" or an "approved immunoassay procedure".
- (b) Persons not specifying a method by May 1, may not utilize the immunoassay procedure that harvest season unless the Director determines that adequate facilities, equipment, supplies, and trained personnel are available.

NOTE: Authority cited: Sections 14, 407 and 41194, Food and Agricultural Code. Reference: Section 41192, Food and Agricultural Code.

HISTORY

1. New section filed 4-30-93; operative 5-31-93 (Register 93, No. 18).

§ 1652. Inspection Facilities.

Each winery shall provide a safe and adequate inspection facility approved by the Director or county agricultural commissioner for inspection, sampling, and certification.

NOTE: Authority cited: Sections 407 and 41194, Food and Agricultural Code. Reference: Sections 41191 and 41192, Food and Agricultural Code.

§ 1652.1. Adequate Facilities.

Adequate facilities are defined as a grading platform and equipment established at a location or area of inspection that will accomplish the objectives of the Director or county agricultural commissioner.

NOTE: Authority cited: Sections 407 and 41194, Food and Agricultural Code. Reference: Sections 41191 and 41192, Food and Agricultural Code.

§ 1652.2. Inspection Station Requirements.

The inspection platform and other facilities required for material other than grapes or defect inspection are as follows:

- (a) Grading platform or area shall be approximately 15 feet wide by 20 feet in length for one grading table, and 18 feet by 25 feet for two grading tables. The platform shall be high enough so that the inspector may observe the top of the load of grapes to be graded and designate the sample locations. The grading platform or area shall be covered by a roof.
- (b) A standard grading table built according to the specifications of the Director. Grading table specifications are available from the Department.
- (c) An approved mechanized sampling tube which will concurrently produce a sample of approximately 35 pounds and a sample of at least 6 1/2 pounds.
 - (d) Potable water supply.
 - (e) Toilet facilities.
 - (f) Adequate lighting.
- (g) An adequate temperature controlled enclosed area, if the approved immunoassay procedure is to be used.

NOTE: Authority cited: Sections 407 and 41194, Food and Agricultural Code. Reference: Sections 41191 and 41192, Food and Agricultural Code.

HISTORY

1. Repealer and new subsection (c) and new subsection (g) filed 4–30–93; operative 5–31–93 (Register 93, No. 18).

§ 1655. Additional Winery Personnel.

If additional personnel are required at the station, they shall be furnished without charge by the winery upon the request of the Director or county agricultural commissioner. The additional personnel may probe for inspection samples, crush and obtain the grape juice for testing, and perform other duties as designated by an authorized inspector. The additional personnel shall be under the immediate direction of an authorized inspector and shall not assist in any determination of the testing, grading, or activity of inspection that could influence the results of inspection. NOTE: Authority cited: Sections 407 and 41194, Food and Agricultural Code. Reference: Sections 41191 and 41192, Food and Agricultural Code.

§ 1656. Formula for Fees.

The Department hereby adopts a formula to establish a fee charged to each winery to defray the cost of State inspection or reinspection upon request, as specified by Section 41194 of the Food and Agricultural Code.

- (a) The formula for the fee each winery will pay the Wine Grape Inspection Program is: divide the estimated annual budget of the program by the estimated tons inspected. The result is the cents per ton. The cents per ton is multiplied by the net tons per load as determined by a certified weight certificate on each load inspected. For wineries that receive small tonnages per week, a minimum tonnage inspected shall be established per week for the season. Wineries that receive tonnage below the minimum shall be charged an hourly rate comparable to the tonnage rate charged to large tonnage wineries.
- (b) At the end of each calendar week, the winery requesting inspection shall remit to Cashier, California Department of Food and Agriculture, the fee for inspection for the week.
- (c) Upon written demand of the Department, a winery requesting inspection shall remit an advance deposit of \$1,000 to Cashier, California Department of Food and Agriculture prior to the start of inspection. This requirement shall be based upon the Department's knowledge of the financial status of a winery or the winery's past performance in remitting its inspection fees to the Department.

At the close of each inspection season, the amount of advance deposit not used for inspection purposes shall be refunded to the winery from which it was received.

 $Note: Authority\ cited: Sections\ 407\ and\ 41194, Food\ and\ Agricultural\ Code.\ Reference:\ Sections\ 41191\ and\ 41192,\ Food\ and\ Agricultural\ Code.$

HISTORY

1. Amendment of section heading and section filed 7–13–2000; operative 8–12–2000 (Register 2000, No. 28).

§ 1657. Contract.

Prior to inspection, each winery shall provide, on request of the Director or county agricultural commissioner, written evidence that a contract exists between the winery and the grower for loads of grapes to be presented for inspection.

NOTE: Authority cited: Sections 407 and 41194, Food and Agricultural Code. Reference: Sections 41191 and 41192, Food and Agricultural Code.

§ 1658. Sampling Procedure.

The authorized inspector may require samples from any location in the load or lot of grapes in order to produce by such sampling a fair representation of the entire load or unit.

All samples shall be taken from widely separated parts of the load or lot being inspected. The number of samples from each load or lot of grapes shall be designated by the authorized inspector, and shall be taken according to the sampling method provided in these regulations.

NOTE: Authority cited: Sections 407 and 41194, Food and Agricultural Code. Reference: Sections 41191 and 41192, Food and Agricultural Code.

§ 1658.1. Lot or Load Definition.

A lot or load shall consist of a single delivery of the same ownership and shall be sampled and inspected as one unit, except where different varieties are separated by container. The Director, county agricultural commissioner, grower, or winery representative may request a separate sample and inspection of a lot or load when the lots are clearly segregated. Separate inspections shall be made and a certificate shall be issued for each inspection.

NOTE: Authority cited: Sections 407 and 41194, Food and Agricultural Code. Reference: Sections 41191 and 41192, Food and Agricultural Code.

§ 1658.2. Mixed Varieties of Grapes.

Varieties of grapes mixed in one tank shall be graded as mixed, and a certificate issued specifying the variety as "mixed."

NOTE: Authority cited: Sections 407 and 41194, Food and Agricultural Code. Reference: Sections 41191 and 41192, Food and Agricultural Code.

§ 1658.3. Reinspection.

- (a) Inspectors, of their own volition, or at the request of a winery representative, or a grower, or a grower representative, may make a second inspection if reasonably necessary, based on the inspection results of previous deliveries
- (b) A complete and new representative sample shall be obtained for reinspection. The results of the first and second inspections shall be averaged together and the average shall be the final result for the lot or load inspected.
- (c) Not more than one reinspection shall be made on any one lot or load. If it is established to the satisfaction of the Director or county agricultural commissioner that an inspection is not representative of the lot or load, the inspection may be discarded and a new inspection made.

NOTE: Authority cited: Sections 407 and 41194, Food and Agricultural Code. Reference: Sections 41191 and 41192, Food and Agricultural Code.

HISTORY

Designation of subsections and amendment of subsection (c) filed 4-30-93; operative 5-31-93 (Register 93, No. 18).

§ 1658.4. Bulk Load (Gondola Sampling).

The following schedule will be used on gondola loads:

1 or 2 tanks	2 samples
3 or 4 tanks	3 samples
5 or 6 tanks	4 samples
7 or more tanks	5 samples

NOTE: Authority cited: Sections 407 and 41194, Food and Agricultural Code. Reference: Sections 41191 and 41192, Food and Agricultural Code.

§ 1658.5. Sampling Tube.

The sampling tube shall be pushed from the top to the bottom level of the grapes in the load in order to obtain, from each sample, grapes from the top, center, and bottom layers.

NOTE: Authority cited: Sections 407 and 41194, Food and Agricultural Code. Reference: Sections 41191 and 41192, Food and Agricultural Code.

§ 1658.6. Box Load (Grapes in Boxes) Sampling.

The number of boxes selected for inspection shall be according to the following table:

Lots or loads having:

2 to 50 boxes,	sample 2 boxes	
51 to 100 boxes,	sample 3 boxes	
101 to 250 boxes,	sample 4 boxes	
251 to 400 boxes,	sample 5 boxes	
401 to 600 boxes,	sample 6 boxes	
601 and over,	sample 7 boxes	

Not less than 10 percent by volume of the grapes shall be taken, at random, from each of the boxes selected.

NOTE: Authority cited: Sections 407 and 41194, Food and Agricultural Code. Reference: Sections 41191 and 41192, Food and Agricultural Code.

§ 1659. Receiving-Hopper Sampling.

When grapes are placed in the receiving hopper, the bulk load (gondola) sampling procedure is applicable. Tube samples may be taken from the hopper, provided the load is separate from other loads of grapes and stationary, to avoid mixing with other lots or loads.

NOTE: Authority cited: Sections 407 and 41194, Food and Agricultural Code. Reference: Sections 41191 and 41192, Food and Agricultural Code.

§ 1659.1. In-Line Testing.

- (a) The Director or county agricultural commissioner may take in-line samples for determination of the average percentage of soluble solids in any lot or load placed in a crusher or which has been field crushed.
- (b) The samples shall be taken from the pipeline which delivers the grape juice into the winery. All grapes or grape juice from the previous lot or load shall be out of the crusher or pipeline prior to sampling.
- (c) A representative juice sample shall be obtained from the pipeline by taking equal samples at four (4) intervals during delivery of the grape juice into the winery. The sample may also be used by the Director for an approved immunoassay procedure determination.
- (d) The samples shall total approximately five (5) gallons and shall be combined, stirred, and strained of all skins, seeds, and other foreign material.

NOTE: Authority cited: Section 407 and 41194, Food and Agricultural Code. Reference: Sections 41191 and 41192, Food and Agricultural Code.

HISTORY

1. Designation of subsections and amendment of section heading and subsection (c) filed 4–30–93; operative 5–31–93 (Register 93, No. 18).

§ 1660. Method of Testing for Soluble Solids.

All grape samples collected for soluble solids testing from the same lot or load shall be combined and completely crushed without unnecessary crushing of the stems. The juice sample shall be stirred and mixed thoroughly prior to testing.

A sieve or metal screen strainer shall be used to strain any pulp or solids from the sample to be tested.

The juice sample shall be tested, using a hand-held temperature compensating refractometer or refractometer analytical unit approved by the Secretary.

The refractometer or refractometer analytical unit shall be clean and free from any contamination prior to each test.

The hand-held refractometer shall be immersed to a depth in the juice sample that will ensure complete coverage of the prism. The prism cover shall be closed immediately and the refractometer lifted out of the sample and read to the nearest 0.1 degree.

NOTE: Authority cited: Sections 407 and 41194, Food and Agricultural Code. Reference: Sections 41191 and 41192, Food and Agricultural Code.

HISTORY

1. Amendment filed 12-4-95; operative 1-3-96 (Register 95, No. 49).

§ 1660.1. Equipment.

The hand refractometer shall be temperature compensating, read directly in Brix percentage scale, with divisions not more than 0.2 degrees, that can be read with accuracy to 0.1 degree, have a sharp demarcation line (shadow), and be without interference by color or an indistinct line, and sealed with acid–proof material on the face, where the juice is placed. NOTE: Authority cited: Sections 407 and 41194, Food and Agricultural Code. Reference: Sections 41191 and 41192, Food and Agricultural Code.

HISTORY

1. Amendment filed 12-4-95; operative 1-3-96 (Register 95, No. 49).

§ 1660.2. Refractometer Analytical Unit.

The refractometer analytical unit shall be temperature compensated, not affected by turbid solution, read directly in Brix percentage scale, with the smallest division, 0.1 degree.

NOTE: Authority cited: Sections 407 and 41194, Food and Agricultural Code. Reference: Sections 41191 and 41192, Food and Agricultural Code.

§ 1660.3. Refractometer Accuracy Testing.

Refractometers and refractometer analytical units shall be tested for accuracy by the Director or county agricultural commissioners prior to each grape season. The accuracy of each unit shall be tested periodically during each day of inspection.

NOTE: Authority cited: Sections 407 and 41194, Food and Agricultural Code. Reference: Sections 41191 and 41192, Food and Agricultural Code.

§ 1660.4. Soluble Solids Sample Screen.

The screen or sieve shall not be less than eight mesh per linear inch. NOTE: Authority cited: Sections 407 and 41194, Food and Agricultural Code. Reference: Sections 41191 and 41192, Food and Agricultural Code.

Page 208

§ 1660.5. Hand Sampling Tube Specifications.

The hand sampling tube shall have an inside diameter of four (4) inches and a length of approximately 54 inches. The open end, which is pushed into the grapes, shall at all times have edges sharp enough to cut through the grapes and stems. The sampling tube shall be constructed to retain a minimum of 6 1/2 pounds.

NOTE: Authority cited: Sections 407 and 41194, Food and Agricultural Code. Reference: Sections 41191 and 41192, Food and Agricultural Code.

§ 1660.6. Equipment Material Specifications.

Any equipment used shall be made of a material that will not affect or be affected by the grape stems or grape juice that would cause an incorrect test.

NOTE: Authority cited: Sections 407 and 41194. Food and Agricultural Code. Reference: Sections 41191 and 41192 Food and Agricultural Code.

§ 1660.7. Standard Sample Container.

A standard plastic sample container shall be used for holding each probe of grapes obtained by the standard mechanized sampling tube. The sample container shall not hold less than 35 pounds.

NOTE: Authority cited: Sections 407 and 41194, Food and Agricultural Code. Reference: Sections 41191 and 41192, Food and Agricultural Code.

§ 1661. Method of Grading.

The Director shall perform inspection for material other than grapes and defects.

NOTE: Authority cited: Sections 407 and 41194, Food and Agricultural Code. Reference: Sections 41191 and 41192, Food and Agricultural Code.

HISTORY

1. Editorial correction inserting inadvertently omitted section (Register 95, No. 23).

§ 1661.1. Material Other Than Grapes Inspection.

- (a) Material other than grapes inspection may be done in conjunction with hand sort defect inspection.
- (b) The grapes in each sample selected shall be placed on the grading table and inspected.
- (c) Material other than grapes, such as leaves, canes, and other material foreign to grapes, shall be sorted from the sample.

NOTE: Authority cited: Sections 407 and 41194, Food and Agricultural Code. Reference: Sections 41191 and 41192, Food and Agricultural Code.

HISTORY

Designation of subsections and amendment of subsection (a) filed 4-30-93; operative 5-31-93 (Register 93, No. 18).

§ 1661.2. Defects Definition.

"Defects" shall be considered defective grapes due to evidence of mold, rot, or mildew resulting in decomposition.

NOTE: Authority cited: Sections 407 and 41194, Food and Agricultural Code. Reference: Sections 41191 and 41192, Food and Agricultural Code.

HISTORY

1. Amendment filed 4-30-93; operative 5-31-93 (Register 93, No. 18).

§ 1661.3. Official Charts.

The official charts issued by the Director may be used to determine the percentage and pounds per ton of material other than grapes and percentage of hand sorted defects. The charts are used for the mathematical computations necessary to report the inspection results.

NOTE: Authority cited: Sections 407 and 41194, Food and Agricultural Code. Reference: Sections 41191 and 41192, Food and Agricultural Code.

HISTORY

1. Amendment filed 4-30-93; operative 5-31-93 (Register 93, No. 18).

§ 1661.4. Request for Discontinuing Inspection for Hand Sorted Defect Samples.

A written request by the winery to discontinue inspection may be granted by the Director when the amount of grapes considered defective and removed from the sample is equal to or greater than the percentage specified in the request. The word "exceeds" and the percent specified in the request shall be entered on the certificate.

Example: PERCENT ROT DEFECTS

exceeds 10%

NOTE: Authority cited: Sections 407 and 41194, Food and Agricultural Code. Reference: Sections 41191 and 41192, Food and Agricultural Code.

HISTORY

1. Amendment of section heading filed 4–30–93; operative 5–31–93 (Register 93, No. 18).

§ 1662. Certification.

- (a) A certificate of inspection or a combination of the inspection and weight certificates shall be issued for each lot or load inspected. Each certificate shall provide all information relevant to the inspection.
- (b) The certificate shall bear the statement that inspection and certification have been conducted under authority of Division 16, Chapter 3, of the Food and Agricultural Code of California, and shall provide space for the authorized inspector to sign the certificate.
- (c) When applicable, and on completion of inspection of the required number of samples, the following shall be reported on the certificate as the true results of the inspection by the Director.
- (d) Soluble solids test shall be reported as Brix percentage on the certificate.
- (e) Material other than grapes and hand sorted defects shall be weighed and may be reported in ounces, pounds per ton, and/or percentage.
- (f) The results of inspections for defects determined by an approved immunoassay procedure shall be reported in a manner approved by the Director.
- (g) Each certificate shall bear the name of the agency issuing the certificate and shall be numbered serially.
- (h) Each inspection certificate shall provide the name of the grower or growers and shall bear the date, time, weight certificate number, and the license numbers (when applicable), and the total number of samples, including retests or regrades.
- (i) The original or duplicate original of the certificate shall be retained by the Director or county agricultural commissioner. Each certificate copy shall be a duplicate original.
- (j) A certificate or duplicate original shall be invalid if it has been altered in any way, unless the alteration is initialed by an authorized inspector. Any alterations, properly initialed, shall be made on the original and on all duplicate originals of the certificate.
- (k) The official inspection certificate may be combined with the official weight certificate used by the winery, provided the combined form is approved by the Director or county agricultural commissioner.

NOTE: Authority cited: Sections 407 and 41194, Food and Agricultural Code. Reference: Sections 41191 and 41192, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 8–18–83; effective thirtieth day thereafter (Register 83, No. 34).
- 2. Designation of subsections, amendment of subsection (e) and new subsection (f) filed 4-30-93; operative 5-31-93 (Register 93, No. 18).

Article 2. Garlic and Onions for Dehydration

§ 1675. Sampling Procedure.

The percentage or weight of defects in a lot or load of garlic or onions for dehydration shall be determined by the examination of the onions or garlic in a representative sample. All of the sample selected shall be weighed and placed on the grading table for inspection. A lot or load shall consist of a single delivery of the same ownership and shall be sampled and inspected as one unit. The director reserves the right to require samples from any location in a lot or load in order to produce, by such sampling, a fair representation of the entire lot or load. An authorized state inspector shall, according to the sampling methods provided in these regulations, designate the number of samples to be taken, the sample locations, and the sampling procedures to be used on each load or lot.

NOTE: Authority cited: Sections 407 and 41721, Food and Agricultural Code. Reference: Sections 41731 and 41752, Food and Agricultural Code.

HISTORY

- 1. New Article 2 (Sections 1675–1688) filed 4–11–79; effective thirtieth day thereafter (Register 79, No. 15).
- 2. Editorial correction of NOTE (Register 82, No. 1).

§ 1676. Sample Size.

Each master sample shall weigh approximately 50 pounds and be comprised of two (2) samples, each weighing approximately 25 pounds.

The samples to be taken shall be determined by one of the following methods:

- (a) Bulk Load. A minimum of two (2) samples shall be taken. Each sample shall be from a different trailer, or from a different portion of a single trailer.
- (b) Bin Load or Lot. The number of bins to be sampled shall be determined by the total number of bins in a load or lot. Each bin to be sampled shall be plainly marked or identified on an exposed surface prior to sampling. The number of bins to sample is as follows:

The subsamples for excessive moisture, external defects, and internal defects shall be selected by using an eight–section sampling grid. The random sampling grid charts shall be furnished by the director. The subsamples for onions shall be as follows:

- (a) Select two sections, using the random charts, for use as the excessive moisture sample.
- (b) Select two sections, using the random charts, for use as the external and internal defects sample.

The subsamples for garlic shall be as follows:

- (a) Select two sections, using the random charts, for use as the excessive moisture sample.
- (b) Select one section, using the random charts, for use as the defects sample.

NOTE: Authority cited: Sections 407 and 41721, Food and Agricultural Code. Reference: Sections 41731 and 41752, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 5–25–79 as an emergency; effective upon filing (Register 79, No. 21).
- 2. Certificate of Compliance filed 9-7-79 (Register 79, No. 36).
- 3. Editorial Correction of NOTE (Register 82, No. 1).

§ 1677. Inspection Without Undue Delay.

All loads or lots of onions or garlic for dehydration which are required to be inspected shall be sampled and inspected within 48 hours for onions and 72 hours for garlic after arrival at the inspection location.

NOTE: Authority cited: Sections 407, 41721, Food and Agricultural Code. Reference: Section 41752, Food and Agricultural Code.

§ 1678. Defects—Onions.

An onion that has one or more of the following defects is scorable when:

- (a) Insect Damage. Two or more fleshy scales have been penetrated by an insect in two or more areas.
- (b) Wet Sunscald. Wet sunscald is identifiable anywhere on the bulb.
- (c) Dry Sunscald. Dry sunscald affects an aggregate area of more than 900 square millimeters on the outside fleshy scales.
- (d) Decay—Outside. Decay affects an aggregate area of more than a 25 millimeter circle on the outside fleshy scales.
 - (e) Decay—Inside. Decay is identifiable anywhere inside the bulb.
- (f) Wet Breakdown. Wet breakdown is identifiable anywhere on the bulb.
- (g) Mold. The moldy area on one or more fleshy scales exceeds an aggregate area of a circle 25 millimeters in diameter or spore masses between the papery scales are present on 50 percent or more of the onion.
- (h) Burst/Cracks. The burst area or crack extends three or more fleshy scales in depth.
 - (i) Seed Stems. It has a seed stem that is tough or woody.
 - (j) Off Color. Of a color that is not typical of the variety or strain.
- (k) Scallions, Bottlenecks. The diameter of the neck at the shoulder exceeds 1/3 of the bulb diameter.
- (*l*) Green Sprouts. A sprout is externally visible or a sprout is medium green or darker and longer than one inch (25.4 millimeters) in the bulb.
- (m) Greening. Greening exceeds an aggregate area of a 32-millimeter-in-diameter circle and is medium green or darker.
- (n) Freeze Damage. Freeze damage is identifiable in three or more fleshy scales.

- (o) Mechanical Damage. Mechanical damage extends through three or more fleshy outer scales.
- (p) Undersize. The diameter is less than 1.25 inches (31.75 millimeters). Diameter is measured at the widest portion of a cross section at a right angle to a straight line drawn from the top to the root end.

NOTE: Authority cited: Sections 407, and 41721, Food and Agricultural Code. Reference: Section 41752, Food and Agricultural Code.

HISTORY

- Amendment filed 4–24–81; effective thirtieth day thereafter (Register 81, No. 17).
- 2. Editorial Correction of NOTE (Register 82, No. 1).

§ 1679. Dirt and Cull Material.

The director shall determine and record on a certificate the percentages or weights of dirt and cull material in a representative sample of onions or garlic for dehydration.

Dirt shall include clods; loose, fine dirt; and dirt adhering to the raw product in the sample.

Cull material shall include tops, roots, rocks, loose outer scales, and material other than raw product.

NOTE: Authority cited: Sections 407 and 41721, Food and Agricultural Code. Reference: Section 41752, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 5–25–79 as an emergency; effective upon filing (Register 79, No. 21).
- 2. Certificate of Compliance filed 9-7-79 (Register 79, No. 36).
- 3. Amendment filed 4–24–81; effective thirtieth day thereafter (Register 81, No. 17).
- 4. Editorial Correction of NOTE (Register 82, No. 1).

§ 1680. Excessive Moisture.

Except when the amount of the purchase price is not based on percentage of moisture loss, the director shall determine and record on a certificate the weight loss due to excessive moisture in a representative sample of onions or garlic for dehydration.

The moisture sample shall be weighed prior to placing in a forced-air heating chamber for 48 hours at a constant temperature of 95 degrees or on a drying tunnel. The sample shall be weighed at time of removal. The difference in weights is used to calculate the percentage of excessive moisture in the sample.

NOTE: Authority cited: Sections 407 and 41721, Food and Agricultural Code. Reference: Section 41752, Food and Agricultural Code.

HISTORY

1. Editorial Correction of NOTE (Register 82, No. 1).

§ 1681. Defects—Garlic.

A clove of garlic that has one or more of the following defects is scorable when:

- (a) Decay. Decay is identifiable anywhere on the clove. Decay is identified as soft, watery, discolored tissue, with a strong, musty odor.
- (b) Waxy Breakdown. Waxy breakdown is identifiable anywhere on the clove. Waxy breakdown is identified as a waxy, yellow or brown, transparent appearance of the affected flesh.
- (c) Insect Damage. Insect damage penetrates into the meaty portion of the clove.
- (d) Green Sprouts. A sprout has extended outside of the clove, or when an internal sprout is medium green or darker and extends more than one—half the length of the inside of the clove.
- (e) Greening. Greening exceeds an aggregate area of a six (6) millimeter diameter circle and is medium green or darker.
- (f) Damage. Damage, including mechanical damage, extends into the flesh and exceeds an aggregate area of a six (6) millimeter–in–diameter circle.

NOTE: Authority cited: Sections 407 and 41721, Food and Agricultural Code. Reference: Section 41752, Food and Agricultural Code.

HISTORY

- Amendment filed 4–24–81; effective thirtieth day thereafter (Register 81, No. 17).
- 2. Editorial Correction of NOTE (Register 82, No. 1).

§ 1681.1. Stiff Neck-Garlic.

A garlic bulb shall be scored as "stiff neck" when there is little or no clove development in the bulb.

NOTE: Authority cited: Sections 407 and 41721, Food and Agricultural Code. Reference: Section 41752, Food and Agricultural Code.

HISTORY

1. New section filed 4–24–81; effective thirtieth day thereafter (Register 81, No. 17).

§ 1682. Exempt Loads or Lots.

The following specific deliveries of garlic or onions are exempt from mandatory inspection and certification:

- (a) Garlic or onions produced in a foreign country and delivered for dehydration in California.
- (b) Garlic or onion cull-outs from production for fresh market consumption. "Cull-outs" are defined as garlic or onions undesirable for commercial, fresh marketing channels.
- (c) A load or lot of mixed ownership where each grower has received a certified weight certificate and the amount of the purchase price is not based on percentage of defects.

NOTE: Authority cited: Sections 407, 41721, Food and Agricultural Code. Reference: Section 41752, Food and Agricultural Code.

§ 1683. Daily Load Information.

Each dehydrator shall provide the director, by 5:00 p.m. daily, with the number of expected loads of onions or garlic for the next day.

NOTE: Authority cited: Sections 407, 41721, Food and Agricultural Code. Reference: Section 41752, Food and Agricultural Code.

§ 1684. Load or Lot Identification.

Prior to inspection, the director shall be furnished with the name of the grower, the name of the dehydrator, and the contract or other numbers applicable to the load.

NOTE: Authority cited: Sections 407, 41721, Food and Agricultural Code. Reference: Section 41752, Food and Agricultural Code.

§ 1685. Acreage or Load Information.

Each dehydrator shall provide to the director, by March 1 of each year, the anticipated total onions and the total garlic to be inspected through each inspection site. This information may be in tons, acres to be harvested, or loads. Any additions or deletions to the list shall be submitted promptly to the director.

NOTE: Authority cited: Sections 407, 41721, Food and Agricultural Code. Reference: Section 41752, Food and Agricultural Code.

§ 1686. Growers List.

Each dehydrator shall provide to the director, by March 1 of each year, a list of the growers using each inspection site. The list shall include the grower's name, address, and a contract or other identifying number, if applicable. Any additions to the list shall be submitted promptly to the director.

NOTE: Authority cited: Sections 407, 41721, Food and Agricultural Code. Reference: Section 41752, Food and Agricultural Code.

§ 1687. Adequacy of Inspection Sites.

The director shall review inspection sites for adequacy of facilities prior to April 1 of each year. The safety and sanitation inspections are for the safety and health of state employees working at the sites and do not preempt compliance with other regulations for occupational safety or public health.

NOTE: Authority cited: Sections 407 and 41721, Food and Agricultural Code. Reference: Section 41757, Food and Agricultural Code.

HISTORY

1. Editorial correction of NOTE (Register 82, No. 1).

§ 1688. Inspection Site Requirements.

Each inspection site shall include, but is not limited to, the following:

- (a) Grading tables
- (b) Covered inspection area
- (c) Electricity—properly grounded
- (d) Potable water
- (e) Sampling equipment

- (f) Writing, office, and storage area
- (g) Adequate toilet facilities, with running water
- (h) Floors in the inspection area with a nonskid surface
- (i) Properly located fire extinguishers
- (j) First aid kit
- (k) Lighting
- (1) Scales, approved for use in California, which are sealed. The scales shall have the capacity and increments necessary to weigh samples and defects.
 - (m) Parking for state employees
 - (n) Designated lunch and break areas
 - (o) Fans for cooling and insect control

All equipment, supplies, and work area shall be adequate, safe, and sanitary.

NOTE: Authority cited: Sections 407 and 41721, Food and Agricultural Code. Reference: Section 41757, Food and Agricultural Code.

HISTORY

1. Editorial Correction of NOTE (Register 82, No. 1).

Chapter 2. Markets

Article 1. Reports by Grape Processors

§ 1700. Grape Pricing Districts.

Every processor who crushes grapes in California shall report the information required by Section 55601.5 of the Food and Agricultural Code to the Director, for each grape pricing district, as follows:

District 1-Mendocino County

District 2—Lake County

District 3—Sonoma and Marin Counties

District 4—Napa County

District 5—Solano County

District 6—Alameda, Contra Costa, Santa Clara, San Francisco, San Mateo, and Santa Cruz Counties

District 7—Monterey and San Benito Counties

District 8—San Luis Obispo, Santa Barbara and Ventura Counties

District 9—Yolo County north of Interstate 80 to the junction of Interstate 80 and U.S. 50 and north of U.S. 50; Sacramento County north of U.S. 50; Del Norte, Siskiyou, Modoc, Humboldt, Trinity, Shasta, Lassen, Tehama, Plumas, Glenn, Butte, Colusa, Sutter, Yuba, and Sierra Counties

District 10—Nevada, Placer, El Dorado, Amador, Calaveras, Tuolumne and Mariposa Counties

District 11—San Joaquin County north of State Highway 4; and Sacramento County south of U.S. 50 and east of Interstate 5

District 12—San Joaquin County south of State Highway 4; Stanislaus and Merced Counties

District 13—Madera, Fresno, Alpine, Mono, Inyo Counties; and Kings and Tulare Counties north of Nevada Avenue (Avenue 192)

District 14—Kings and Tulare Counties south of Nevada Avenue (Avenue 192); and Kern County

District 15-Los Angeles and San Bernardino Counties

District 16—Orange, Riverside, San Diego and Imperial Counties

District 17—Yolo County south of Interstate 80 from the Solano County line to the junction of Interstate 80 and U.S. 50 and south of U.S. 50 and Sacramento County south of U.S. 50 and west of Interstate 5 NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Section 55601.5, Food and Agricultural Code.

HISTORY

- 1. New Article 1 (Section 1700) filed 7-13-79; effective thirtieth day thereafter (Register 79, No. 28).
- Amendment filed 8–20–80; effective thirtieth day thereafter (Register 80, No. 34).
- 3. Amendment filed 7–24–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 30).

Chapter 2.2. Market Enforcement

Subchapter 1. Licensing

Article 1. General Provisions

§ 1700.1. Definitions.

Unless otherwise defined, the captions used in these regulations have no regulatory effect. Words and phrases carry their usual and customary meanings. For purposes of interpretation, the following special definitions apply:

- (a) "The Act" refers to Chapters 6 and 7 of Division 20 of the Food and Agricultural Code, commencing with section 55401;
 - (b) "Applicant" means only the legal entity applying for a license.
- (c) "Control" means the possession of the power to direct or cause the direction of the management and policies of any person.
- (d) "License" means official permission to do something. It includes any indicia of authority issued by the Department. These indicia include documents entitled license, registration, exemption, permit, or certificate. The terms, "indicia of authority," "registration," "exemption," "permit," or "certificate," mean "license."
- (e) "Person" includes an individual, partnership, corporation, limited liability company, firm, company, or other entity. For all purposes pertinent to these regulations a limited liability company shall be treated the same as a corporation.
- (f) "Principal Creditor" means a single creditor, secured or unsecured, who has provided long-term financing of a significant financial interest in the business licensed.
- (g) "Significant Financial Interest" means ownership of at least 10% of the shares of a corporation or at least 10% of the equity of a partnership or limited liability company.
- (h) "Significant Shareholder" means a shareholder who owns or controls at least 10% of the shares of a corporation.

NOTE: Authority cited: Sections 262 and 407, Food and Agricultural Code. Reference: Sections 55401 and 56101, Food and Agricultural Code.

HISTORY

1. New chapter 2.2, subchapter 1 (articles 1–7), article 1 (sections 1700.1–1700.3) and section filed 12–15–2000; operative 1–14–2001 (Register 2000, No. 50).

§ 1700.2. Records.

- (a) Licensees shall keep the records required by The Act for the later of four years or the resolution of any outstanding complaints.
- (b) For all purposes associated with enforcement of The Act, the licensee's retention of each document required by Food and Agricultural Code section 56273.1 is prima facie evidence of a complete account of sale, but partial absence of such documentation is not conclusive evidence that the account of sale is incomplete. If the absence of documentation arises from factors beyond the control of the licensee, the licensee's testimony may be sufficient substitute for the documents themselves, and the resulting record may be considered complete.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 404, 55611 and 56301, Food and Agricultural Code.

HISTORY

1. New section filed 12-15-2000; operative 1-14-2001 (Register 2000, No. 50).

§ 1700.3. Confidentiality of Records.

The Act requires the Department and its employees hold confidential information derived from the operation of The Act. The Department and its employees may release this information to the public only under certain circumstances specified in The Act. Every employee who works within the programmatic purview of The Act shall read and sign a statement to that effect. The Department shall place this statement in the employee's personnel file.

NOTE: Authority cited: Sections 407, 55483(c) and 56183.5(c), Food and Agricultural Code. Reference: Sections 404, 55435.5 and 55483(b), Food and Agricultural Code.

HISTORY

1. New section filed 12-15-2000; operative 1-14-2001 (Register 2000, No. 50).

Article 2. The Application Process

§ 1701. Application.

- (a) Applicants shall use the Department's preprinted form.
- (1) Applicants shall obtain an application for license package from the Department's Market Enforcement Branch. This package includes, as a minimum, the Department's preprinted forms (Application for License [28–003 (Rev. 04/00)]; Application for Agent License [28–004 (Rev. 04/00)]; Market Enforcement License Affidavit [28–003B (Rev. 04/00)]/Cash Buyers Statement [28–016 (Rev. 04/00)], a two–sided form; Notice of Review of Criminal Information [28–003C (Est. 1/98)/Notice of Review of Credit Information [28–003D (Est. 3/98)], a two–sided form), a copy of the applicable statutes, and a copy of these regulations. The statutes and regulations shall only be sent to first–time applicants. An applicant should read both the regulations and the statutes prior to completing the application.
- (b) Applicants shall submit the completed application to the Department's Market Enforcement Branch.

NOTE: Authority cited: Sections 407, 55483(c) and 56183.5(c), Food and Agricultural Code. Reference: Sections 55483, 55522 and 56182, Food and Agricultural Code.

HISTORY

1. New article 2 (sections 1701–1701.8) and section filed 12–15–2000; operative 1–14–2001 (Register 2000, No. 50).

§ 1701.1. Application for Sole Proprietor, Partnership or Agent's License.

- (a) The first-time applicant shall supply the following information:
- (1) The business name, address, telephone number, mandatory social security number, birth date, and driver's license(s)/identification number(s) of the applicant;
- (2) The names, addresses, and telephone numbers of principal creditors of the business, if any;
- (3) The principal place of business and telephone number in California;
 - (4) The date of submission;
- (5) Self-disclosure of previous license revocation(s) or suspension(s), convictions for financial crimes as described in Section 1702.1(a)(5);
 - (6) A description of the business to be licensed.
- (7) If the application is for an agent's license only, the name, address and telephone number of the person whom the agent represents and the signature of the person's authorized officer or principal endorsing the application;
- (b) The first-time applicant shall attach the following documents prior to submission:
- (1) A list of any current licenses and/or licenses from the previous five years issued by the Department for the applicant;
- (2) A list by an individual of any current licenses and/or licenses from the previous five years issued by the Department for a partner or affiliate of a partnership applicant;
- (3) A list by an individual of any current licenses and/or licenses from the previous five years issued by the Department for any agent of the applicant:
- (4) A signed acknowledgment that the applicant has been informed of the Department's authority to obtain financial information concerning the applicant from credit reporting agencies, creditors, or financial institutions:
- (5) A signed acknowledgment that the applicant has been informed of the Department's authority to obtain criminal record information concerning the applicant or its agent(s);

- (6) The affidavit, required by Food and Agricultural Code section 56189, if any;
- (7) A Schedule of Charges if the applicant is acting as a broker and/or commission merchant;
 - (8) Full payment of all fees required on the application;
 - (9) A list of California commodities handled;
- (10) For Cash Buyers and Cash Buying Processors, a statement of understanding that all transactions shall be made in cash;
- (11) A list of farm products creditors owed sums that are delinquent, if any, including their names, addresses, and amounts owed; and,
- (12) A copy of the formal fictitious name statement for an applicant who notes a "doing business as" (d.b.a.). This is the statement on file with the county in which the applicant does business.

NOTE: Authority cited: Sections 407, 55483(c) and 56183.5(c), Food and Agricultural Code. Reference: Sections 404, 5484.75, 55485, 55523, 55524.75, 55525, 56183.5, 56186, 56189 and 56571.7, Food and Agricultural Code.

HISTORY

1. New section filed 12-15-2000; operative 1-14-2001 (Register 2000, No. 50).

§ 1701.2. Application for Limited Liability Company or Corporation.

- (a) The first–time applicant shall supply the following information:
- (1) The business name, business address, telephone number, and taxpayer identification number of the limited liability company or corporation. In addition, the birth date and driver's license(s)/identification number(s) of any chief executive officer/president or chief financial officer/treasurer of any California based limited liability company or corporation. For any non-California based limited liability company or corporation, the birth date and driver's license(s)/identification number(s) of the agent for service of summons listed with the Secretary of State;
- (2) Other information required for all applicants in Section 1701.1(a)(2) through 1701.1(a)(6) of these regulations.
 - (b) The application shall be signed by an authorized representative.
- (c) The first-time applicant shall attach the following documents prior to submission:
- (1) A list by an individual of any current licenses and/or licenses from the previous five years issued by the Department for any member of a limited liability company, corporate officer, or significant shareholder of a corporate applicant;
- (2) For corporations or partnerships, an acknowledgment of criminal record access signed by the authorized company representative and each agent:
- (3) A limited liability company or corporation not registered with the California Secretary of State shall attach its Articles of Incorporation and registration with its State or County of incorporation;
- (4) Other attachments required for all applicants by Section 1701.1(b)(3) through Section 1701.1(b)(12).

NOTE: Authority cited: Sections 407, 55483(c) and 56183.5(c), Food and Agricultural Code. Reference: Sections 404, 5484.75, 55485, 55523, 55524.75, 55525, 56183.5, 56186, 56189 and 56571.7, Food and Agricultural Code.

HISTORY

1. New section filed 12-15-2000; operative 1-14-2001 (Register 2000, No. 50).

§ 1701.3. Application Renewal.

Renewal applications need only provide changes to the information requested in Sections 1701.1 or 1701.2 of these regulations.

NOTE: Authority cited: Sections 407, 55483(c) and 56183.5(c), Food and Agricultural Code. Reference: Sections 404, 5484.75, 55485, 55523, 55524.75, 55525, 56183.5, 56186, 56189 and 56571.7, Food and Agricultural Code.

HISTORY

1. New section filed 12–15–2000; operative 1–14–2001 (Register 2000, No. 50).

§ 1701.4. Application Processing.

- (a) The Department shall reject an incomplete application, but the applicant may cure defects if he or she does so within the prescribed time frame
- (1) After initial submission and review, the Department shall provide an applicant whose application is incomplete written notice at the appli-

cant's address listed on the application. This notice shall specify the missing information. The applicant has sixty (60) calendar days from the date of the notice to supply the missing information. The notice shall also specify that failure to postmark a complete application within the sixty (60) days may result in denial of the application.

- (b) After submission of the application, applicants shall additionally submit the following if the Department asks the applicant to do so:
- (1) Proof of Bond if the Department requires a bond, as described in the Act:
- (A) the applicant may obtain an endorsement on a pre-existing bond if:
 - 1. the prior bond holder agrees in writing, and
- 2. the bond was established for the same or a similar purpose. This includes a bond obtained to satisfy the requirements of the federal Perishable Agricultural Commodities Act (PACA).
- (b) Subject to statutory minimums, the face value of the bond shall be at least 20% of the dollar volume of the applicant's business. The applicant may submit a Certificate of Deposit or another document of like integrity as the bond. The substitute shall be disapproved if the Department is not fully satisfied that the substitute is of like integrity.
- (2) A Request for Exemption and the Department–approved exemption package, if applicant requests exemption for someone convicted of a crime affecting licensure under The Act, as described in Section 1702.1 of these regulations.
- (c) The 90-day time frame in which the Department shall decide whether to approve the license does not begin until after the Department receives the last of the requested documents.
 - (d) Application Fees are not refundable.
- (e) The Department shall consider an application incomplete, and deny it, unless the applicant submits requested documents and full payment of fees within sixty (60) calendar days from the date the Department requests them, with one exception. The exception is:
- (1) Proof of Bond. If the applicant applied for a bond, but has not yet received proof from the bonding company, the Department may approve a conditional license instead of denying one altogether. The applicant shall have met all other conditions of licensure. If the Department approves the conditional license, the following conditions shall be met:
- (A) the licensee shall, within ninety (90) days, submit proof that the bond has been secured;
- (B) the licensee shall post the proof beside the license until issuance of a new, unconditional license;
- (2) If the licensee fails to secure a bond within ninety (90) days, the conditional license automatically expires; and,
- (A) failure to submit and post proof within ninety (90) days is prima facie evidence of a failure to secure the bond.
- (f) The Conditional License shall state that it is conditional, and the conditions listed above shall be printed on the face of the Conditional License

NOTE: Authority cited: Sections 407, 55483(c) and 56183.5(c), Food and Agricultural Code. Reference: Sections 263, 404, 55435.5(a), 55435.5(b), 55483, 55484.75, 55485, 55524.75, 55525, 55527.6, 55741(c), 56183.5, 56185, 56185.75, 56186 and 56571, Food and Agricultural Code; and Section 15376, Government Code.

HISTORY

1. New section filed 12-15-2000; operative 1-14-2001 (Register 2000, No. 50).

§ 1701.5. License Processing.

- (a) The Department shall not issue a license to certain persons specified in Food and Agricultural Code Sections 55484.75, 55524.75, and 56185.75. If the Department finds that an applicant is one of those persons, the Department shall cease review of the application and notify the applicant as soon as possible. This notice is not a denial under the law and does not convey any rights to a hearing.
- (b) The Department shall accept or deny an application within 90 days of receipt of the completed application as defined in Section 1701.4 of these regulations. The Department does not have the power to grant extensions of time. Denial of an application means the applicant shall not

reapply for thirty (30) days. Applicants should ensure required material can be timely collected to prevent denial by operation of law.

- (c) If the Department approves the license, the Department shall issue the applicant a document evidencing the approval. If the Department denies the license, the Department shall notify the applicant in writing. The notice shall include a statement of issues setting forth the grounds for denial
 - (d) If the Department denies the license:
- (1) The Department shall track the denial by the name(s) and social security numbers of the applicants. Submission of the application to the Department operates as consent to this tracking.
- (2) The Department shall not consider a new application from the same applicant for a period of time required by statute. That period is thirty (30) days from *the later* of the date found on an uncontested Notice of Denial or the effective date of the Decision and Order upholding a contested Notice of Denial, as described in Article 7 of these regulations. If the Department finds such a prior denial, the Department shall cease to consider the application and notify the applicant as soon as possible. This notification shall not be construed to be a denial. It conveys no hearing rights under Article 7 of these regulations.

NOTE: Authority cited: Sections 407, 55483(c) and 56183.5(c) Food and Agricultural Code. Reference: Sections 263, 404, 55485, 55488(e) and (f), 55525, 55528(e) and (f), 56186, 56190(e) and (f), Food and Agricultural Code; Chapter 4.5 (commencing with Section 11400), Chapter 5 (commencing with Section 11500); and Section 15376, Government Code.

HISTORY

1. New section filed 12-15-2000; operative 1-14-2001 (Register 2000, No. 50).

§ 1701.6. Appeal Procedures When License Is Denied.

(a) If the license is denied, there are two methods by which an appeal can be made: a writ pursuant to the Code of Civil Procedure, or an administrative hearing as described in Article 7 of these regulations. The Department shall not tell the applicant the course he or she should follow. However, it is considered best practice to pursue administrative remedies first. Denied applicants may wish to seek the advice of counsel.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 55528 and 56190, Food and Agricultural Code; and Section 1084, et seq., Code of Civil Procedure.

HISTORY

1. New section filed 12-15-2000; operative 1-14-2001 (Register 2000, No. 50).

§ 1701.7. License Period; Forfeiture.

- (a) A license is valid for one full year from date of issuance. A licensee shall renew his or her license each year for it to remain valid. The licensee can expect it to be renewed unless the Department revokes it or unless it has been forfeited due to one of the following events:
 - (1) the holder surrenders the license;
 - (2) the holder dies;
 - (3) the partnership dissolves;
- (4) the holder of a significant financial interest in a corporation or limited liability company transfers his or her interest to another person or entity; or,
- (5) the holder files for bankruptcy under provisions other than those permitting and governing reorganization under bankruptcy.
- (b) Forfeiture takes place by operation of law. The licensee has no administrative hearing rights. The Department shall not "reissue" a license that is forfeited or "rescind" a forfeiture. The former licensee shall submit a new application, in order to receive a license. It shall be treated in all respects except one, bonding, as an initial application. Licensees should time transfers of ownership so as not to forfeit the old license before the Department issues the new license. The Department shall not change the result of a mistimed transfer of ownership.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 262, 404, 55485.5, 55524.75, 56133.5(b), 56182.6, 56185.75 and 56186.5, Food and Agricultural Code.

HISTORY

1. New section filed 12-15-2000; operative 1-14-2001 (Register 2000, No. 50).

§ 1701.8. Bonding.

- (a) Under circumstances outlined in The Act, the Department shall require a bond. This statutory requirement may affect the denied applicant who subsequently seeks to become an agent as well as the denied applicant who reapplies for the original license type. A bond may be required on both the agent and the employer.
- (b) Bonding procedures are described in Section 1701.4 of these regulations.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 404, 55435.5(b), 55527.6, 56133.5(b) and 56189.5, Food and Agricultural Code

HISTORY

1. New section filed 12-15-2000; operative 1-14-2001 (Register 2000, No. 50).

Article 3. Investigations

§ 1702. Reasonable Grounds for Investigation.

- (a) The Act authorizes the Department to investigate a Verified Complaint submitted (including but not limited to complaints submitted to initiate Alternate Dispute Resolution (ADR) as described in Section 1703 of these regulations) and requires that the Department investigate if, "in the opinion of the Department," there appears to be "reasonable grounds" to investigate.
- (1) "In the opinion of the Department" means the Department has some discretion. This discretion is limited by case law, practice, The Act, and these regulations.
- (2) "Reasonable grounds" means the Department has information which a reasonable and trained investigator would recognize as supporting, although not necessarily proving, the essential elements of a flagrant or repeated violation of a licensing requirement. Gossip, innuendo, or unverified and anonymous tips are insufficient to constitute reasonable grounds.
- (3) The Department may investigate the financial stability of an agent or individual with a significant financial interest during the course of an investigation. A signed release authorizing the Department to obtain financial information concerning an agent or an individual with a significant financial interest from credit reporting agencies, creditors, or financial institutions shall be requested by the Department in the event of such an investigation.
- (4) These principles apply not only to the initial decision to investigate or not to investigate, but to decisions to keep an investigation going or to close it.
- (5) Complainants may obtain Verified Complaint forms [28–012 (Rev. 11/98)] at the Market Enforcement headquarters office.
- NOTE: Authority cited: Sections 407, 55483(c) and 56183.5(c), Food and Agricultural Code. Reference: Sections 404, 408, 55721, 56381 and 56382.5, Food and Agricultural Code.

HISTORY

1. New article 3 (sections 1702–1702.1) and section filed 12–15–2000; operative 1–14–2001 (Register 2000, No. 50).

§ 1702.1. Criminal Records Exemption.

- (a) The Act requires that an exemption be obtained for a licensee to associate individuals specified in The Act who have been convicted of a crime that includes as one of its elements the financial victimization of another. Such crimes are exemplified in California by the California Penal Code chapter/sections which follow, but include similar crimes from other jurisdictions (which are not listed):
 - (1) Title 8, Chapter 4, section 211 et seq. (Robbery);
- (2) Title 9, Chapter 9 [319 et seq. (Lottery)], Chapter 10 [330 et seq. (Gaming)], Chapter 10.5 [337.1 et seq. (Horse Racing)], Chapter 11 [343 et seq. (Gold Purchasing)], and Chapter 12, section 350 (counterfeit of registered mark), section 351a (false use of sales dealer's name), section 356 (false mark in lumber sale);
 - (3) Title 10, section 395 (false statements to affect market price);
- (4) Title 12, section 424 et seq. (Crimes Against the Revenue and Property of the State); and

- (5) Title 13, Chapters 2 [section 458 et seq. (Burglary)], 4 [section 470 et seq. (Forgery and Counterfeiting)], 5 [section 484 et seq. (Theft)], 6 [section 503 et seq. (Embezzlement)]; 7 [section 518 et seq. (Extortion)]; 8 [section 528 et seq. (False Personation and Cheats)]; 10 [section 548 et seq. (Insurance fraud)]; 12.5 [section 560 et seq. (Bailments)]; 12.6 [section 565 et seq. (Crimes involving dairy equipment)]; 14 [section 557 et seq. (Fraudulent documentation of title to merchandise)].
- (b) The Department shall obtain a criminal record from the California Department of Justice (DOJ) when it has reasonable basis to believe a person has been convicted of a crime as set out herein, or when investigating the licensee for alleged violations of the Act. The Department shall not otherwise obtain such records on all applicants or persons specified in The Act.
- (c) If the criminal record discloses a relevant conviction, the Department shall give notice to the licensee of the need to obtain an exemption. If granted, the exemption permits the licensee to employ the designated person or, in the case where the convicted person is the licensee, to maintain the license.
- (1) The notice shall not communicate the specifics of the conviction. The notice shall only include the fact that a relevant conviction appeared during the criminal record review. The notice shall be accompanied by an exemption packet which shall provide the applicable documentations.
- (2) The Department may set and adjust the time frame for response, considering the circumstances of the licensee, a reasonable time allowance for obtaining documentation, and the egregiousness, frequency, and recency of the underlying crime(s).
- (d) If the Department does not grant an exemption, the Department shall notify the licensee using a Statement of Issues (if an application is in progress) or an Accusation (if the license has already been issued), even if the Department is not expecting to actually discipline the licensee. The licensee may either submit a Plan of Correction that eliminates the association of the non–exempt person or submit a Notice of Defense to appeal the decision.
- (1) Where the exemption denial is for an employee, the matter may be appealed by the licensee/applicant, the employee, or both.
- (e) The appeal shall be heard under the standards set out in The Act for appeals from exemption decisions and the procedures set out in these regulations for denial or revocation under Article 7. The burdens of proof and producing evidence standards shall apply to an exemption appeal depending upon whether it is in conjunction with an initial application or a revocation as described in Article 7 of these regulations.
- (f) A licensee or applicant should review Food and Agricultural Code section 55435.5 or 56133.5 as applicable to his or her license.

NOTE: Authority cited: Sections 407, Food and Agricultural Code. Reference: Sections 263, 404, 55435.5, 55485.75, 55488, 55525.75, 55528, 56133.5, 56134.75, 56186.75 and 56190, Food and Agricultural Code; and Chapter 4.5 (commencing with section 11400), Chapter 5 (commencing with section 11500), Government Code; and Part 2 (commencing with section 307), Code of Civil Procedure.

HISTORY

1. New section filed 12-15-2000; operative 1-14-2001 (Register 2000, No. 50).

Article 4. Private Disputes

§ 1703. Alternative Dispute Resolution Initiation.

- (a) An aggrieved grower or licensee may initiate Alternative Dispute Resolution (ADR) through the Department by filing a Verified Complaint within nine (9) months of when a dispute arises, as specified in the Act.
- (1) Compliance with the 9-month time frame is jurisdictional and the complainant shall prove compliance.
- (A) The provisions of a valid, written contract between the complainant and the licensee are conclusive evidence of due date where the contract addresses due date for account of sales.
- (B) In the absence of a written contract the complainant may prove dates through other competent evidence. This evidence could include—

but is not limited to—past practice, affidavits, letters, indicative behavior of parties, or timing which establishes the account of sale could not have been due longer ago than nine (9) months from the filing of the Verified Complaint.

- (C) Lacking a written contract or competent evidence, the Department shall conclude the complainant has not established compliance with the 9-month time frame.
- (D) It is not necessary for the purposes of this section that the licensee render an actual, conforming account of sales.
- (E) A purported "Account of Sale" is not complete unless it meets each and every element established by Food and Agricultural Code Section 56273.1. The issue in these circumstances is when an accounting was due, not whether one was done.
- (b) If the underlying transaction is subject to the federal Packers and Stockyards Act, 1921 or the federal Perishable Agricultural Commodities Act, 1930 (PACA), the grower shall not initiate ADR. This requirement is jurisdictional. The Department shall not waive it. Satisfying this requirement is the complainant's responsibility, not the Department's. The complainant shall secure written confirmation, signed by an appropriate official, that the transaction is not subject to the Federal laws stated in this subdivision.

NOTE: Authority cited: Sections 407 and 55721, Food and Agricultural Code. Reference: Sections 404 and 56382.5, Food and Agricultural Code; and Section 15376, Government Code.

HISTORY

1. New article 4 (sections 1703–1703.5) and section filed 12–15–2000; operative 1–14–2001 (Register 2000, No. 50).

§ 1703.1. Alternative Dispute Resolution Pursuant to Parties' Written Contract.

- (a) If, within the time frame found in The Act, the respondent elects to pursue a different ADR process pursuant to the parties' written contract, the Department shall cede authority to that process. The Department's jurisdiction may be restored under certain circumstances. These circumstances are set out in The Act.
- (1) If one of the parties believes the other is not pursuing ADR in good faith, then he or she may be able to restore Department jurisdiction. These circumstances are set out in the Act.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 404, 56382.5, 56444 and 55743, Food and Agricultural Code; and Section 15376, Government Code.

HISTORY

1. New section filed 12-15-2000; operative 1-14-2001 (Register 2000, No. 50).

§ 1703.2. Instituting Department's Alternative Dispute Resolution Procedure.

- (a) Submission of a Verified Complaint, written denial of federal jurisdiction, two copies of relevant documents in the complainant's possession, and payment of \$60 trigger the jurisdiction of the Department's ADR process, subject to the reservations set out in Section 1703(a).
- (1) The Department shall notify the respondent and demand relevant records within five business days of the receipt of a Verified Complaint by sending a notice and demand by certified mail. A Verified Complaint shall consist of either a copy of complainant's PACA complaint or a completed Department form complaint. The Department shall enclose one copy of the complainant's documents with the notice and demand. The respondent shall deliver two sets of the records demanded within thirty (30) calendar days of the date on the notice and demand letter.
- (A) The Department shall determine which records are relevant based upon the complaint and specify those records in its notice and demand letter.
- (B) Exercise of a party's election to pursue a contract ADR process, as described in Section 1703.1, does not cut off this requirement. Respondent shall turn over two sets of the records regardless of whether or not a contract ADR process is pursued. The Department shall use the records to decide whether they provide a reasonable basis for discipline. The Department shall retain them in case ADR jurisdiction is restored.

- (C) The Department shall send one copy of the records to the complainant and shall retain one copy for its own purposes.
- (D) Willful failure to deliver the records to the Department is cause for discipline as a flagrant violation of The Act. It is also cause for civil penalties and possible criminal prosecution. The Department shall issue a second notice by registered mail if the respondent fails to deliver the records on time. Failure to deliver following a second notice establishes a rebuttable presumption the failure is willful.
- (E) Multiple simple failures to deliver records to the Department is also cause for discipline as repeated violations of The Act.
- (F) If the Department establishes the charge at hearing, the hearing Administrative Law Judge may not rule "de minimus" either a willful failure or repeated failures, but shall impose discipline at the next step in severity due under the doctrine of "Progressive Discipline."
- (2) The Department shall issue a summary based upon a reading of the records received. The Department may attempt to verify the accuracy of the records received through investigation.

NOTE: Authority cited: Sections 407, 55721 and 56183.5(c), Food and Agricultural Code. Reference: Sections 404 and 56382.5, Food and Agricultural Code; and Section 6250 et seq., and 15376, Government Code.

HISTORY

1. New section filed 12–15–2000; operative 1–14–2001 (Register 2000, No. 50).

§ 1703.3. Request for Formal Alternative Dispute Resolution.

- (a) If parties have not achieved a settlement within thirty (30) days after the summary has been issued, as described in Section 1703.2, either the complainant or the respondent may initiate formal ADR by submitting the Department's prescribed "Request for Formal ADR" form [28–013 (Rev. 11/99)]. If the Department receives such a request, it shall provide all parties with a listing of acceptable alternative dispute resolution entities in order for ADR to commence within ninety (90) calendar days of receipt.
- (1) If the Department does not receive such a request within sixty (60) calendar days from the date it mails its summary, the Department shall close the file.
 - (2) Both parties must agree to a mutually acceptable ADR entity.
- (A) If the Respondent refuses, neglects, or fails to participate in the ADR process, the Department shall take appropriate disciplinary action against the license held by the Respondent.
- (B) If the complainant refuses, neglects, or fails to participate in the ADR process, the Department shall no longer pursue the matter.
- (3) ADR entities shall conduct proceedings in accordance with standard procedures promulgated by the American Arbitration Association or other alternative dispute resolution entity acceptable to both parties.
- (A) It is the responsibility of parties to deal with the ADR entity directly to complete arrangements and notify the Department if parties need the Department's assistance (including financial under subparagraph (c), following).
 - (b) Parties may wish to seek the advice of counsel.
- (c) If the ADR entity's hearing officer orders an audit, an act in his or her sole discretion, the Department shall, upon notification, advance the costs. The ADR hearing officer shall apportion all costs (including those of the audit) at the close of the hearing.
- (1) The Department may not absorb these costs. The Department shall pursue all available remedies to collect reimbursement of these costs once they are apportioned by the ADR hearing officer. The Department may not forgive the debt.
- (2) The Department shall require the parties to sign a promissory note prior to advancing the costs of an audit. The promissory note shall require the parties to repay as ordered by the ADR hearing officer and shall notify the parties of the possibility of enforcement measures.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 404, 55722.5 and 56382.5, Food and Agricultural Code; and Section 6250 et seq., Government Code.

HISTORY

- 1. New section filed 12-15-2000; operative 1-14-2001 (Register 2000, No. 50).
- Amendment of section and NOTE filed 11-17-2004; operative 12-17-2004 (Register 2004, No. 47).

§ 1703.4. AAA Hearing.

- (a) The AAA hearing officer shall render a written decision and furnish the Department with a copy at the time he or she sends it to the parties
- (1) The Department shall not interfere with the independent judgment or process of the AAA hearing officer.
- (2) Determinations that conditions of licensure have been violated are not within ADR's jurisdiction. Any purported findings of such violations, whether express or implied, may not be construed res judicata or collateral estoppel, nor in any other way binding or persuasive authority in the Department's imposition of licensing discipline.
- (3) The Department shall consider this decision in its independent consideration of what discipline, if any, may be appropriate.
- (4) If the Department determines that a party did not participate in good faith during the dispute resolution process, that party shall be subject to license discipline. Examples of a failure to negotiate in good faith include, but are not limited to, failure to abide by the terms of the agreement reached during the dispute resolution process, and failure to pay the required costs incurred during the process, either to AAA or to the Department.
- (b) The AAA hearing officer may not order the decision or record sealed. Parties may not agree to seal them. However, as an investigative tool being used in an investigation in progress, neither the decision nor the record shall be construed to be a public record subject to public disclosure unless and until it leads in some way to the filing of an action to impose discipline.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 404, 55744, 56382.5 and 56445, Food and Agricultural Code; and Section 6250 et seq. and 15376, Government Code.

HISTORY

1. New section filed 12-15-2000; operative 1-14-2001 (Register 2000, No. 50).

§ 1703.5. What If I Filed A Verified Complaint Prior to January 1998?

- (a) Beginning January 1, 1998, the Department shall offer complainants who filed Verified Complaints prior to January 1, 1998, and respondents the opportunity to use the new Alternate Dispute Resolution process instead of the settlement and hearing process in effect when the complaints were filed. This offer shall be in writing and served by registered mail at the last known address of complainant first. If the complainant agrees in writing within thirty (30) calendar days from receipt, the Department shall extend the offer to the respondent (again in writing and served by registered mail at respondent's last known address). Unless the respondent objects in writing within thirty (30) calendar days from date of receipt, the Department shall convert the pre–January 1, 1998 case to the post–January 1, 1998 system and notify parties of the next step due under that process.
- (b) Whether or not complainant elects to use the new process for resolving the private dispute, licensing hearings shall be conducted according to the procedure described in these regulations no matter when the issues arose or how they came to the attention of the Department.
- (1) The substantive law which applies to complaints filed prior to January 1, 1998 shall continue to be the pre–January 1, 1998 law.
- (2) A complainant's decision to continue under the old process for resolving private disputes may result in the joint conduct of a licensing hearing and a private dispute hearing. In that circumstance, the presiding Administrative Law Judge shall hold a pre-hearing conference to work out order of hearing and related issues.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 404, 55483(c), 55485.75, 55488, 55525.75, 55528, 55721, 55722.5, 56185.5, 56186.75, 56190 and 56382.5, Food and Agricultural Code; and Chapter

4.5 (commencing with Section 11400); and Chapter 5 (commencing with Section 11500), Government Code.

HISTORY

1. New section filed 12-15-2000; operative 1-14-2001 (Register 2000, No. 50).

Article 5. Discipline of Licensees

§ 1704. Violations.

- (a) The Department has several options for dealing with violations of licensing law, including but not limited to civil penalties, criminal charges, or administrative discipline. These options are not mutually exclusive. The Department may pursue one or all, at the same time or in phases, at its discretion. These regulations address only administrative discipline.
- (b) Once an initial license has been issued unconditionally, a license becomes vested. The Department shall meet both substantive and procedural requirements if it intends to discipline the licensee. The Department bears both the burden of proof and the burden of producing evidence. The Department shall prove each disputed element of any charge which the Department contends warrants discipline.
- (1) Although The Act refers to Renewal Applications, "denials" of renewal applications shall be treated as "revocations" for all procedural and substantive due process purposes.
- (2) The standard of proof is "preponderance of the evidence" rather than either "clear and convincing" or "beyond a reasonable doubt."
- (c) If the Department reasonably believes a licensing action is warranted, the Department may bring charges against the licensee. The Department shall notify the licensee in writing. The notice shall include a statement of charges, called an "Accusation," that sets out the elements which are grounds for discipline.
- (1) The Department may issue an Accusation even where a settlement or plan of correction has been negotiated. That Accusation is a public record subject to public disclosure. The contents of an Accusation are subject to settlement.
- (d) The Department shall follow a policy of "progressive discipline" in most circumstances. As applied to The Act, "progressive discipline" means that discipline shall be imposed in increments of severity over time unless circumstances warrant a quicker resort to a more severe response. A corrective action plan shall generally be imposed first, followed by Probation and/or Suspension of the License, followed by Revocation. However, discipline may progress faster depending on the severity of the misconduct or the licensee's intentions when committing the violation(s).

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 263, 404, 55435.5, 55484, 55484.75, 55485.5, 55524, 55524.5, 55524.75, 55722, 56133.5, 56185.5 and 56185.75, Food and Agricultural Code; and Sections 6250, 6252, Chapter 4.5 (commencing with section 11400), Chapter 5 (commencing with section 11500), Government Code.

HISTORY

1. New article 5 (sections 1704–1704.2) and section filed 12–15–2000; operative 1–14–2001 (Register 2000, No. 50).

§ 1704.1. Appeal Procedures.

If the licensee wishes to appeal the disciplinary action undertaken by the Department, the procedures under Section 1706.1 of these regulations shall be followed.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 404, 55485.75, 55488, 55525.75, 55528, 56186.75 and 56190, Food and Agricultural Code; and Chapter 4.5 (commencing with section 11400), Chapter 5 (commencing with section 11500), Government Code.

HISTORY

1. New section filed 12-15-2000; operative 1-14-2001 (Register 2000, No. 50).

§ 1704.2. Effect of a Revocation.

If a license is revoked, the Department shall not consider a new application from the same licensee for a period of time required by statute. That period is two years from *the later* of the date found on an uncontested Accusation or the effective date of the Decision and Order adopting

a contested Accusation. If the Department finds such a prior revocation, the Department shall cease to consider the application and shall notify the applicant as soon as possible. Such notification is not a denial and does not convey any rights to a hearing.

NOTE: Authority cited: Sections 407, 55483(c) and 56183.5(c). Food and Agricultural Code Reference: Sections 404, 55435.5(b), 55485.5, 55488, 55484.75, 55524.75, 55525.75, 55528, 56183.5(b), 56186.5, 56185.75, 56186.75 and 56190, Food and Agricultural Code; and Chapter 4.5 (commencing with section 11400), Chapter 5 (commencing with section 11500), Government Code.

HISTORY

1. New section filed 12-15-2000; operative 1-14-2001 (Register 2000, No. 50).

Article 6. Dismissals, Range of Discipline, and Settlements

§ 1705. General.

- (a) Neither the Secretary nor anyone acting on behalf of the Secretary, including the hearing ALJ, shall dismiss a case in which the Department proves a violation, however minor, of The Act.
- (b) Notwithstanding subdivision (a), the Department may settle a revocation or a denial prior to or after a hearing. It may, following hearing, adjust discipline based upon factors set out in The Act.
- (1) Settlements may include, by way of example and not limitation, tailoring admissions or the effective date of action in exchange for longer than statutory prohibitions on reapplication; Conditional Licenses; stays of revocation pending performance on probationary status; licensee payment for heightened scrutiny during probation; suspensions; restitution; sealing of the stipulation; modifying the Accusation or Statement of Issues, or any combination of conditions that tailor the discipline to the circumstances of the case.
- (2) Settlements shall be in writing and signed by the parties or their respective counsel.
- (c) An order shall be issued even where based upon sealed stipulation. A deputy to whom the Secretary has delegated the authority shall sign on behalf of the Department.
- (1) The order shall incorporate the settlement by reference and note the sealing of the stipulation.
- (d) While stipulations may be sealed, the Accusation or Statement of Issues and the order shall not be sealed.

NOTE: Authority cited: Sections 407, 55483.5(c) and 56183.5(c), Food and Agricultural Code. Reference: Sections 404, 55484.5, 55485.75(d), 55524.5, 55525.75(d), 56185.5 and 56186.75, Food and Agricultural Code.

HISTORY

1. New article 6 (section 1705) and section filed 12–15–2000; operative 1–14–2001 (Register 2000, No. 50).

Article 7. Hearing Procedures

§ 1706. License Denial.

- (a) If a hearing is requested under Article 3 of these regulations, the following procedures apply:
- (1) The Department shall issue a Statement of Issues. The following documents shall accompany the notice:
- (A) a Notice of Defense form with preprinted address and facsimile telephone number for filing, so that the applicant may request a hearing by either of these means;
- (B) a Request for Discovery form with preprinted address for filing, so that the applicant may request discovery; and,
- (C) a copy of the Statutes and regulations applicable to the reasons for the Department's denial.
- (b) If the applicant submits a Notice of Defense within the time frame, the Department shall schedule a hearing within 90 calendar days of its receipt. If the applicant does not submit the Notice of Defense within the time frame set out in statute, the Department's denial is final for all purposes.

- (1) An applicant may "waive time." The Department and an applicant may agree in writing to a later date to begin a hearing. The Department may do so if the applicant says it would improve the applicant's presentation of his or her case or fit his or her schedule better. The Department shall not agree to an extension that would postpone the hearing more than one (1) year from the Department's receipt of the Notice of Defense.
- (c) An appellant applicant may obtain a brochure from the Market Enforcement headquarters office that explains procedures under Chapters 4.5 and 5 of the Government Code. The Department follows these procedures generally, although it does not require strict compliance with the Office of Administrative Hearing's (OAH) "Rules of Court."
- (1) The Code authorizes either Administrative Law Judges (ALJ) appointed by the Department or by OAH to conduct the hearing. The Department shall assign its own ALJ unless the applicant specifically requests an OAH hearing or unless the Department determines an OAH assignment to be warranted by the circumstances of a particular case or case load. If an applicant desires an OAH hearing, the Department shall arrange one if the applicant meets two conditions: (A) the applicant shall agree in writing to be bound by the OAH "Rules of Court"; and (B) the applicant shall pay the Department in advance the estimated difference in cost between the two types of proceedings. The Department calculates the estimated difference based on the following formula: the sum of the difference between the OAH daily billing rate and the Department's daily rate, multiplied by the party's estimate as to the duration of trial. The Department shall remit any credit balance to the applicant after issuance of the final decision. The Department shall bill the applicant for any debit balance
- (d) ALJs hearing Market Enforcement cases have some limitations that OAH judges hearing other types of cases do not. Food and Agricultural Code sections 55488, 55528, and 56190 describe these limitations. These limits apply whether the presiding judge is a Department employee or an OAH Administrative Law Judge.
- (e) An applicant shall meet both substantive and procedural requirements. An applicant bears both the burden of proof and the burden of producing evidence adequate to convince the Department that the Department should license the applicant.
- (f) The appellant may expect a written decision within sixty (60) calendar days after submission. Submission means the party's presentation has concluded.
- (1) Sometimes judges require written closing arguments or give parties the opportunity to send in documents after the hearing. The sixty days shall not begin to accrue until after the submission of these documents.
- (2) The sixty (60) days are guideline, not mandate. The Department has no power to force a judge to actually produce the decision within sixty (60) calendar days.
- (g) The Department may settle with the appellant at any time prior to the release of a final decision. Settlement, called a "Stipulation and Order," may include (but is not limited to) the issuance of a Conditional License on terms negotiated between parties.

NOTE: Authority cited: Sections 407, 55483(c) and 56183.(c), Food and Agricultural Code Reference: Sections 404, 55485.75, 55488, 55525.75, 55528, 56186.75 and 56190, Food and Agricultural Code; and Chapter 4.5 (commencing with section 11400), Chapter 5 (commencing with section 11500) 15376, Government Code.

HISTORY

1. New article 7 (sections 1706–1706.1) and section filed 12–15–2000; operative 1–14–2001 (Register 2000, No. 50).

§ 1706.1. Accusation.

- (a) Hearings commenced pursuant to Article 5 of these regulations are conducted with the procedures described in Section 1706 with the following exceptions:
- (1) The document notifying the licensee that licensing discipline is being undertaken is called an Accusation.
- (2) The Department bears the burdens of proof and producing evidence to convince the ALJ that the licensing discipline should be upheld. NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 404, 55528(f) and 56190(f), Food and Agricultural Code.

HISTORY

1. New section filed 12-15-2000; operative 1-14-2001 (Register 2000, No. 50).

Chapter 2.5. Export Market Development

Article 1. Criteria for State Funds and Cooperator Funds

§ 1710. Criteria for Qualifying Cooperator Contributions.

A claimed contribution shall:

- (a) Be clearly related to an activity described in an approved marketing plan.
- (b) Be for activities conducted during the period covered by the project agreement.
 - (c) Be documented by the cooperator, showing:
 - (1) Dates of the activity.
 - (2) Purpose of the activity.
 - (3) Location of the activity.
 - (4) Who conducted the activity.
 - (5) Who participated in the activity. Identify groups or individuals.
 - (6) The method of computing the reported contribution.
- (7) The method of computing the contributions of personnel, materials, facilities, services, and supplies expressed in terms of United States dollar value.
 - (d) Be verifiable by audit. The cooperator shall:
- (1) Keep a record of the methods used to compute the value of noncash contributions.
- (2) Retain documents used as the basis for reporting contributions, these include:
- (A) If available, copies of invoices or receipts for expenses paid by the cooperator or third party cooperator; or
- (B) If invoices are not available, an itemized statement from the cooperator or third party cooperator as to what costs it incurred; or

- (C) If neither of the foregoing is available, a statement from the cooperator or third party cooperator as to what goods and services it provided; or
- (D) If none of the foregoing are available, a memo to the file of the cooperator's estimate of what contributions were made by the cooperator or third party cooperator, item by item, and the method used to assign a value to each. The memo to the file must contain the reason(s) that the documentation in (a) through (c) above could not be obtained.
- (e) Be in addition to what would have been spent if there had been no foreign agricultural market development program.
- (f) Be reported by the cooperator annually as specified in the project agreement showing contributions by country.

NOTE: Authority cited: Sections 407, 58563 and 58574, Food and Agricultural Code. Reference: Sections 58563 and 58574, Food and Agricultural Code.

HISTORY

1. New Subchapter 2.5 (Article 1, Sections 1710–1712) filed 5–30–86; effective thirtieth day thereafter (Register 86, No. 22).

§ 1711. Cooperator Contributions and State Funds.

Project funds, both cooperator and third party cooperator contributions and State funds, must be expended on direct foreign market development activities for California agricultural products.

- (a) Authorized Uses. Project funds, both cooperator and third party cooperator contributions and State funds, may be used to pay costs which are essential to, and clearly identifiable with, the carrying out of activities specified in the cooperator annual marketing plans, or amendments thereto, approved by the Director. Authorized uses include:
- (1) A cooperator's own funds and those of a third party cooperator, as stated in the project agreement, may qualify as a contribution if used for foreign agricultural market development activities, and meet the criteria in Section 1710. These activities, for which State funds may also be expended, include, but are not limited to, the following:
- (A) Transportation and shipping costs of export market development materials.
 - (B) Cost of consumer samples.

[The next page is 213.]

- (C) Cost of displays and promotional materials.
- (D) Advertising costs.
- (E) Rent for facilities in foreign countries.
- (F) In-store demonstrations.
- (G) Participation in approved trade fairs, exhibits, etc.
- (H) Merchandising costs.
- (I) Public relations costs.
- (J) Introduction of new products.
- (K) Market research cost.
- (2) The cost of cooperator personnel employed to work exclusively on foreign agricultural market development projects, or addressing constraints.
- (b) Unauthorized Uses. Project funds, both cooperator and third party cooperator contributions and State funds, shall not be spent on the following unauthorized uses:
- (1) The cost of individual salaries of a cooperator's staff or a third party cooperator's staff not exclusively devoted to the foreign agricultural market development project.
- (2) Except as may otherwise be specifically provided in the Marketing Plan, travel, personal expense, per diem and living costs and value of time of cooperator board or committee members, third party cooperators, or trade team members, participating or attending foreign market development activities.
 - (3) The cost of membership in clubs and professional organizations.
- (4) Insurance on household goods and personal effects, including privately-owned automobiles, whether overseas or stored in the U.S.
 - (5) Payment of indemnity or fidelity bond costs.
- (6) Prizes or awards in connection with contests or similar activities. This does not preclude the use of project funds to purchase appropriate trophies to be awarded in connection with an approved activity of the Cooperator.
 - (7) Fees for credit cards.
 - (8) Printing business cards.
 - (9) Purchasing and mailing seasonal greeting cards.
 - (10) Office parking fees.
 - (11) Gift items.
- (12) Refreshments for office staff such as coffee, tea, etc., and any related equipment such as coffee pots, cups, glasses, and other such items.
 - (13) Transportation expenses for prospective job applicants.
- (14) Subscriptions to non-trade related publications or publications which are for the personal convenience of staff.
- (15) Capital investments such as permanent structures, real estate, office equipment and furniture.
- (16) Services generated by USDA or the State for which the cooperator made no expenditure of funds.
 - (17) The value of free publicity generated by the cooperator.
 - (18) Giveaways, price off deals or price discounts on the product.
- (19) Value of time spent by general audiences who attend and observe a cooperator–sponsored conference, workshop, demonstration or trade seminar.

NOTE: Authority cited: Sections 407, 58563 and 58574, Food and Agricultural Code. Reference: Sections 58563 and 58574, Food and Agricultural Code.

§ 1712. Transfer of State Funds.

- (a) State funds may be transferred to the cooperator as a reimbursement
- (1) after the cooperator has completed the total approved marketing plan and project agreement, or
- (2) after an identifiable part of the approved marketing plan and project agreement has been completed.
- (b) State funds not to exceed fifty percent of the approved expenditure shall be paid to the cooperator upon submission of properly documented, authorized expenses which have been incurred and which have been approved by the Director.

NOTE: Authority cited: Sections 407, 58563 and 58574, Food and Agricultural Code. Reference: Sections 58563 and 58574, Food and Agricultural Code.

Chapter 3. Milk Stabilization and Marketing of Milk and Dairy Products

Subchapter 1. Unlawful Practices in Marketing Milk and Dairy Products

Article 1. General Provisions

§ 1800. Authority to Promulgate.

NOTE: Authority cited: Sections 16, 4143, 4361.5, Food and Agricultural Code. 1. Subchapter 3 originally printed 7–25–45 (Title 3).

- 2. Revised subchapter 3 filed 4–9–56; effective thirtieth day thereafter (Register 56, No. 7). For prior amendments in subchapter 3 refer to Registers 14, No. 5, and 54, No. 3.
- 3. Repealer filed 7-9-64; effective thirtieth day thereafter (Register 64, No. 15).
- 4. Editorial correction of printing error in HISTORY 2. (Register 91, No. 24).

§ 1801. Definition

"Code," as used in these regulations means the Food and Agricultural Code.

NOTE: Authority cited: Sections 407 and 61341, Food and Agricultural Code. Reference: Section 61341, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 6–12–79; effective thirtieth day thereafter (Register 79, No. 24).
- 2. Amendment filed 10–25–82; effective thirtieth day thereafter (Register 82, No. 44).

§ 1802. Violations of Regulations.

NOTE: Authority cited: Sections 407 and 61341, Food and Agricultural Code. Reference: Section 61341, Food and Agricultural Code.

HISTORY

- 1. New section filed 10–7–74; designated effective 12–1–74 (Register 74, No. 41). For prior history, see Register 64, No. 15.
- 2. Amendment filed 6–12–79; effective thirtieth day thereafter (Register 79, No. 24).
- 3. Repealer filed 10-25-82; effective thirtieth day thereafter (Register 82, No. 44).

§ 1803. Invalidity of Provision or Application.

HISTORY

1. Repealer filed 7–9–64; effective thirtieth day thereafter (Register 64, No. 15).

§ 1804. Violations by Agent, Employee, Representative, Subsidiaries, Affiliates.

No handler, manufacturer, distributor, producer, wholesale customer including any producer–distributor or non–profit cooperative association acting as a handler, manufacturer, or distributor, consumer shall violate any of the provisions of this subchapter, directly or indirectly, or through an employee, representative or other agent, or through a subsidiary or affiliated company or corporation. For the purposes of this subchapter, "subsidiary or affiliated company or corporation" includes, but is not limited to, companies or corporations controlled by a handler, manufacturer, distributor, producer, wholesale customer or consumer, directly or indirectly, through ownership of issued capital stock, partnership interests, membership interests, or otherwise.

NOTE: Authority cited: Sections 407 and 61341, Food and Agricultural Code. Reference: Section 61391, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 7–9–64; effective thirtieth day thereafter (Register 64, No. 15)
- Amendment filed 6–12–79; effective thirtieth day thereafter (Register 79, No. 24).
- 3. Amendment of Note filed 10–25–82; effective thirtieth day thereafter (Register 82, No. 44).
- 4. Amendment filed 9–1–83; effective thirtieth day thereafter (Register 83, No. 36).
- 5. Amendment filed 8-8-2005; operative 9-7-2005 (Register 2005, No. 32).

§ 1805. Application to Corporations and Subsidiaries.

NOTE: Authority cited: Sections 16 and 4143, Food and Agricultural Code. Reference: Chap. 16, Div. 6, Food and Agricultural Code.

HISTORY

1. Repealer filed 9-8-67; effective thirtieth day thereafter (Register 67, No. 36).

§ 1806. Confidentiality of Records and Reports.

Proprietary financial information reported by any person subject to the provisions of this Chapter and any information obtained in the course of an investigation or audit is subject to the confidentiality provisions of Section 61443 of the Code.

NOTE: Authority cited: Sections 407 and 61341, Food and Agricultural Code. Reference: Section 61443, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 6–12–79; effective thirtieth day thereafter (Register 79, No. 24).
- 2. Editorial correction of note filed 5-15-80 (Register 80, No. 20).
- Amendment filed 10-25-82; effective thirtieth day thereafter (Register 82, No. 44).
- 4. Amendment filed 8-8-2005; operative 9-7-2005 (Register 2005, No. 32).

§ 1807. Meeting Competition.

HISTORY

1. Repealer filed 4-9-62; effective thirtieth day thereafter (Register 62, No. 7)

§ 1808. Applicability of Unlawful Practices.

The provisions of this subchapter shall apply to any handler, manufacturer, distributor, producer, wholesale customer including any producer-distributor or non-profit cooperative association acting as a handler, manufacturer, distributor, or consumer or any representative of them, that solicits, or colludes with, or jointly participates with, any other person to commit any of the unlawful practices provided for in this subchapter, or that uses any misrepresentation, threat, intimidation or boycott to effectuate the commission of such unlawful practices. Any provision of this subchapter that applies to a distributor shall apply equally to a wholesale customer that buys packaged milk, cream, or any dairy product for resale to other wholesale customers.

NOTE: Authority cited: Sections 407 and 61341, Food and Agricultural Code. Reference: Section 61391, Food and Agricultural Code.

HISTORY

- 1. New section filed 2–26–70; effective thirtieth day thereafter (Register 70, No. 9)
- 2. Amendment of Note filed 10–25–82; effective thirtieth day thereafter (Register 82, No. 44).
- 3. Amendment filed 9-1-83; effective thirtieth day thereafter (Register 83, No. 36)
- 4. Amendment filed 8-8-2005; operative 9-7-2005 (Register 2005, No. 32).

§ 1809. Meaning of Distributor.

NOTE: Authority cited: Sections 407 and 61341, Food and Agricultural Code. Reference: Sections 61306 and 61308, Food and Agricultural Code.

HISTORY

- New section filed 5-15-80; effective thirtieth day thereafter (Register 80, No. 20).
- 2. Repealer filed 8-8-2005; operative 9-7-2005 (Register 2005, No. 32).

§ 1810. Purpose of Regulations.

NOTE: Authority cited: Sections 407 and 61341, Food and Agricultural Code. Reference: Section 61341, Food and Agricultural Code.

HISTORY

- New section filed 5-15-80; effective thirtieth day thereafter (Register 80, No. 20).
- 2. Amendment filed 10–25–82; effective thirtieth day thereafter (Register 82, No. 44).
- 3. Repealer filed 8-8-2005; operative 9-7-2005 (Register 2005, No. 32).

§ 1811. Cost Components of Dairy Processing — Manufacturers, Distributors and Handlers.

In determining whether a manufacturer, distributor, or handler sold milk, cream, or any other dairy product(s) below cost, the Department shall evaluate the total consideration paid or exchanged for the raw product and the total expenses incurred and allocated for manufacturing, processing, handling, sale, and delivery.

(a) Milk processing and distributing costs shall be calculated using cost element categories which include, but which are not limited to, those

specified below. All costs and expenses incurred, and any non-cash or other value received or given must be included in cost calculations.

- (1) Ingredient Cost. Procurement of raw milk and other ingredients including, but not limited to additives and flavorings, premiums, service charges, federal, state, or local assessments.
- (2) Labor Costs. All salaries, wages, benefits, and other compensation for workers and staff.
- (3) Packaging Costs. All costs for purchasing packaging materials and for packaging products for sale.
- (4) Shipping and Freight/Transportation/Storage Expense. All costs related to storing and transporting products.
- (5) Waste, Shrinkage, Spoilage. All costs or values related to ingredient and finished product waste, shrinkage, spoilage.
- (6) Manufacturing and Administrative Costs. All fixed and variable costs directly related to processing, manufacturing, sales and distribution of products, and associated administrative activities. For handlers, manufacturers, and distributors with more than one product line, costs should be allocated to each line using an allocation method that is both consistently applied and which is consistent with Generally Accepted Accounting Principles.
- (A) Fixed Costs. Land and property expenses, property taxes, financing, leases, insurance, and other costs that are commonly considered fixed.
- (B) Variable Costs. Plant expenses incurred to manufacture or produce product lines, including maintenance and testing of plant and equipment, non-capitalized furniture and fixtures, supplies, utilities, taxes, and other costs that are commonly considered variable.
- (7) Asset Charges. Costs related to capital equipment and assets including depreciation, amortization, and capital repairs.
- (b) Allocation methods selected for distributing costs must be fair, consistent with Generally Accepted Accounting Principles, and consistently applied.
- (c) Other Costs. Handlers, manufacturers and distributors must capture all other costs, benefits or value resulting from activities which are directly related to sales of dairy products. These costs include, but are not limited to, promotions, advertising, coupons, slotting allowances, sweepstakes, or any other sales promotions or incentives, as well as the following:
- (1) Low interest loans. For any low interest loan provided to or guaranteed on behalf of a customer, the handler, manufacturer or distributor must recognize as a cost the value of the portion of the interest rate that is below market, the value of any terms that are more favorable than commercially available, or the value of the guarantee afforded.
- (2) Discounts or rebates on non-dairy items. For any product other than regulated dairy products that are sold at a discount greater than that afforded to other customers or when non-dairy products are given free of charge to a customer as a direct or indirect part of the sale of a dairy product, the value of the discount or of the free product must be captured and included in the cost calculations.
- (3) Payments made on behalf of the customer. Any payments or debts forgiven on behalf of a customer as a direct or indirect consequence of a dairy product must be captured and included in the cost calculations.
- (4) Equipment. For any equipment given or loaned to a customer without a related rental fee, the manufacturer or distributor must capture and include in its costs the value of the gifted equipment or the value of the rental payments foregone.
- (5) Advertising and Promotions. For any advertising campaign, promotion, giveaway, coupons, or other incentives, the costs related to that campaign must be recognized as a cost following the provisions established in Article 3 of this subchapter.
- (6) Gifts, Prizes, Sales Awards. The value of any gifts, prizes, sales awards, vacations, trips, gift certificates, cash or items of property given to any customer as a direct or indirect consequence of a sale of a dairy product must be included in the cost calculations.

- (7) Expenses Foregone. The value of any expenses foregone in connection with the sale of any dairy product must be included in the cost calculations.
- (8) Special or Prepaid Account. Any transfer of anything of value in connection with the sale of any dairy product, including special accounts or funds used to reduce the invoice cost of a dairy product must be included in the cost calculations.
- (d) Retention of Data. Handlers, manufacturers, and distributors are responsible for retaining sufficient records to demonstrate compliance with Article 4, Chapter 1, Part 3, Division 21 of the Food and Agricultural Code and this subchapter.

NOTE: Authority cited: Sections 407 and 61341, Food and Agricultural Code. Reference: Sections 61382, 61383, 61384, 61441, 61442 and 61443, Food and Agricultural Code.

HISTORY

1. New section filed 8-8-2005; operative 9-7-2005 (Register 2005, No. 32).

§ 1812. Cost Components of Dairy Processing — Wholesale Customers.

In determining whether any wholesale customer sold milk, cream, or any other dairy product below cost, the Department shall evaluate the total consideration paid or exchanged for the processed dairy product as reflected on such wholesale customer's invoice, or the expense of replacement, whichever is lower, plus that wholesale customer's Cost of Doing Business. For the purposes of this subchapter, "Cost of Doing Business" shall include all costs and expenses related to the wholesale customer's total operation including, but not limited to the following:

- (a) Discounts or rebates on non-dairy items. For any products other than regulated dairy products that are sold at a discount greater than that afforded to other customers, or when such products are given free of charge to a customer as a direct or indirect part of the sale of dairy product(s), the value of the discount or of the free product must be captured and included in the cost calculations.
- (b) Gifts, Prizes, Sales Awards. The value of any gift, prize, sales award, vacation, trip, gift certificate, cash, or any other item of property given to any customer as a direct or indirect consequence of a sale of a dairy product must be included in the cost calculations.
- (c) Advertising and Promotions. For any advertising campaign, promotion, giveaway, coupon, or other incentives, the costs related to that campaign must be recognized as a cost following the provisions of Article 3 of this subchapter.

Costs that directly or indirectly result from activities within a specific region or activity shall be allocated to the dairy product sold or distributed in that region or throughout that activity.

NOTE: Authority cited: Sections 407 and 61341, Food and Agricultural Code. Reference: Sections 61382, 61383, 61384, 61441, 61442 and 61443, Food and Agricultural Code.

HISTORY

1. New section filed 8-8-2005; operative 9-7-2005 (Register 2005, No. 32).

Article 2. Record Keeping Requirements

§ 1831. Record Keeping Requirements.

- (a) Every distributor shall maintain for the Secretary's inspection and copying, written price schedules which set forth the prices at which each distributor is selling, offering, or agreeing to sell to distributors or wholesale customers, any dairy product and any product sold in conjunction with any dairy product. Such written price schedules shall be maintained and kept for a period of three years from their initial recordation or for a period of three years from their expiration date, whichever period is longer.
- (b) Every distributor in maintaining written price schedules shall do all of the following:
 - (1) Clearly state the effective date of each price schedule.
- (2) Define the geographic area in which each price schedule is effective.

(c) Every distributor shall maintain such other records as are required by section 61441 of the Code.

NOTE: Authority cited: Sections 407 and 61341, Food and Agricultural Code. Reference: Sections 61441, 61442 and 61443, Food and Agricultural Code.

HISTORY

- 1. Repealer of article 2 (sections 1830–1834) and new article 2 (sections 1831–1833) filed 5–15–80; effective thirtieth day thereafter (Register 80, No. 20). For prior history see 79, No. 24; 77, No. 52; 77, No. 41; 73, No. 6; 70, No. 9; and 64, No. 15.
- 2. Repealer of subsection (d) filed 10–25–82; effective thirtieth day thereafter (Register 82, No. 44).
- 3. Amendment of subsections (a) and (c) filed 9-1-83; effective thirtieth day thereafter (Register 83, No. 36).
- 4. Amendment of subsection (b) filed 9–12–84; designated effective 11–1–84 (Register 84, No. 37).
- Change without regulatory effect amending section filed 8–16–90 pursuant to section 100, title 1, California Code of Regulations (Register 90, No. 44).
- Amendment of subsection (a) and Note filed 8–8–2005; operative 9–7–2005 (Register 2005, No. 32).

§ 1832. Terms and Conditions.

NOTE: Authority cited: Sections 407 and 61341, Food and Agricultural Code. Reference: Sections 61377 and 61441, Food and Agricultural Code.

History

- Amendment of NOTE filed 10-25-82; effective thirtieth day thereafter (Register 82, No. 44).
- Amendment filed 9-1-83; effective thirtieth day thereafter (Register 83, No. 36).
- 3. Renumbering and amendment of former Section 1832 to Section 1940 filed 9–12–84; designated effective 11–1–84 (Register 84, No. 37).

§ 1833. Wholesale Price Variations to Public Agencies.

NOTE: Authority cited: Sections 407 and 61341, Food and Agricultural Code. Reference: Sections 61377 and 61382–61384, Food and Agricultural Code.

HISTORY

- 1. Amendment of NOTE filed 10–25–82; effective thirtieth day thereafter (Register 82, No. 44).
- 2. Amendment of subsection (c) filed 9-1-83; effective thirtieth day thereafter (Register 83, No. 36).
- 3. Renumbering of Section 1833 to Section 1942(b) filed 9–12–84; designated effective 11–1–84 (Register 84, No. 37).

Article 3. Advertising and Sales Promotion

§ 1850. Determining and Allocating Costs for Promotions.

Handers, manufacturers, distributors, including any producer—distributor or non-profit cooperative association acting as a handler, manufacturer, or distributor, and wholesale customers must capture costs related to or resulting from all incentives, advertisements, marketing, sweep-stakes, coupons, or any other activity intended to promote sales of dairy products. Such costs include expenses incurred and any and all value derived, gained, or realized.

- (a) Advertising, Incentives and Sales Promotions. Any person engaging in any activity regulated by this section must define the benefit period of each sales or advertising campaign that is directly a cost of selling the involved dairy product (the "Defined Benefit Period"). For the purposes of calculating the cost of the involved dairy product, all advertising and sales costs must be allocated to each of the affected products over the applicable Defined Benefit Period. Actual or imputed costs for slotting allowances, exclusive agreements or other related agreements and activities shall be determined and allocated over the appropriate Defined Benefit Period.
- (b) Sweepstakes, Drawings, Instant Prizes, and Other Such Sales Campaigns. Any person conducting any such activity shall estimate the approximate costs of the awards actually distributed to winners and allocate them over the Defined Benefit Period. The costs of actual redemption shall be determined, and estimated costs shall be adjusted to reflect actual costs incurred over the Defined Benefit Period.
- (c) Coupons. Any person issuing a coupon shall estimate the value of the expected redemption of the coupon and allocate that value over a Defined Benefit Period. Estimated costs shall be adjusted to reflect actual coupon redemption during that Defined Benefit Period.

(d) Compliance with Section. If, upon determination of the actual costs of any activity regulated by this Section 1850, a handler, manufacturer, distributor, or wholesale customer experiences an actual redemption rate for that activity which results in an otherwise prohibited sale below cost, but that handler, manufacturer, distributor or wholesale customer can demonstrate that its estimates of the approximate cost of the redemption made according to the preceding provisions of this Section were made in good faith, and according to Generally Accepted Accounting Principles, and projected sales above its cost, that handler, manufacturer, distributor or wholesale customer shall be deemed to have complied with the Code and this Subchapter.

NOTE: Authority cited: Sections 407 and 61341, Food and Agricultural Code. Reference: Sections 61382, 61383, 61384, 61441, 61442 and 61443, Food and Agricultural Code.

HISTORY

1. Repealer and new section filed 8–8–2005; operative 9–7–2005 (Register 2005, No. 32). For prior history, see Register 79, No. 24.

§ 1851. Wholesale Customer Advertising.

NOTE: Authority cited: Sections 407 and 61341, Food and Agricultural Code. Reference: Section 61378, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 10–6–77; effective thirtieth day thereafter (Register 77, No. 41).
- 2. Amendment filed 6–12–79; effective thirtieth day thereafter (Register 79, No. 24).
- Amendment of Note filed 10-25-82; effective thirtieth day thereafter (Register 82, No. 44).
- 4. Repealer filed 8-8-2005; operative 9-7-2005 (Register 2005, No. 32).

§ 1851.1. Permissible Advertising Allowance.

NOTE: Authority cited: Sections 407 and 61341, Food and Agricultural Code. Reference: Sections 61377, 61378, and 61441, Food and Agricultural Code.

HISTORY

- Repealer and new section filed 5-15-80; effective thirtieth day thereafter (Register 80, No. 20). For prior history see 79, No. 24 and 77, No. 41.
- 2. Amendment filed 4-3-81; effective thirtieth day thereafter (Register 81, No. 14)
- 3. Amendment of NOTE filed 10–25–82; effective thirtieth day thereafter (Register 82, No. 44).
- 4. Amendment filed 9-1-83; effective thirtieth day thereafter (Register 83, No. 36).
- 5. Change without regulatory effect amending section 1851.1 filed 8–16–90 pursuant to section 100, title 1, California Code of Regulations (Register 90, No. 44).
- 6. Editorial correction of printing error inadvertently omitting subsection (e) (Register 91, No. 19).
- 7. Repealer filed 8-8-2005; operative 9-7-2005 (Register 2005, No. 32).

§ 1852. Demonstration to Consumer.

NOTE: Authority cited: Sections 407 and 61341, Food and Agricultural Code. Reference: Sections 61307 and 61375–61378, Food and Agricultural Code.

HISTORY

- Repealer and new section filed 7–17–59; effective thirtieth day thereafter (Register 59, No. 11).
- 2. Repealer filed 6-12-79; effective thirtieth day thereafter (Register 79, No. 24).

§ 1853. Demonstration to Wholesale Customer.

NOTE: Authority cited: Sections 407 and 61341, Food and Agricultural Code. Reference: Sections 61307 and 61375–61378, Food and Agricultural Code.

HISTORY

- Repealer and new section filed 7-17-59; effective thirtieth day thereafter (Register 59, No. 11).
- 2. Repealer filed 6–12–79; effective thirtieth day thereafter (Register 79, No. 24).

§ 1870. Prohibition Against Gifts and Free Services As Defined.

NOTE: Authority cited: Sections 407 and 61341, Food and Agricultural Code. Reference: Section 61375, Food and Agricultural Code.

HISTORY

- 1. Repealer and new section filed 5–15–80; effective thirtieth day thereafter (Register 80, No. 20). For prior history, see 79, No. 24; 74, No. 8; 64, No. 15 and 59, No. 11.
- Amendment of subsection (h) filed 10-25-82; effective thirtieth day thereafter (Register 82, No. 44).

- 3. Amendment filed 9-1-83; effective thirtieth day thereafter (Register 83, No. 36).
- 4. Repealer filed 9-12-84; designated effective 11-1-84 (Register 84, No. 37).

Article 4. Gifts and Free Services

§ 1870.1. Redemption Devices for Retail Sales of Dairy Products.

NOTE: Authority cited: Sections 407 and 61341, Food and Agricultural Code. Reference: Sections 61375, 61383, and 61384, Food and Agricultural Code.

HISTORY

- 1. New section filed 5–15–80; effective thirtieth day thereafter (Register 80, No. 20).
- Amendment filed 10–25–82; effective thirtieth day thereafter (Register 82, No. 44).
- Change without regulatory effect amending section 1870.1 filed 8–16–90 pursuant to section 100, title 1, California Code of Regulations (Register 90, No. 44)
- 4. Repealer filed 8-8-2005; operative 9-7-2005 (Register 2005, No. 32).

§ 1870.2. Redemption Devices for Replacement Dairy Products.

NOTE: Authority cited: Sections 407 and 61341, Food and Agricultural Code. Reference: Sections 61375, 61383, 61384 and 61441, Food and Agricultural Code.

HISTORY

- 1. New section filed 7-15-91; operative 8-14-91 (Register 91, No. 43).
- 2. Repealer filed 8-8-2005; operative 9-7-2005 (Register 2005, No. 32).

§ 1871. Bona Fide Charities.

NOTE: Authority cited: Sections 407 and 61341, Food and Agricultural Code. Reference: Section 61375, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 6–12–79; effective thirtieth day thereafter (Register 79, No. 24).
- 2. Repealer filed 8-8-2005; operative 9-7-2005 (Register 2005, No. 32).

§ 1872. Frozen Dairy Products.

NOTE: Authority cited: Sections 407 and 61341, Food and Agricultural Code. Reference: Section 61371.5, Food and Agricultural Code.

HISTORY

- 1. New Section filed 10–25–82; effective thirtieth day thereafter (Register 82, No. 44)
- 2. Amendment filed 9-12-84; designated effective 11-1-84 (Register 84, No. 37).
- 3. Repealer filed 8-8-2005; operative 9-7-2005 (Register 2005, No. 32).

§ 1873. Sampling of Milk or Dairy Products.

NOTE: Authority cited: Sections 407 and 61341, Food and Agricultural Code. Reference: Section 61375, Food and Agricultural Code.

HISTORY

- 1. New section filed 7-15-91; operative 8-14-91 (Register 91, No. 43).
- 2. Repealer filed 8-8-2005; operative 9-7-2005 (Register 2005, No. 32).

§ 1880. Payment for Manufacturing Milk.

NOTE: Authority cited: Sections 407 and 61341, Food and Agricultural Code. Reference: Section 61441, Food and Agricultural Code.

HISTORY

- 1. Repealer of article 5, (sections 1883–1886) and new article 5 (section 1880) filed 10–5–82; effective thirtieth day thereafter (Register 82, No. 44). For prior history (sections 1800–1891) see, Registers 79, No. 24; 74, No. 41; 73, No. 6; and 64, No. 15.
- Change without regulatory effect renumbering former section 1880 to section 2039 filed 8–16–90 pursuant to section 100, title 1, California Code of Regulations (Register 90, No. 44).
- 3. Editorial correction of printing error (Register 91, No. 18).

§ 1910. Sale of Equipment.

NOTE: Authority cited: Sections 407 and 61341, Food and Agriculture Code. Reference: Sections 61307, 61372, 61375, 61386 and 61441, Food and Agriculture Code.

HISTORY

- Repealer of Subarticle 6 (Sections 1910–1919) filed 6–11–79; effective thirtieth day thereafter (Register 79, No. 24).
- 2. Change without regulatory effect repealing Article 6 heading and renumbering former Article 9 to Article 6 filed 8–16–90 pursuant to section 100, title 1, California Code of Regulations (Register 91, No. 18).
- 3. Editorial correction adding HISTORY 2. (Register 91, No. 18).

§ 1929. Procedure for Authorization to Install.

NOTE: Section 4138, Agricultural Code.

HISTORY

1. Renumbering of former section 1930 to new section 1929 filed 8–29–96; operative 9–28–96 (Register 96, No. 35).

§ 1930. Definitions.

Unless the context otherwise requires, the following definitions shall govern the construction of this Chapter 3.

- (a) "Meeting Competition" means meeting a lawful competitive price.
- (b) "Geographic Marketing Area" means one of the following two regions of counties: the Northern California geographic marketing area shall be composed of the counties of Monterey, Kings, Kern, Inyo and all counties north to the Oregon border. The Southern California geographic marketing area shall be composed of the counties of San Luis Obispo, Ventura, Los Angeles, and San Bernardino and all counties south to the Mexican Border.
- (c) "Multi-Unit Price" is defined as the total price paid for two or more units or packages of any dairy product.

NOTE: Authority cited: Sections 407 and 61341, Food and Agricultural Code. Reference: Section 61384, Food and Agricultural Code.

HISTORY

- Repealer of Article 7 (Sections 1930 and 1931) filed 11–24–61; effective thirtieth day thereafter (Register 61, No. 23).
- Change without regulatory effect repealing Article 7 heading and renumbering former Article 10 to Article 7 filed 8–16–90 pursuant to section 100, title 1, California Code of Regulations (Register 91, No. 18).
- 3. Editorial correction adding HISTORY 2 (Register 91, No. 18).
- 4. Renumbering of former section 1930 to new section 1929 and new section filed 8–29–96; operative 9–28–96 (Register 96, No. 35).
- Amendment of subsection (c) and NOTE filed 8–8–2005; operative 9–7–2005 (Register 2005, No. 32).

§ 1931. Meeting Competition—Retail Sales by Wholesale Customers.

Wholesale customers may meet a lawful competitive price of dairy products of similar defined composition or standard only within the same geographic marketing area. It shall be lawful to meet a competitive price subject to the following provisions:

- (a) A price offered by the wholesale customer to meet a competitor's lawful price may be offered only while competitor's price is effective and may not be lower than such competitor's price; and
- (b) A lawful competitive price may be met whether or not that price results in a below cost sale by the wholesale customer.

NOTE: Authority cited: Sections 407 and 61341, Food and Agricultural Code. Reference: Sections 61382, 61383 and 61384, Food and Agricultural Code.

HISTORY

- 1. New section filed 8-29-96; operative 9-28-96 (Register 96, No. 35).
- 2. Amendment of subsection (a) and NOTE filed 8-8-2005; operative 9-7-2005 (Register 2005, No. 32).

§ 1932. Meeting Competition—"Multi-Unit Price".

(a) A lawful multi-unit price may be met by a wholesale customer by dividing the number of units sold together to arrive at an individual unit price.

EXAMPLE: A wholesale customer's lawful multi-unit price for two one-gallon milk containers is priced at \$4.20. Another wholesale customer may meet competition by dividing the multi-unit price by two and lawfully sell a one-gallon unit for \$2.10 (\$4.20 divided by 2 = \$2.10). When the number to be divided is an odd number, the result shall be rounded up.

(b) It is unlawful to divide the weight or volume of a dairy product in a single container to arrive at a per–unit price for the purpose of meeting competition.

EXAMPLE: The price of a five-gallon tub of butter may not be divided by five to arrive at a one pound unit price.

NOTE: Authority cited: Sections 407 and 61341, Food and Agricultural Code. Reference: Sections 61382, 61383 and 61384, Food and Agricultural Code.

HISTORY

1. New section filed 8-29-96; operative 9-28-96 (Register 96, No. 35).

2. Amendment of section heading, section and NOTE filed 8–8–2005; operative 9-7-2005 (Register 2005, No. 32).

Article 5. Terms and Conditions, Price Differences and Meeting Competition

§ 1940. Terms and Conditions.

- (a) Schedules setting forth the price of each product sold by a distributor shall include any terms and conditions which are applicable in determining the ultimate net price available to the customer for each product purchased. As used herein, "terms and conditions" include the factors stated in section 1942.
- (b) Within the boundaries of each geographic area defined in a distributor's written price schedule, terms and conditions shall be uniformly applicable and available to all customers receiving products by the same methods of delivery, and under the same conditions of sale, as such methods of delivery and conditions of sale are defined in section 1942.

NOTE: Authority cited: Sections 407 and 61341, Food and Agricultural Code. Reference: Sections 61382, 61383, 61384 and 61441, Food and Agricultural Code.

HISTORY

- 1. Renumbering and amendment of former section 1832 to section 1940 filed 9–12–84; designated effective 11–1–84 (Register 84, No. 37). For history of former section 1940, see Register 65, No. 2 and 61, No. 8.
- Change without regulatory effect of renumbering former article 8 to article 5 filed 8-16-90 pursuant to section 100, title 1, California Code of Regulations (Register 90, No. 44).
- 3. Editorial correction of printing error (Register 91, No. 18).
- 4. Amendment of Note filed 8–8–2005; operative 9–7–2005 (Register 2005, No. 32)

§ 1941. Price Discrimination.

- (a) Discrimination in price by a distributor between customers that purchase milk, cream or any dairy product of like grade and quality, under like conditions of service, is prohibited if the effect of such discrimination may be substantially to lessen competition or to injure or destroy or prevent competition with the person that either grants or knowingly receives the benefit of such price discrimination.
- (b) The establishment of price schedules by a distributor which offer to any customer special prices or services which are not offered to all customers purchasing any milk, cream, or dairy product of like quantity, under like terms and conditions, within the same area is prohibited.
- (c) Discrimination in price by a wholesale customer between consumers that purchase milk, cream or any dairy product of like grade and quality, under like conditions of service, is prohibited if the effect of such discrimination may be substantially to lessen, injure, destroy or prevent competition with the wholesale customer that grants such price discrimination, or substantially to produce competitive detriment to consumers who are not afforded the benefit of such price discrimination.
- (d) A distributor who is not a processor, purchasing processed milk from a distributor that is a processor, whether such milk is packaged under the label of the selling distributor or the label of the purchasing distributor, shall not, except for the purpose of meeting a lawful competitive price or lawful competitive condition, offer or establish lower wholesale prices for such milk than those offered or established by the selling distributor, if the effect of the price differences may be substantially to lessen competition or tend to create a monopoly, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of them.
- (e) Proof of any sale of, or offer or agreement to sell, milk, cream, or any dairy product, by a distributor at less than the prices offered to other like customers subject to the provisions of Chapter 1, Part 3, Division 21 of the Code and these regulations, or offer by such distributor to sell any other product in combination with any dairy product at less than cost, establishes a rebuttable presumption of a violation of said Chapter 1 and these regulations. This presumption is a presumption affecting the burden of producing evidence. Offers or agreements to sell, as used in this section, include offers, or agreements to sell which are conditional, or for which price schedules will be established at a future date.

NOTE: Authority cited: Sections 407 and 61341, Food and Agricultural Code. Reference: Sections 61382, 61383 and 61384, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–29–65; effective thirtieth day thereafter (Register 65, No. 2).
- 2. Amendment filed 10—77; effective thirtieth day thereafter (Register 77, No. 41)
- New subsections (e) and (f) filed 6-12-79; effective thirtieth day thereafter (Register 79, No. 24).
- Repealer and new subsections (e) and (f) filed 5–15–80; effective thirtieth day thereafter (Register 80, No. 20).
- Amendment of subsection (b) filed 10-25-82; effective thirtieth day thereafter (Register 82, No. 44).
- Amendment of subsections (a)–(c) and (f) filed 9–1–83; effective thirtieth day thereafter (Register 83, No. 36).
- 7. Amendment filed 9–12–84; designated effective 11–1–84 (Register 84, No. 37).
- Amendment of Note filed 8–8–2005; operative 9–7–2005 (Register 2005, No. 32).

§ 1942. Permissible Price Variations in Distributor's Price Schedules.

- (a) A distributor may vary prices to customers for milk, cream or any dairy product if such price variations, as contained in the distributor's established written price schedules, are based upon the following factors:
- (1) Methods of Delivery Price schedules may vary to reflect the following applicable methods of delivery only: at processor dock or nonprocessing depot; at customer's dock; delivery by limited service; and delivery by full service.
- (2) Conditions of Sale Price schedules may vary to reflect applicable conditions of sale.
- (3) Classes of Trade Price schedules may vary among the following classes of trade: retail stores, food service establishments, public agencies and private schools.
- (A) "Food service establishments" as used in this section is defined as follows: establishments where dairy products are sold for consumption on the premises by the consumer.
- (b) Wholesale Price Variations to Public Agencies and Private
- (1) Wholesale prices for milk, cream or dairy products offered or established by a distributor for public agencies only, for a fixed term contract not to exceed one year, may vary from the distributor's regular wholesale price schedule.
- (2) Such wholesale prices offered or established for public agencies shall be subject to the discriminatory pricing provisions as set forth in Section 61382, the below cost standards contained in sections 61383 and 61384, and to all other provisions of Chapter 1, Part 3, Division 21 of the Code
- (3) A distributor may, at a particular public agency location, meet a current lawful competitive price schedule, including conditions for the sale of milk or any dairy product, without alteration or amendment of the distributor's established wholesale price schedules for such milk or dairy products. When meeting a lawful competitive public agency fixed term price schedule, or a lawful bid or offer for a public agency fixed term contract, such schedule, bid or offer shall be met in its entirety, including all prices, terms and conditions.
- (4) If a distributor offers or establishes wholesale prices for public agencies, the distributor may elect to offer such prices to private schools (as "private schools" is defined in subsection (5) of this section), subject to the same quantity and service conditions as are applicable to the distributor's public agency prices, and if so offered, public agency prices shall be applicable to all private schools serviced by the distributor. Public agency prices offered to private schools under this subsection shall be subject to all provisions of this section.
 - (5) "Private Schools" as used in this section is defined as follows:
- (A) Non-public schools that offer instruction in or maintain grades kindergarten through high school (K-12) and provide non-profit food service or lunch programs; or

- (B) Non-public post secondary educational institutions that offer the same academic degrees as public universities and colleges and provide a non-profit food service program.
- (c) All price variations, within a distributor's price schedules, shall be based upon identifiable costs and shall otherwise conform to the requirements of Chapter 1, Part 3, Division 21 of the Code. Delivery cost factors shall be determined and applied on the basis of a single delivery at a single delivery location.

NOTE: Authority cited: Sections 407 and 61341, Food and Agricultural Code. Reference: Sections 61382, 61383 and 61384, Food and Agricultural Code.

HISTORY

- New section filed 10-6-77; effective thirtieth day thereafter (Register 77, No. 41).
- 2. Amendment filed 6–12–79; effective thirtieth day thereafter (Register 79, No. 24).
- 3. Repealer and new section filed 5–15–80; effective thirtieth day thereafter (Register 80, No. 20).
- 4. Amendment of note filed 10–25–82; effective thirtieth day thereafter (Register 82, No. 44).
- 5. Amendment of subsection (a) filed 9-1-83; effective thirtieth day thereafter (Register 83, No. 36).
- 6. Amendment filed 9–12–84; designated effective 11–1–84 (Register 84, No. 37).
- Amendment of subsections (a) and (b) filed 7-15-91; operative 8-14-91 (Register 91, No. 43).
- 8. Amendment of subsections (b)(2) and (c) and amendment of NOTE filed 8–8–2005; operative 9–7–2005 (Register 2005, No. 32).

§ 1943. Prices Offered to Meet Competition Generally.

This article does not prohibit establishment of price schedules, or particular location price variations as provided for in Sections 1944 and 1945, which meet in good faith lawful competitive prices or lawful competitive conditions in the sale of milk or dairy products. "Meeting competition" is a question of fact to be determined under all the facts and circumstances of a particular instance. As a general rule, a distributor shall be deemed to have met in good faith a lawful competitive price or a lawful competitive condition if facts exist which would lead a reasonable and prudent person in the position of such a distributor to believe in good faith that his granting of a particular price (whether or not such price is less than the cost of such distributor as the term "cost" is defined in the Code and these regulations) would in fact meet, but not be lower than a lawful competitive price.

NOTE: Authority cited: Sections 407 and 61341, Food and Agricultural Code. Reference: Section 61384, Food and Agricultural Code.

HISTORY

- Renumbering and amendment of former Section 1943 to Section 1944 and new Section 1943 filed 9–12–84; designated effective 11–1–84 (Register 84, No. 37).
- 2. Amendment of Note filed 8–8–2005; operative 9–7–2005 (Register 2005, No. 32).

§ 1944. Prices Offered to Meet Competition at a Particular Location.

A distributor may, at a particular location, other than that authorized for a public agency by Section 1942(b), meet a current lawful competitive price, including conditions, for the sale of milk or any dairy product, without alteration or amendment of the distributor's regular, established price schedule for such milk or dairy product, if done to retain the milk or dairy products business of an existing customer of the distributor. Note: Authority cited: Sections 407 and 61341, Food and Agricultural Code. Ref-

erence: Section 61384, Food and Agricultural Code.

HISTORY

- 1. New section filed 10–6–77; effective thirtieth day thereafter (Register 77, No. 41).
- 2. Amendment of Note filed 6–12–79; effective thirtieth day thereafter (Register 79, No. 24).
- Repealer and new section filed 5–15–80; effective thirtieth day thereafter (Register 80, No. 20).
- 4. Amendment of NOTE filed 10–25–82; effective thirtieth day thereafter (Register 82, No. 44).
- Amendment filed 9-1-83; effective thirtieth day thereafter (Register 83, No. 36).
- Renumbering and amendment of former Section 1944 to Section 1945 and renumbering and amendment of former Section 1943 to Section 1944 filed 9-12-84; designated effective 11-1-84 (Register 84, No. 37).

7. Amendment of Note filed 8–8–2005; operative 9–7–2005 (Register 2005, No. 32).

§ 1945. Records to Be Kept As to Price Variation to Meet Competition at a Particular Location.

- (a) A distributor who in good faith meets, or has met, pursuant to the provisions of section 1944, a lawful competitive price, including conditions relating to milk and dairy products, shall retain in his files for the period during which the distributor meets such lawful competitive price, including conditions, and for a period of three years thereafter, information detailing the circumstances applicable to the distributor's meeting of the lawful competitive price, including conditions. Such record information shall include the lawful competitive price and conditions met, the effective date of such price and conditions, and such other information as may be required by the director to determine that the competitive price, including conditions met, represents current marketing practices.
- (b) The meeting of competitive prices pursuant to section 1944 and this section shall be subject to the record keeping requirements of section 61441 and 61442 of the Code.
- (c) All meeting of competitive prices by a distributor pursuant to section 1944 shall be subject to review by the Secretary at any time in order that the Secretary may verify that such exceptions are current lawful competitive prices and conditions.
- (d) Not less often than once every six (6) months, the distributor shall review his records as to meeting competition under the provisions of section 1944, in order to verify that such records, and the prices and conditions therein, are current lawful competitive prices and conditions. If such review discloses that the competitive prices and conditions no longer exist, the distributor shall bring such prices into conformity with his current lawful price.

NOTE: Authority cited: Sections 407 and 61341, Food and Agricultural Code. Reference: Sections 61384, 61441 and 61442, Food and Agricultural Code.

HISTORY

- 1. New section filed 10–6–77; effective thirtieth day thereafter (Register 77, No. 41).
- 2. Amendment of NOTE filed 6–12–79; effective thirtieth day thereafter (Register 79, No. 24).
- 3. Repealer and new section filed 5–15–80; effective thirtieth day thereafter (Register 80, No. 20).
- 4. Amendment of subsections (b) and (d) filed 9-1-83; effective thirtieth day thereafter (Register 83, No. 36).
- 5. Renumbering and amendment of former section 1944 to section 1945 filed 9-12-84; designated effective 11-1-84 (Register 84, No. 37).
- Change without regulatory effect amending subsection (a) filed 8–16–90 pursuant to section 100, title 1, California Code of Regulations (Register 90, No. 44).
- 7. Amendment of subsection (c) and Note filed 8–8–2005; operative 9–7–2005 (Register 2005, No. 32).

§ 1946. Burden of Proof.

Upon proof being made, in any enforcement proceedings brought by the Secretary under the provisions of Chapter 1, Part 3, Division 21 of the Code, that there has been price discrimination by a distributor, the burden of establishing cost justification for any variations by the distributor in prices between customers, or of otherwise rebutting the prima facie case of price discrimination made by the Secretary, shall be upon such distributor.

NOTE: Authority cited: Sections 407 and 61341, Food and Agricultural Cod. Reference: Sections 61382 and 61384, Food and Agricultural Code.

HISTORY

- 1. New section filed 10–6–77; effective thirtieth day thereafter (Register 77, No. 41).
- 2. Amendment of NOTE filed 6–12–79; effective thirtieth day thereafter (Register 79, No. 24).
- 3. Amendment filed 9-1-83; effective thirtieth day thereafter (Register 83, No. 36)
- 4. Amendment filed 8-8-2005; operative 9-7-2005 (Register 2005, No. 32).

Article 6. Generally Acceptable Cost Accounting Procedures—Sales by Distributors

§ 1950. Records to Be Kept.

Each distributor, manufacturer, handler, and wholesale customer shall maintain a record of prices at which such distributor, manufacturer, handler, and wholesale customer is selling, offering or agreeing to sell fluid milk and dairy products, and current cost records to reflect costs under the accounting procedures required by Section 61384 of the Code and this subchapter.

For purposes of uniform and impartial enforcement of the "sales below cost" standards contained in Article 4, Chapter 1, Part 3, commencing with Section 61381 of the Code, any distributor, manufacturer, and wholesale customer, upon written demand by the Secretary and within seven calendar days after receipt of such demand, shall submit in writing to the Secretary cost data developed in compliance with the requirements of Article 4, Chapter 1, Part 3, commencing with Section 61381 of the Code and this subchapter in respect to a particular price on one or more dairy products. In cases where a distributor, manufacturer, handler, and wholesale customer have a history of repeated violations, or of not providing cost data timely, the Secretary may require cost data to be submitted within 48 hours of a written demand.

NOTE: Authority cited: Sections 407 and 61341, Food and Agricultural Code. Reference: Sections 61384, 61441 and 61442, Food and Agricultural Code.

HISTORY:

- 1. New article 9 (sections 1950 and 1951) filed 4–9–62; effective thirtieth day thereafter (Register 62, No. 7).
- 2. Amendment filed 7–9–64; effective thirtieth day thereafter (Register 64, No. 15)
- 3. Amendment filed 10–6–77; effective thirtieth day thereafter (Register 77, No. 41).
- 4. Amendment of article heading filed 8-17-78; designated effective 9-22-78 (Register 78, No. 33).
- 5. Editorial correction of subsection (b)(6) (Register 80, No. 24).
- Amendment of note filed 10-25-82; effective thirtieth day thereafter (Register 82, No. 44).
- 7. Amendment filed 9–1–83; effective thirtieth day thereafter (Register 83, No. 36).
- 8. Change without regulatory effect renumbering article 9 to article 6 filed 8–16–90 pursuant to section 100, title 1, California Code of Regulations (Register 90, No. 44).
- 9. Editorial correction of printing error (Register 91, No. 18).
- 10. Amendment of section heading and section filed 8-8-2005; operative 9-7-2005 (Register 2005, No. 32).

§ 1950.1. Acceptable Cost Accounting Procedures—Retail Stores.

NOTE: Authority cited: Sections 407 and 61341, Food and Agricultural Code. Reference: Sections 61341, 61343, 61371, 61372, 61383, 61384 and 61443, Food and Agricultural Code.

HISTORY

- 1. New section filed 5–25–78 as an emergency; effective upon filing (Register 78, No. 21).
- 2. Repealed by operation of Section 11422.1(c), Government Code (Register 79, No. 18).

§ 1951. Unacceptable Cost Accounting Procedures.

NOTE: Authority cited: Sections 407 and 61341, Food and Agricultural Code. Reference: Section 61384, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 10-6-77; effective thirtieth day thereafter (Register 77, No. 41).
- Amendment filed 9-1-83; effective thirtieth day thereafter (Register 83, No. 36).
- 3. Repealer filed 8-8-2005; operative 9-7-2005 (Register 2005, No. 32).

Article 7. Generally Acceptable Cost Accounting Procedures—Retail Sales by Wholesale Customers

§ 1960. Acceptable Cost Accounting Procedures—Retail Sales by Wholesale Customers.

 $Note: Authority\ cited: Sections\ 407\ and\ 61341, Food\ and\ Agricultural\ Code.\ Reference:\ Section\ 61384,\ Food\ and\ Agricultural\ Code.$

HISTORY

- 1. New article 10 (sections 1960–1962) filed 8–17–78; designated effective 9–22–78 (Register 78, No. 33). For history of former article 10, see Register 70, No. 9.
- 2. Amendment filed 6–12–79; effective thirtieth day thereafter (Register 79, No. 24).
- Amendment of NOTE filed 10–25–82; effective thirtieth day thereafter (Register 82, No. 44).
- 4. Amendment filed 9–1–83; effective thirtieth day thereafter (Register 83, No. 36).
- 5. Change without regulatory effect renumbering article 10 to article 7 filed 8–16–90 pursuant to section 100, title 1, California Code of Regulations (Register 90, No. 44).
- 6. Editorial correction of printing error (Register 91, No. 18).
- 7. Repealer of article 7 (sections 1960–1962) and repealer of section filed 8–8–2005; operative 9–7–2005 (Register 2005, No. 32).

§ 1961. Availability of Cost Data—Wholesale Customers Selling at Retail.

NOTE: Authority cited: Sections 407 and 61341, Food and Agricultural Code. Reference: Section 61442, Food and Agricultural Code.

HISTORY

- 1. Editorial correction of Note filed 5-15-80 (Register 80, No. 20).
- 2. Amendment filed 9-1-83; effective thirtieth day thereafter (Register 83, No. 36).
- 3. Repealer filed 8–8–2005; operative 9–7–2005 (Register 2005, No. 32).

§ 1962. Meeting Competition—Retail Stores.

NOTE: Authority cited: Sections 407 and 61341, Food and Agricultural Code. Reference: Sections 61371 and 61372, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 6–12–79; effective thirtieth day thereafter (Register 79, No. 24).
- 2. Repealer filed 10-25-82; effective thirtieth day thereafter (Register 82, No. 44).

Article 11. Sales of Packaged Market Milk Below Minimum Prices Established by the Director, When and If Such Prices Are Established

NOTE: Authority cited: Sections 407 and 61341, Food and Agricultural Code. Reference: Section 61582, Food and Agricultural Code.

HISTORY

- 1. New Article 11 (Sections 1970 through 1973) filed 5–3–67; effective thirtieth day thereafter (Register 67, No. 18).
- 2. Repealer of Article 11 (Sections 1970–1973) and new Article 11 (Sections 1970–1973) filed 6–12–79; effective thirtieth day thereafter (Register 79, No. 24)
- 3. Editorial correction (Register 80, No. 24).
- 4. Amendment of NOTE filed 10–25–82; effective thirtieth day thereafter (Register 82, No. 44).
- 5. Repealer of Article 11 (Sections 1970–1973) filed 9–1–83; effective thirtieth day thereafter (Register 83, No. 36).

Subchapter 2. Sale of Manufacturing Milk, Market Milk and Dairy Products

Article 1. General Provisions

§ 2000. Authority to Promulgate.

NOTE: Authority cited for Group 2: Sections 16, 4143 and 4240, Agricultural Code.

HISTORY

- 1. Repealer and new Article 1 (Sections 2000 through 2005) filed 11-24-61; effective thirtieth day thereafter (Register 61, No. 23).
- 2. Repealer filed 7-9-64; effective thirtieth day thereafter (Register 64, No. 15).

§ 2001. Definition.

"Code," as used in these regulations, means the Food and Agricultural Code

NOTE: Authority cited: Sections 407 and 61891, Food and Agricultural Code. Reference: Section 61891, Food and Agricultural Code.

HISTORY

- Amendment filed 6–12–79; effective thirtieth day thereafter (Register 79, No. 24).
- 2. Amendment filed 10–25–82; effective thirtieth day thereafter (Register 82, No. 44)

§ 2002. "Section" and "Subdivision" Defined.

HISTORY

1. Repealer filed 7-9-64; effective thirtieth day thereafter (Register 64, No. 15).

§ 2003. Invalidity of Provision or Application.

HISTORY

1. Repealer filed 7-9-64; effective thirtieth day thereafter (Register 64, No. 15).

§ 2004. Violations by Agent, Employee, Representative, Subsidiaries, and Affiliates.

Violations by Agent, Employee, Representative, Subsidiaries, and Affiliates. No handler, producer, wholesale customer, manufacturer, distributor, or consumer shall violate any of the provisions of this group, directly or indirectly, or through an employee, representative or other agent, or through a subsidiary or affiliated company or corporation. "Subsidiary or affiliated company or corporation," as used herein includes, but is not limited to, companies or corporations controlled by the handler, directly or indirectly, through ownership of issued capital stock or otherwise.

 $Note: Authority\ cited: Sections\ 407\ and\ 61891, Food\ and\ Agricultural\ Code.\ Reference:\ Sections\ 61371\ and\ 62091,\ Food\ and\ Agricultural\ Code.$

HISTORY

- Amendment filed 7–9–64; effective thirtieth day thereafter (Register 64, No. 15).
- 2. Amendment filed 6–12–79; effective thirtieth day thereafter (Register 79, No. 24).
- Amendment of NOTE filed 10–30–82; effective thirtieth day thereafter (Register 82, No. 44).
- 4. Amendment filed 9–1–83; effective thirtieth day thereafter (Register 83, No. 36).
- 5. Amendment to section and Reference NOTE filed 11-26-90, operative 12-26-90 (Register 91, No. 2).
- 6. Amendment filed 11–26–90; operative 12–26–90 (Register 91, No. 2).

§ 2005. Application to Corporations and Subsidiaries.

NOTE: Authority cited: Sections 16 and 4240, Agricultural Code. Reference: Chap. 17, Div. 6, Agricultural Code.

HISTORY

1. Repealer filed 9-8-67; effective thirtieth day thereafter (Register 67, No. 36).

Article 2. Milk Handler's License

§ 2030. Prohibited Practices.

NOTE: Authority cited: Sections 407 and 61891, Food and Agricultural Code. Reference: Sections 62143–62145, Food and Agricultural Code.

HISTORY

1. New article 3 (section 2030) filed 4–9–62; effective thirtieth day thereafter (Register 62, No. 7).

Page 220

- 2. Repealer of article 2 (sections 2020–2023) filed 6–12–79; effective thirtieth day thereafter (Register 79, No. 24). For prior history, see Registers 61, No. 8, 61, No. 23, 62, No. 7 and 65, No. 2.
- Renumbering of article 3 (sections 2030 and 2031) to article 2 (sections 2030 and 2031) filed 6-12-79; effective thirtieth day thereafter (Register 79, No. 24).
- 4. Editorial correction of NOTE (Register 80, No. 24).
- 5. Repealer filed 10-25-82; effective thirtieth day thereafter (Register 82, No. 44).
- 6. Editorial correction of Article title (Register 91, No. 19).

§ 2031. Cancellation of Inactive Licenses.

Cancellation of Inactive Licenses. Every licensed handler who (a) within 60 days after issuance of the license fails to actively engage in the business activities permitted by the license; or (b) ceases for 60 consecutive days to engage in the business activities permitted by the license, shall surrender the license to the director for cancellation. Such cancellation shall be without prejudice to an application for another license at such time as the applicant is ready to actively engage in the business activities permitted by the license. A license reissued to the same person for the same premises during the year in which it was cancelled shall not require an additional license fee for the remainder of said year.

NOTE: Authority cited: Sections 407 and 61891, Food and Agricultural Code. Reference: Sections 61490–61494 and 62141–62145, Food and Agricultural Code.

HISTORY

- New section filed 4-26-66; effective thirtieth day thereafter (Register 66, No. 11).
- 2. Amendment filed 6–12–79; effective thirtieth day thereafter (Register 79, No. 24).
- 3. Change without regulatory effect of article 2 heading filed 8–16–90 pursuant ot section 100, title 1, California Code of Regulations, (Register 90, No. 44).
- 4. Amendment of Reference NOTE filed 11–26–90; operative 12–26–90 (Register 91, No. 2).
- 5. Editorial correction of HISTORY 4. (Register 91, No. 19).

§ 2039. Payment for Manufacturing Milk.

Manufacturing milk handlers and/or market milk handlers purchasing manufacturing milk from producers of manufacturing milk shall pay for such milk in accordance with the date and method of payment provided in section 61411 of the Code and the conforming contract between the producer and handler. If said contract requires an earlier or larger payment than required by section 61411, then payment shall be made in accordance with such contract. Each payment shall be made by cash, or valid check which is immediately negotiable. Payments shall not be made by promissory note, post–dated check, or other evidence of indebtedness. NOTE: Authority cited: Sections 407 and 61341. Food and Agricultural Code. Reference: Section 61411, Food and Agricultural Code.

HISTORY

1. Repealer of article 5 (sections 1883–1886) and new article 5 (section 1880) filed 10–25–82; effective thirtieth day thereafter (Register 82, No. 44). For prior history, see Registers 79, No. 24; 74, No. 41; 73, No. 6; and 64, No. 15).

 Change without regulatory effect renumbering former section 1880 to section 2039 filed 8–16–90 pursuant to section 100, title 1, California Code of Regulations (Register 90, No. 44).

Article 3. Payment by Handlers to Producers for Manufacturing Milk and Market Milk

§ 2040. Payment for Market Milk.

Handlers purchasing market milk from producers shall pay for such milk in accordance with provisions of section 62191 of the Code and the conforming contract between the producer and handler; provided, however, if said contract requires an earlier or higher percentage of payment, or both, than that required by section 62191, then payment shall be made in accordance with the contract. Each payment shall be made on or before the date due, shall be in the full amount required and shall be made by cash or valid bank check which is immediately negotiable. Payment shall not be made by promissory note, post–dated check or other evidence of indebtedness.

NOTE: Authority cited: Sections 407 and 61891, Food and Agricultural Code. Reference: Section 62191, Food and Agricultural Code.

HISTORY

- New article 4 (section 2040) filed 4-9-62; effective thirtieth day thereafter (Register 62, No. 7).
- 2. Amendment filed 9–10–63; effective thirtieth day thereafter (Register 63, No. 15)
- 3. Amendment filed 6–12–79, effective thirtieth day thereafter (Register 79, No. 24)
- 4. Renumbering of article 4 (sections 2040 and 2041) to article 3 (sections 2040 and 2041) filed 6–12–79; effective thirtieth day thereafter (Register 79, No. 24).
- Change without regulatory effect amending section 2040 filed 8–16–90 pursuant to section 100, title 1, California Code of Regulations (Register 90, No. 44).

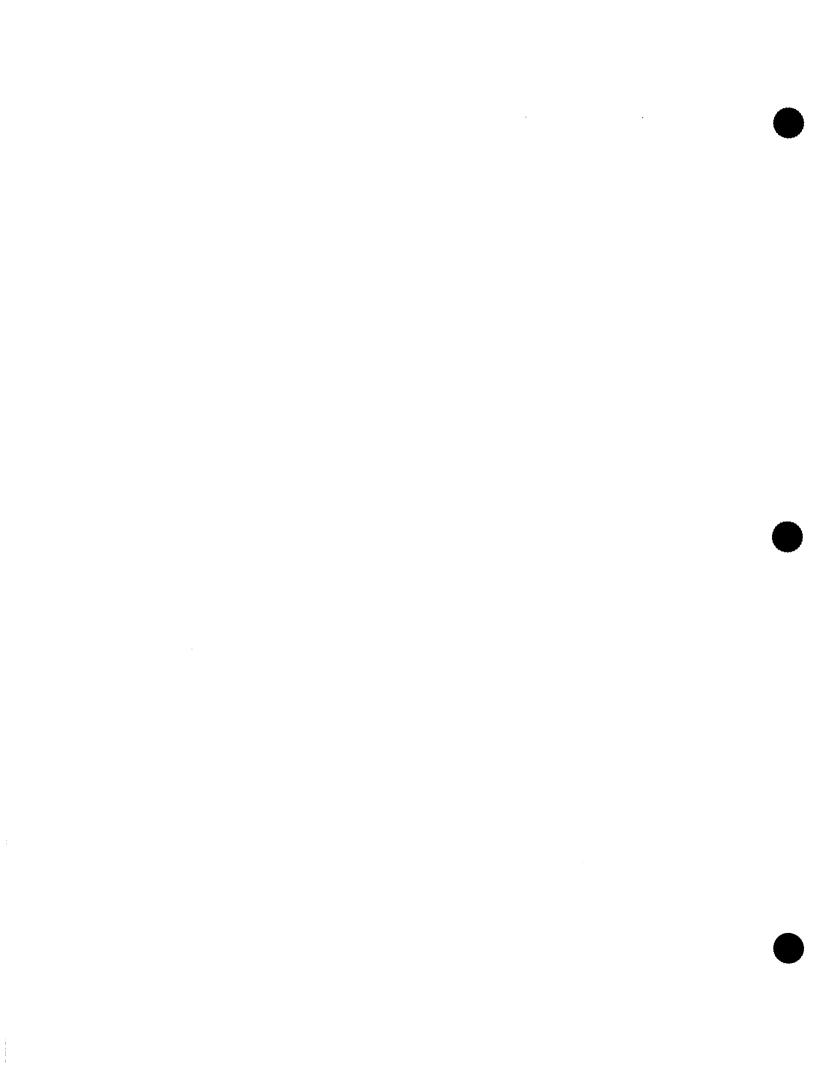
§ 2041. Bond Indemnification Agreement Prohibited.

Bond Indemnification Agreement Prohibited. No bond filed with the director pursuant to sections 61404–61407.3 or 62181–62190, inclusive, of the Code shall contain or at any time be subject to any indemnification agreement, waiver or cosignature by any producer from whom the handler purchases manufacturing milk or market milk during the period the bond is in force.

The undertaking of such an obligation by such a producer and the acceptance of the benefits thereof by such a handler are declared to be unlawful trade practices proscribed by sections 61400, 61415, 62078, 62095, and 62095.1 of the Code.

NOTE: Authority cited: Sections 407 and 61891, Food and Agricultural Code. Reference: Sections 61400, 61415, 62078, 62095, and 62095.1, Food and Agricultural Code.

[The next page is 221.]



HISTORY

- 1. New section filed 4–26–66; effective thirtieth day thereafter (Register 66, No 11).
- 2. Amendment filed 6–12–79; effective thirtieth day thereafter (Register 79, No. 24).
- 3. Editorial correction (Register 80, No. 24).
- 4. Amendment filed 10–25–82; effective thirtieth day thereafter (Register 82, No. 44).
- 5. Amendment to section and Reference NOTE filed 11–26–90; operative 12–26–90 (Register 91, No. 2).
- 6. Amendment filed 11-26-90; operative 12-26-90 (Register 91, No. 2).

§ 2042. Allocation of Handler Payments to Producers for Bulk Milk for Surety Bond and Milk Producers Security Trust Fund Coverage.

- (a) For the purpose of determining whether or not a handler has properly paid producers for milk purchased, all payments shall be applied first to bulk milk sales for all amounts due and payable on the date the payment is made, except in the following situations:
- (1) If the handler and producer have historically engaged in a pattern of allocating payments in a manner different from that described above, and that pattern is documented in writing, then payments may be allocated in accordance with that pattern, as long as the execution of the documentation by both parties is simultaneous with the beginning of the pattern of allocating payments; or,
- (2) If, simultaneously with payment, the handler delivers to the producer a written notice or remittance device which notifies the producer that the payment is for a specific invoice, delivery, commodity, expense, allowance or other charge.
- (b) Payments by a handler to a producer for the purposes of any action by the Secretary associated with a surety bond or the Fund shall be credited first to interest and then to the remaining unpaid principal. Upon the payment of all outstanding interest, principal payments shall be applied first to the amount due for the oldest unpaid delivery, and then successively, in sequence, to the amounts due for the next oldest unpaid delivery.

NOTE: Authority cited: Sections 407 and 61891, Food and Agricultural Code. Reference: Sections 62185, 62190, 62501 and 62623, Food and Agricultural Code.

HISTORY

1. New section filed 10-6-2004; operative 11-5-2004 (Register 2004, No. 41).

Article 4. Contracts for Purchase of Manufacturing Milk or Market Milk

§ 2050. Prohibition Against Procurement Options in Contracts.

Prohibition Against Procurement Options in Contracts. No contract entered into between a handler and a producer in accordance with the provisions of section 61411 or 62191 of the Code shall provide for an option of the handler to purchase any milk of the producer in excess of the amount which the handler has obligated itself to purchase under the contract, nor shall said contract contain any right of first refusal by the handler to purchase such excess milk no matter whether the right of first refusal is on like terms and conditions as competing purchasers or not. No handler shall require as a condition, whether oral or written, of execution or renewal of a contract, that the producer grant to the handler an option to purchase or any right of first refusal with regard to milk of the producer in excess of the amount the handler has obligated itself to purchase under the contract.

NOTE: Authority cited: Sections 407 and 61891, Food and Agricultural Code. Reference: Sections 61411 and 62191, Food and Agricultural Code.

HISTORY

- 1. New Article 5 (Section 2050) filed 3-25-66; effective thirtieth day thereafter (Register 65, No. 8).
- 2. Amendment filed 6–12–79; effective thirtieth day thereafter (Register 79, No. 24).
- 3. Amendment to section and Reference NOTE filed 11–26–90; operative 12–26–90 (Register 91, No. 2).

4. Amendment filed 11-26-90; operative 12-26-90 (Register 91, No. 2).

§ 2051. Charges to a Producer for Transportation of Manufacturing Milk or Market Milk Hauled by the Handler.

Charges to a Producer for Transportation of Manufacturing Milk or Market Milk Hauled by the Handler. In compliance with section 61411(d)(2) or 62191(b)(5) of the Code, any establishment of charges or any amendment thereto for transportation of manufacturing milk or market milk hauled by a handler shall be filed by the handler with the director within five (5) days of the effective date of any such charges or amendment

NOTE: Authority cited: Sections 407 and 61891, Food and Agricultural Code. Reference: Sections 61411(d)(2) and 62191(b)(5), Food and Agricultural Code.

HISTORY

- 1. New section filed 6–12–79; effective thirtieth day thereafter (Register 79, No. 24).
- 2. Amendment filed 11-26-90; operative 12-26-90 (Register 91, No. 2).

Article 6. Exclusion from Subdistributor Prices of Certain Fluid Milk and Fluid Cream

NOTE: Authority cited: Sections 407 and 61891, Food and Agricultural Code. Reference: Sections 61581–61584, Food and Agricultural Code.

HISTORY

- 1. New Article 6 (Sections 2060, 2061 and 2062) filed 2–22–74; effective thirtieth day thereafter (Register 74, No. 8).
- Repealer of Article 6 (Sections 2060–2062) filed 6–12–79; effective thirtieth day thereafter (Register 79, No. 24).

Subchapter 3. Petitions and Hearings

Article 1. Procedures for Filing of Petitions and Conduct of Hearings

§ 2080. Purpose.

NOTE: Authority cited: Sections 407 and 61891, Food and Agricultural Code. Reference: Sections 61808.5, 61903, 61991–62032, 62705 and 62717, Food and Agricultural Code.

HISTORY

- 1. New Group 3 (Sections 2080–2080.3) filed 3–3–78; effective thirtieth day thereafter (Register 78, No. 9).
- 2. Repealer filed 12–15–82 by OAL pursuant to Government Code Section 11349.7(j) (Register 82, No. 51).

§ 2080.1. Petition for Adoption, Amendment or Repeal of Regulations.

NOTE: Authority cited: Sections 407 and 61891, Food and Agricultural Code. Reference: Sections 61808.5, 61903, 61991–62032, 62705 and 62717, Food and Agricultural Code.

HISTORY

- 1. NOTE filed 6-12-79 (Register 79, No. 24).
- 2. Editorial correction of subsection (b) filed 5-15-80 (Register 80, No. 20).
- 3. Repealer filed 12-15-82 by OAL pursuant to Government Code Section 11349.7(j) (Register 82, No. 51).

§ 2080.2. Petition for Adoption, Amendment or Termination of Stabilization and Marketing Plans or Milk Pooling Plan.

(a) Procedures for the adoption, amendment or termination of stabilization and marketing plans are stated in Sections 61991–62032 of the Food and Agricultural Code. Procedures for the adoption, amendment or termination of the milk pooling plan are stated in Sections 62705 and 62717 of the Food and Agricultural Code. In addition to the secretary's authority to adopt, amend or terminate stabilization and marketing plans or the milk pooling plan, any interested person may petition the secretary requesting the adoption, amendment or termination of a stabilization or marketing plan or the milk pooling plan. The petition shall be submitted using the format available from the Department. The format shall be laid out so that the petition shall clearly and concisely give:

- (1) a brief written description of the requested changes including a copy of the suggested language to amend the plan;
- (2) specifications as to why the petitioner recommends the proposed changes including relevant analysis, comments and data supporting the request; and
 - (3) The authority of the secretary to take the action requested.
- (b) Upon receipt of such petition at the designated Departmental office, the secretary shall notify the petitioner in writing of its receipt. The secretary shall also notify all interested parties of record in writing of the receipt of the petition. Within 15 days of the petition's receipt at the designated office, the secretary shall either schedule the matter for public hearing or deny the petition in writing indicating why the secretary has reached such a decision on the merits of the petition.
- (c) The secretary may grant or deny such a petition in whole or in part, and may grant such other relief or take such other action as the secretary may determine to be warranted and shall notify the petitioner in writing of such action.
- (d) Any interested person may request reconsideration of any part or all of a decision of the secretary on any petition submitted. Any such request shall be submitted in accordance with subsection (a) of this Section and shall include the reason(s) why the secretary should reconsider the previous decision no later than 60 days after the date of the decision involved. The secretary's reconsideration of any matter relating to a petition shall be subject to the provisions of subsection (b) of this Section. Note: Authority cited: Sections 407 and 61891, Food and Agricultural Code. Reference: Sections 61903, 61991–61998, 62031, 62032, 62705 and 62717, Food and Agricultural Code.

HISTORY

- 1. NOTE filed 6-12-79 (Register 79, No. 24)
- 2. Amendment of NOTE filed 9–1–83; effective thirtieth day thereafter (Register 83, No. 36).
- 3. Amendment of NOTE filed 9–12–84; designated effective 11–1–84 (Register 84, No. 37).
- Amendment of subsection (a), repealer and new subsections (a)(1) and (a)(2), amendment of subsection (a)(3), repealer and new subsection (b), and amendment of subsections (c) and (d) filed 7-2-96; operative 8-1-96 (Register 96, No. 27).

§ 2080.3. Mandatory Hearing to Amend or Terminate a Stabilization and Marketing Plan(s) or to Terminate the Milk Pooling Plan.

- (a) Procedures for a mandated hearing to amend or terminate a stabilization and marketing plan are stated in Section 62032 of the Food and Agricultural Code. Procedures for a mandated hearing to terminate the milk pooling plan are stated in Section 62717 of the Food and Agricultural Code. In addition to the procedures laid out in Section 2080.2 to adopt, amend or terminate stabilization and marketing plans or the milk pooling plan, interested procedures may petition the secretary requesting a mandated hearing to amend or terminate a stabilization and marketing plan or to terminate the milk pooling plan. The petition shall be submitted using the format available from the Department, as specified herein. The format shall be laid out so the petition shall clearly and concisely give:
- (1) a brief description of the requested changes including a copy of the suggested language to amend the plan;
- (2) specifications as to why the petitioner recommends the proposed changes including relevant analysis, comments and data supporting the request; and
 - (3) the authority of the secretary to take the action requested.
- (b) Upon receipt of such petition at the designated Departmental office, the secretary shall notify the petitioner in writing of its receipt. The secretary shall also notify all interested parties of record in writing of the receipt of the petition. Within 60 days of the receipt of the petition, the secretary shall notice the mandated hearing provided that:
- (1) the petition meets all the requirements of subsection (a) of this Section;

and

(2) the petition clearly shows the number of market milk producers who have signed the petition and/or are being represented by a petition-

ing cooperative, including their names and producer numbers issued by the Milk Pooling Branch (or their address if they have no such number), as well as the volume of milk produced individually by such producers for the latest available month; the number of producers and volume of milk shall be tabulated by the marketing areas the producers' milk is shipped into;

and

(3) both the number of producers and volume of milk equals or exceeds 55 percent (25 percent for a pooling hearing) of the number of producers shipping into and volume of milk being shipped into each of the marketing areas affected by the petition;

and

- (4) in addition, for any nonprofit agricultural cooperative marketing association petitioning, the petition shall be signed by the board of directors or, with proof of authority, by a person so delegated by that board and the petition shall attach proof that the board has been granted specific or general authority by its members to petition the secretary.
- (c) If the petition does not meet all the requirements of subsection (b) of this Section, then it shall be subject to the provisions of Section 2080.2, except that the secretary shall have 60 days rather than 15 days from the petition's receipt at the designated office to either schedule the matter for public hearing or deny that petition in writing indicating why the secretary has reached such a decision on the merits of the petition.

NOTE: Authority cited: Sections 407, 61891, 62032 and 62717, Food and Agricultural Code. Reference: Sections 61903, 61991–61998, 62031 and 62705, Food and Agricultural Code.

HISTORY

- 1. Amendment of subsection (f) filed 6–12–79; effective thirtieth day thereafter (Register 79, No. 24).
- 2. Repealer of reproduction of Food and Agriculture Code section 61903 filed 12–15–82 by OAL pursuant to Government Code section 11349.7(j) (Register 82, No. 51).
- 3. Amendment of NOTE filed 9–1–83; effective thirtieth day thereafter (Register 83, No. 36).
- 4. Amendment of subsection (i) filed 9-12-84; designated effective 11-1-84 (Register 84, No. 37).
- Change without regulatory effect amending subsections (g) and (i) filed 8-16-90 pursuant to section 100, title 1, California Code of Regulations (Register 90, No. 44).
- 6. Repealer and new section filed 7-2-96; operative 8-1-96 (Register 96, No. 27).

§ 2080.4. Conduct of Hearings for Adoption, Amendment or Termination of Stabilization and Marketing Plans or Milk Pooling Plan.

- (a) Hearing Officer and Panel. The secretary or secretary's designee may conduct the hearing, or may select a panel to receive evidence and question witnesses. A hearing officer will preside at the hearing. No member of the panel will be a witness.
- (b) Department Exhibits. Department exhibits and Departmental proposals, if any, will be presented by a person who is not a member of the panel. Exhibits which the Department anticipates introducing at the hearing will be available for public inspection at the Department's Sacramento office not less than seven calendar days prior to the hearing. All exhibits will also be available for review during the hearing.
- (c) Hearing Roster. Any person desiring to testify shall sign, at the hearing, a roster prepared for such purpose. At the hearing, the hearing officer will announce the manner in which the roster will be used to determine the order of witnesses.
- (d) Testimony by Petitioners. If the hearing results from a petition, the petitioners will normally testify immediately after Department officials have introduced explanatory and statistical material, if any. Petitioners will then explain the proposal and submit supporting documents. In such cases, the petitioners, as a group, normally will be allowed up to one hour for testimony. If the hearing results from more than one petition, the multiple groups of petitioners normally will collectively be allowed up to 90 minutes for testimony. The group can (1) divide up the 90 minutes as they wish, (2) have the 90 minutes allocated to each group on a prorata basis, or (3) each have 20 minutes for testimony. In any case, if there does not

Page 222

appear to be large number of witnesses, the hearing officer may grant each group of petitioners up to an additional 20 minutes of time.

- (e) Testimony by Persons Submitting Alternative Proposals. Any person who has submitted an alternative proposal in response to a petition for a public hearing shall be allowed up to 30 minutes for testimony. However, if there does not appear to be a large number of witnesses, the hearing officer may grant up to an additional 20 minutes of time for such testimony.
- (f) Other Testimony. Oral testimony shall not exceed the time limit specified by the hearing officer. However, a witness may supplement oral testimony by submitting a written statement at the time the testimony is given. Normally, each witness, or group of witnesses appearing together, will be allowed 20 minutes for direct testimony. However, if there does not appear to be a large number of witnesses, the hearing officer may grant each witness up to an additional 20 minutes of time. After all persons wishing to testify have had an opportunity to do so, not more than an additional 20 minutes of time will be provided to each witness or petitioner who desires to present further testimony.
- (g) Questioning of Witnesses. At the conclusion of their testimony, witnesses will be subject to questioning by members of the hearing panel. With respect to Department witnesses, the hearing officer shall permit additional questioning by members of the audience. Any member of the audience may submit questions to the hearing officer for possible use by the hearing panel. Questions of witnesses shall be related to their testimony and pertinent to the call of the hearing.
- (h) Written Statements. Any interested person may file a written statement concerning the matter at the hearing. Written statements may be of any length, but limited to relevant matters. They must be signed. Preferably, written statements should be typewritten or printed. Written statements may be delivered personally or by mail any time after the notice of hearing, and shall be received by the Department prior to the close of the hearing. Such statements should be addressed to the hearing officer at the designated Departmental office. Written statements will be available for review during the hearing.
- (i) Posthearing Briefs. With respect to posthearing briefs, the provision of Section 61903 of the Code shall be applicable.
- (j) Hearing Transcripts. The hearing shall be recorded by a reporter or recorder. Copies of the transcript may be obtained directly from the hearing reporter, or from the Department at the current rate for copies of public records. The Department will maintain and make available for public inspection a hearing transcript at its Sacramento office and, upon reasonable request, at the regional office of the Department nearest the location at which the public hearing was held.

NOTE: Authority cited: Sections 407 and 61891, Food and Agricultural Code. Reference: Sections 61903, 61991–61998, 62031, 62032, 62705 and 62717, Food and Agricultural Code.

HISTORY

1. New section filed 7-2-96; operative 8-1-96 (Register 96, No. 27).

Subchapter 4. Milk Producers Security Trust Fund

Article 1. Eligibility for Coverage

§ 2100. Definition of Beneficial Ownership Interest.

- (a) For purposes of Milk Producer Security Trust Fund (hereinafter "Fund") coverage criteria for milk shipped by a producer to a handler, as set forth in Food and Agricultural Code Section 62580, the term "beneficial ownership interest" shall be defined as set forth in (b) of this Section.
- (b) Except as otherwise provided by law, any person or any other legally constituted business entity, including but not limited to, a corporation, limited partnership, limited liability company, joint venture, association, or any other form of cooperative ownership, shall be deemed to have a beneficial ownership interest through owning an interest in a handler, as

defined in Food and Agricultural Code Section 62521(d), in any form, such that they have any interest in the profits, losses, or equity of that handler, with the authority to influence or create policy which affects the handler's policies and business decisions.

- (c) Authority to influence or create policy includes service in any discretionary capacity associated with a handler's policies and business decisions, and shall not be limited to service in an official capacity, such as a member of a Board of Directors, or employment as an officer or any administrative position.
- (d) An individual possesses a beneficial ownership interest only if he/she owns a 10 percent or greater interest in the equity and/or profits and/or losses of a handler, with the exception that an individual who owns a 10 percent interest or greater interest as community property with his/her spouse shall be deemed to possess a beneficial ownership interest.
- (e) A producer who has extended credit to a handler does not possess a beneficial ownership interest unless the terms of the agreement under which such credit was extended permit the producer to acquire a 10 percent or greater ownership interest in the handler in any form.
- (f) For the purpose of determining beneficial ownership interests, cooperatives shall be treated as producers for all transactions involving the handling of their members' milk in bulk form, and shall be treated as handlers for all transactions involving non-member bulk milk.
- (1) A cooperative will be deemed to have a beneficial ownership interest in a handler if any member of that cooperative owns a 10 percent or greater interest in the handler's gross revenues and /or profits and/or losses and/or equity capital or stock.
- (2) A cooperative shall also be treated as having a beneficial ownership interest in any handler in which the cooperative has a 10 percent or greater interest in such handler's profits and/or losses, equity capital or stock.
- (g) Producers and cooperative members specifically possess beneficial ownership interests, beyond the general provisions of (b) and (c) in this Section, in the following circumstances:
- (1) A producer who is a member of a cooperative has a beneficial ownership interest in that cooperative.
- (2) All members of a cooperative, including producers, additionally have beneficial ownership interest in any other cooperatives in which their cooperative has such an interest.
- (3) All members of a cooperative, including producers, have a beneficial ownership interest in any handler in which their cooperative has a beneficial ownership interest.
- (h) For the purpose of determining beneficial ownership interests, cooperatives shall be treated as producers for all transactions involving the handling of their members' milk in bulk form, and shall be treated as handlers for all transactions involving non-member bulk milk.
- (1) In addition to the general provisions of (b) and (c) in this Section, a cooperative will be deemed to have a beneficial ownership interest in a handler if any member of that cooperative owns a 10 percent or greater interest in the handler's gross revenues and/or profits and/or losses and/or equity capital or stock.
- (2) In addition to the general provisions of (b) and (c) in this Section, a cooperative shall also be treated as having a beneficial ownership interest in any handler in which the cooperative has a 10 percent or greater interest in such handler's profits and/or losses and/or equity capital or stock.
- (i) For purposes of determining whether a corporation possesses a beneficial ownership interest, there are "S" corporations as defined and regulated by the Internal Revenue Service, and "C" corporations, which are all corporations other than "S" corporations.
- (1) In determining whether an "S" corporation has a beneficial ownership interest in a handler, all beneficial ownership interests in a handler held by any person/entity who owns or controls any of the "S" corporation's stock shall be deemed to be owned by the "S" corporation.
- (2) In determining whether a "C" corporation has a beneficial ownership interest in a handler, all beneficial ownership interests in a handler

held by any person/entity who owns five percent or more of the "C" corporation's stock, regardless of class, shall be deemed to be owned by the "C" corporation.

- (3) In addition to the general provisions of (b) and (c) in this Section, any beneficial ownership interest of a "C" corporation shall be attributed to any stockholder who owns a 5 percent or greater interest in any class of stock of the corporation.
- (j) A "Controlled Group of Corporations" (hereinafter "CGC") is defined as any group of corporations, partnerships, joint ventures or any other business entities, where a common parent entity owns or controls the largest number of outstanding shares, or any other ownership interest, in each member of the group.
- (1) In addition to the general provisions of (b) and (c) of this Section, if a CGC cumulatively owns, as the parent entity of any group of corporations, partnerships, joint ventures or other business entities, as defined in (j) of this Section, a 10 percent or greater interest in any handler derived from these entities, the CGC shall be deemed to have a beneficial ownership interest in that handler.
- (2) In addition to the general provisions of (b) and (c) of this Section, if a producer or cooperative owns a 10 percent or greater interest in a handler, and that handler is also a member of a CGC, the producer or cooperative shall be deemed to have a beneficial ownership interest in all corporations, partnerships, joint ventures or other business entities of the CGC.
- (3) In addition to the general provisions of (b) and (c) of this Section, any beneficial ownership interest of an "S" corporation shall be attributed to each stockholder of the corporation.
- (4) Any beneficial ownership interest held by any common owner or subsidiary company of a CGC shall be considered as being held by each member of the group.
- (k) A partnership, limited partnership, joint venture, estate or trust will be deemed to own any beneficial ownership interest attributed to any of its partners or beneficiaries.
- (1) A beneficial ownership interest owned by a partnership shall be attributed to each partner of the partnership.
- (2) Joint ventures and/or similar arrangements involving the participation of corporate participants shall be treated as partnerships.
- (3) All participants in joint ventures and/or similar arrangements shall be treated as partners.
- (4) In situations involving trusts and estates, where the beneficiaries have no rights to direct or influence the entity's decisions, these beneficiaries shall be treated like "C" corporation shareholders.
- (*l*) In addition to the general provisions of (b) and (c) of this Section, any beneficial ownership interest owned by a Limited Liability Company (hereinafter "LLC") shall be attributed to each member of the company. Conversely, any beneficial ownership interest owned by a member of a LLC shall be attributed to the LLC.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 62580 and 62587, Food and Agricultural Code.

HISTORY

1. New subchapter 4 (articles 1–2), article 1 (sections 2100–2101) and section filed 10–6–2004; operative 11–5–2004 (Register 2004, No. 41).

§ 2101. Definition of Milk Eligible for Trust Fund Coverage.

"Milk" means bulk milk of any composition of milk solids—not—fat, fat, and fluid carrier that has not been altered in any way that further restricts its usage from the milk in its original or natural form. Milk that has been altered by adding processed products, whether dairy or non—dairy, other than for fortifying bulk milk, bulk low fat milk, bulk reduced—fat milk, or bulk skim milk, changes the bulk product such that it can no longer be considered as farm or producer milk, and is therefore ineligible for Trust Fund coverage.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Section 62521(e), Food and Agricultural Code.

HISTORY

1. New section filed 10-6-2004; operative 11-5-2004 (Register 2004, No. 41).

Article 2. Payment of Claims

§ 2102. Calculation of Trust Fund Obligation to a Producer.

The amount paid to each eligible producer shall be determined as follows:

- (a) The total amount owed by the handler to all producers shall be called the "gross default". From the gross default, any surety bond recovery shall be deducted. The resulting amount is called the "adjusted default".
- (b) From the adjusted default, any amounts ineligible for coverage per FAC Section 62580 shall be deducted. The resulting amount is called the "net default"
- (c) The \$200,000 deductible required by FAC Section 62624 shall be deducted from the net default. The resulting amount is the total maximum exposure of the Fund.
- (d) An eligible producer who claims reimbursement from the Fund will be paid his/her pro rata shares from the total maximum exposure

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 62580, 62623 and 62624, Food and Agricultural Code.

HISTORY

1. New article 2 (section 2102) and section filed 10–6–2004; operative 11–5–2004 (Register 2004, No. 41).

Chapter 4. Shipping Point Inspection

§ 2200. Schedule of Fees or Charges.

In accordance with the requirements of Division 5, Chapter 1, of the Agricultural Code of the State of California and the provisions of the cooperative agreement between the California Department of Agriculture and the U.S. Department of Agriculture entered into under the authority of said division and chapter, a reasonable schedule of fees or charges shall be established and from time to time amended, for the services provided for under said division and chapter and said co-operative agreement and shall be based upon the approximate costs of the services rendered.

Such costs shall be determined in accordance with generally accepted accounting procedures applicable in the circumstances, and will include the following:

- (a) Costs. Costs shall include, but not be limited to, administrative salaries, inspectors' wages, clerical wages, vacation, sick leave, and other compensated time off, health benefits, automobile, travel, rent, retirement, utilities, communications, supplies, depreciation on equipment, departmental administrative pro rata, fees to the U.S. Department of Agriculture required under the co-operative agreement, and all other costs pertinent to the operation of the Bureau of Shipping Point Inspection
- (b) Reserve. A reasonable reserve, in addition to costs, to provide for a proper working capital and unforeseen contingencies. Unexpended funds collected during any marketing season may be carried forward for use during subsequent seasons.

NOTE: Authority cited: Sections 16 and 751, Agricultural Code.

HISTORY

1. New Subchapter 4 (Sections 2200–2202) filed 9–11–62; effective thirtieth day thereafter (Register 62, No. 19).

§ 2201. Necessary Data for Establishing Fees.

In establishing the fee schedule for any commodity, or group of commodities, pursuant to Section 2200, the director shall take into consideration all data and information available from producers and handlers and official agencies relating to production, marketing conditions, weather conditions, volume of inspections needed and location of inspection points, which have a bearing upon the cost of such service.

§ 2202. Availability of Schedules.

The fee schedule established pursuant to Section 2200 and as amended from time to time shall be open to public inspection during office hours at each branch office of the Bureau of Shipping Point Inspection and at the headquarters office of said bureau and a copy thereof shall be furnished to any person on request.

Chapter 5. California Beef Council Law Assessments

§ 2250. Registration of Out-of-State Beef Processors.

- (a) The registration form provided by the director shall include, but not be limited to, the name of the person, firm, or corporation, business address and telephone number. Any change in the name, business address or telephone number shall be reported to the director within 15 days of the change.
 - (b) There shall be no fee charged for registration.
- (c) The registration form shall be completed by the out-of-state beef processor and returned to the director within 21 days of mailing by the director.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Section 64717, Food and Agricultural Code.

HISTORY

- 1. New Subchapter 5 (Sections 2250–2252) filed 4–8–82 as an emergency; effective upon filing (Register 82, No. 16).
- 2. Order of Repeal of 4–8–82 emergency order filed 4–16–82 by OAL pursuant to Government Code Section 11349.6 (Register 82, No. 16).
- 3. New Subchapter 5 (Sections 2250–2252) filed 6–7–83; effective thirtieth day thereafter (Register 83, No. 24).

§ 2251. First Handler: Preparation of List.

- (a) The first handler of beef in the state which has been shipped beef from out-of-state shall submit to the director a list of all out-of-state beef processors from whom beef has been received each quarter. For purposes of this section, a "quarter" shall be January through March; April through June; July through September; and October through December of each calendar year.
- (b) The list shall be due not later than the fifteenth (15th) day of the month following the end of the quarter. The postmark on the envelope containing the list shall be considered the date of submittal regardless of the date entered on the list.

NOTE: Authority cited: Sections 407 and 64718, Food and Agricultural Code. Reference: Section 64718, Food and Agricultural Code.

§ 2252. Assessments: Beef Shipped into the State.

- (a) The assessments on all beef shipped into this state by an out-of-state beef processor shall be remitted to the director with an assessment report prescribed by the director. This report shall include, but not be limited to, the following:
- (1) Name, address and telephone number of the out-of-state beef processor.
 - (2) Month in which the assessment is due.

- (3) Except as provided in subdivision (e), computation of the assessment shall be based on the weight of slaughtered beef multiplied by the assessment of \$0.0015 per pound for chilled carcass beef; \$0.00175 per pound for boxed beef; or \$0.00242 per pound for boxed beef.
 - (4) Total assessment payable.
- (5) Statement describing the procedure for calculating the assessment due.
 - (6) Certification of accuracy of the report.
 - (7) Date the report is completed.
 - (8) Signature of authorized agent.
- (b) Assessments are due and payable to the director on or before the 15th day of the month next succeeding the month in which slaughtered beef is shipped into this state. The postmark on the envelope containing the assessment payment and the assessment report shall be considered the date of payment regardless of the date entered on the assessment payment or the assessment report.
 - (c) Assessments do not apply to the following:
- (1) Chilled carcass beef, boxed beef and boned beef shipped into California for processing and subsequently transferred to a location outside of California.
- (2) Chilled carcass beef, boxed beef and boned beef shipped in transit through California to a location outside of California.
- (d) Every out-of-state beef processor shall keep a complete and accurate record of each sales transaction of chilled carcass beef, boxed beef and boned beef shipped into California by month. The records shall be preserved by the out-of-state processor for a period of two years and shall be available for inspection at any reasonable time upon request of the California Department of Food and Agriculture or the California Beef Council for purposes of verifying assessment payments and accuracy of records.
- (e) To avoid an assessment payment in excess of the equivalent of one dollar (\$1) per head, an out-of-state beef processor may compute the assessment due using the following information:
- (1) State on the out–of–state beef processor assessment report, the average live weight, average yield, and pounds of beef shipped into California during the period covered by the assessment submitted.
- (2) When calculating the assessment due for boxed beef, a reduction factor of 9% shall be utilized. When calculating the assessment due for boned beef converted from chilled carcass beef, a reduction factor of 24% shall be utilized. When calculating the assessment for boned beef converted from boxed beef, a reduction factor of 15% shall be utilized.
- (3) Any out-of-state beef processor who ships chilled carcass beef, boxed beef, or boned beef into California which did not originate from animals slaughtered by the out-of-state beef processor may reduce the total assessment due by 8%.
- (f) Any out-of-state beef processor who requests a refund of any portion of a paid assessment in excess of the equivalent of one dollar (\$1) per head shall provide the Director of Food and Agriculture with the information required in subdivision (e) and any necessary computations to substantiate the request.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 64713 and 64714, Food and Agricultural Code.

* * *

Barclays Official

CALIFORNIA CODE OF REGULATIONS

Title 3. Food and Agriculture

Division 4. Plant Industry

Division 5. Miscellaneous Matters

Vol. 4



Division 4. Plant Industry

TABLE OF CONTENTS

	Page		Page
Chapter 1.	Chemistry 225	§ 2368.	Annual Review.
Subchapter 1.	Fertilizing Materials	Article 5.	Data Requirements
•	-	§ 2369.	Review and Evaluation.
Article 1.	Standards and Labeling 225	§ 2369.5.	Conditional Registration.
§ 2300.	Fertilizing Materials—General	§ 2370.	Safety Related to Exposure.
	Provisions.	§ 2371.	Residue Test Method.
§ 2300.1		§ 2372.	Residue Data.
§ 2300.5	. Guaranteed Analysis.	§ 2373.	Efficacy.
§ 2301.	Use of Numerals to Describe the	§ 2374.	Hazards to Bees.
	Guaranteed Analysis.	§ 2375.	Closed System Compatibility.
§ 2302.	Non-Nutritive Standards.	§ 2376.	Effects on Pest Management.
§ 2303.	Labeling Requirements.	§ 2378. § 2379.	Inert Ingredient Hazard. Volatile Organic Compounds.
§ 2304.	Biotics.	§ 2379. § 2379.5.	General Toxicity Data.
§ 2305.	Chelating Agents.	§ 2379.3. § 2380.	Other Data.
§ 2306.	Fish Emulsion.	•	
§ 2307.	Hydroponics, Continuous Liquid	Article 6.	Labeling 229
	Feed Products and Ready-to-Use Foliar Products.	§ 2389.	Scope of Labeling Requirements.
§ 2308.	Packaged Soil Amendments.	§ 2390.	Placement of Label.
§ 2308. § 2309.	Phosphorus Materials.	§ 2391.	Name and Address of Manufacturer,
§ 2310.	Seed and Plant Food Mixture.		Distributor, Packer, Formulator, or
§ 2311.	Slow Released Plant Nutrients.		Registrant.
§ 2312.	Gypsum Equivalent.	§ 2393.	Legibility of Label and Labeling.
		§ 2394.	Registration Number.
Article 2.	Samples 228.1	§ 2395.	Warning or Caution Statement.
§ 2313.	Official Samples.	§ 2396.	Sub-Packaging of Certain
§ 2314.	Subsamples.		Economic Poisons for Resale to
§ 2315.	Sampling Procedure.	× 2207	Consumers.
§ 2316.	Identification of Official Sample.	§ 2397.	False and Misleading Statements.
§ 2317.	Description of Sample.	Article 7.	Criteria 230
Article 3.	Licensing 228.2	§ 2400.	Wettable and Soluble Powders.
§ 2318.	Licensing.	§ 2401.	Rodenticide Bait Safety.
§ 2316. § 2319.	Experimental Use of a Fertilizing	§ 2402.	Closed System Compatibility.
§ 2317.	Material.	Article 8.	Findings of the Director
Article 4.	Registration 228.2	§ 2420.	Findings of the Director of Food and
§ 2320.	Registration.	8 2421	Agriculture.
Article 5.	Tonnage Reporting	§ 2421.	Findings of the Director of Food and Agriculture.
		§ 2422.	Findings of the Director of Food and
§ 2321.	Tonnage Reporting.	3 2 122.	Agriculture.
Subchapter 2.	Economic Poisons 228.2	§ 2423.	Inorganic Arsenic.
-		§ 2424.	Findings of the Director of Food and
Article 1.	General Provisions 228.2		Agriculture.
§ 2330.	Name, Brand, or Trademark of	§ 2425.	Suspension of Registration and Use
	Economic Poison.		of Economic Poisons Containing
§ 2331.	Commercial Pest Control Service.		1,2–Dibromo–3–Chloropropane
§ 2332.	Operational Protocol for Pesticide	8.2426	(DBCP).
	Registration and Evaluation	§ 2426.	Suspension of Registration and Use
	Manual.		of Economic Poisons Containing
Article 2.	Definitions		N-3-Pyridylmethyl N'-p
		§ 2427.	Nitrophenyl Urea (Vacor). Ethylene Dibromide.
Article 3.	Exemptions 228.2	§ 2427. § 2428.	Cadmium Compounds.
Article 4.	Designation Procedures		·
	Registration Procedures 228.2	Article 9.	Mill Assessment 231
§ 2360.	Application. Adverse Effect Disclosure.	Article 9.5.	Mill Assessment Disbursement
§ 2360.1. 8 2361		,	
§ 2361. § 2362.	Acceptance of Labeling. Brands.		Criteria
§ 2362. § 2363.	Transfer of Registration.	Article 10.	Violations
§ 2364.	Change of Name.	§ 2440.	Misbranding.
§ 2365.	Computation of Retail Value.	_	· ·
§ 2366.	Renewal.	Article 11.	Pesticide Regulatory
§ 2367.	Reevaluation.		Program 231

Page i (7-25-2008)

		Page		Page
	§ 2440.5. § 2441. § 2442. § 2443.	Unregistered Products. Purpose. Definitions. Pesticide Registration, Renewal, and	\$ 2465. \$ 2466. \$ 2467. \$ 2468.	Certification Requirements. Applications. Categories and Examinations. Refusal, Revocation, and
	§ 2444. § 2445.	Reevaluation. Standards and Regulations. Commissioner Consultation.	§ 2469.	Suspension of a Commercial Applicator Certificate. Non–Certified Applicator
Article	12.	Application for	Article 22.	Supervision. Regulation of
		Registration	Article 22.	Environmentally Harmful
Article	13.	Transfer of Registration 232		Materials Used by
Article	14.	Commercial Pest Control		Structural Pest Control
Article	15.	Service	§ 2470.	Operators
		Caution Statements		Structural Pest Control Operators.
Article		Labeling	Article 23. § 2475.	Pesticide Worker Safety
Article		Misbranding 232	Subchapter 3.	Tolerances and Exemptions
Article	17.1.	Advertising and Sales Documents	•	from Tolerances for
Article	17.2	Mill Assessments		Pesticide Chemicals in or on Raw Agricultural
				Commodities
Article	17.3.	Mill Assessment Reimbursement to Counties 232	§ 2490.	Findings of Fact: Incorporation of
Article	18.	Products Containing Lead 232	§ 2490.1	Federal Regulations. Limitation on Residues of Pesticide Chemicals.
Article	19.	Restricted Materials 232	§ 2490.2 § 2490.3	Tolerances for DDT and Toxaphene.
Article		Restricted Materials 232	_	Field Crops
	§ 2450. § 2450.5.	Restricted Materials. Designation of Restricted Materials.	Chapter 2. Subchapter 1.	Bonded Warehouses
	§ 2451. § 2452.	Definitions. Restricted Material Permit	-	Commercial Feed
	-	Requirements.	Subchapter 2.	
	§ 2452.1.	Employer–Employee Responsibility.	Article 1. § 2675.	Definitions
	§ 2452.5.	Refusal, Suspension or Revocation of a Restricted Material Permit.	Article 2.	Commercial Feed Containing
	§ 2453.	Chloropicrin and Methyl Bromide		Drugs, Food Additives, or
	§ 2454.	Restrictions. Sodium Arsenite Restrictions.		Harmful Substances 239
	§ 2455.	Restrictions on Planting Seeds Treated with Mercury Compounds.	§ 2676.	Safety and Efficacy of Drugs and Food Additives.
	§ 2456.	Propanil Restrictions.	§ 2677.	Unlawful Sale or Use of Poisonous
	§ 2457.	Restrictions on Highly Volatile Liquid Herbicides.	§ 2678.	Substances. Unlawful Sale or Use of Material
	§ 2458.	Herbicide Restrictions.	§ 2679.	Containing Pesticide Residue. Fluorine Tolerances.
	§ 2458.1. § 2458.2.	Sodium Fluoroacetate Restrictions. Paraquat Restrictions.	§ 2680.	Heavy Metals Prohibited.
	§ 2458.3.	1,3—Dichloropropene and Ethylene Dibromide Restrictions.	§ 2681.	Animal Proteins Prohibited in Ruminant Feed.
	§ 2458.4.	Cotton Harvest Aid Restrictions.	Article 3.	Special Mixes 240
	§ 2458.5.	Ethylene Dichloride Use Restrictions.	§ 2683. § 2684.	Special Mixes. Bulk Sale.
	§ 2458.6.	Chlordane Restrictions on Citrus, Grapes, and Strawberries.	§ 2685.	Packaged Sale.
	§ 2458.7.	Carbofuran Restrictions.	§ 2686.	Resale.
	§ 2458.8. § 2458.9.	Fenamiphos Restrictions. Termiticide Restrictions.	Article 4.	Labeling and Use
	§ 2458.10.	2,4-Dichlorophenyl p-Nitrophenyl	§ 2688.	Requirements
	§ 2458.11.	Ether Restrictions. Phenoxy Herbicide Restrictions on	§ 2689.	Classification of Ingredients.
	-	Timberland.	§ 2690. § 2691.	Specificity of Directions. Statement of Ingredients Outside
	§ 2459. § 2460.	Reports and Records. Generalized Symptoms, Residues,	-	List.
	-	and Health Hazards.	§ 2692. § 2693.	
	§ 2461. § 2462.	Dealer Responsibilities. Exempt Materials.	§ 2694.	Label Statements.
	§ 2463.	Hearings Pursuant to Section 14009	§ 2695. § 2696.	
		of the Food and Agricultural Code.	§ 2696. § 2697.	
Article	21.	Applicator Certification 235	§ 2698.	

Page ii (7-25-2008)

	Page		Page
\$ 2700. \$ 2701. \$ 2702. \$ 2703. \$ 2704.	Commercial Feeds Containing Drugs and Special Provisions	§ 2795. § 2796. § 2796. § 2797. § 2798. § 2799. § 2800. § 2801. § 2802. § 2803.	Screenings. 5. Sesame Products. Sorghum Products. Soybean Products. 5. Sunflower Products. Other Oilseed Products. Wheat Products. Yeast Products. Miscellaneous Products.
§ 2705.	Standards Not Changed by Addition of Screenings.	Subchapter 3.	Field Crops Standards, Inspection and
§ 2706.	Materials Requiring Percentage Listings.		Certification
§ 2707.	Use of Nonprotein Nitrogen Products.	Article 1.	Standards
§ 2708.	Vitamin Premixes.	§ 2835.	Standards.
Article 6. § 2712.	Advertising	\$ 2836. \$ 2837.	Standards for Tame Cultivated Mustard Seed.
Article 7.	Reports of Inspection and Analysis	§ 2838. Article 2.	Standards for Wild Rice. Field Crops Inspection and
§ 2717. § 2719.	Reports of Inspection and Analysis. Use of Reports in Advertising Prohibited.	§ 2840.	Certification and Fees
Article 8. § 2725.	Containers	§ 2841. § 2842.	Federal Grain Inspection Service. Fees and Charges. Payment for Charges.
Article 9. § 2733. § 2734. § 2735.	Misbranding Adulteration	\$ 2844. \$ 2844. \$ 2845. \$ 2846.	Grain, Soybeans, Safflower, and Flax Inspection Fees. Hay Inspection Fees. Hop Inspection Fees. Peanuts, Unshelled or Shelled.
Article 10. § 2746. Article 11.	Removal from Sale	\$ 2847. \$ 2848.	Inspection Fees. Rice Inspection Fees. Inspection Fees and Charges, Miscellaneous Commodities and
Afficie II.	Licenses		Services.
§ 2750. § 2751.	Tax Payment. Licensing.	Subchapter 4. Subchapter 5.	Grain Warehouses
Article 12.	Damaged Feed 246	-	Preservation
§ 2760. Article 13.	Damaged Feed. Violations	Article 1. § 2850.	Definitions
§ 2765. § 2766.	Violations. Medicated Feed.	Article 2.	Production and Handling
Article 14. § 2770. § 2773.	Definitions and Standards	§ 2851.	Protocols
§ 2773.1. § 2773.5.	Alfalfa Products. Alfalfa Products. Almond Hull Products.	§ 2852.	Production and Handling of Colored Bran Rice.
\$ 2774. \$ 2774.5. \$ 2775. \$ 2776. \$ 2777. \$ 2778. \$ 2781.	Animal Products. Processed Animal Waste Products. Apple Products. Barley Products. Beet Products. Brewers' and Distillers' Products. Coconut Products.	Article 3. § 2853. § 2854. § 2855. § 2856. § 2857.	Informal Hearing Procedures
§ 2782. § 2783.	Corn Products. Cottonseed Products.	Chapter 3.	Entomology and Plant Quarantine 258.1
§ 2783.5. § 2785.	Fats and Oils. Grape Products.	Subchapter 1.	Apiaries
\$ 2787. \$ 2788. \$ 2789.	Flax Products. Marine Products. Milk Products.	Article 1.	Apiary Inspection
§ 2790. § 2790.5.	Mineral Feeds. Molasses Products.	§ 2924.	Procedures
§ 2790.7. § 2791. § 2793. § 2794.	Non-Protein Nitrogen Products, Oat Products. Peanut Products. Rice Products.	§ 2925. § 2926.	Marking of Diseased Colonies. Written Consent for Abatement of Disease.
§ 2795.	Rye Products.	Article 1.1.	Bee Colony Assessments 258 1

Page iii (7-25-2008)

	Page		Page
§ 2950.	Assessment.	Article 4.	Registration and
§ 2951.	Assessment Fee.		Certification of Pome Fruit
§ 2952. § 2953.	Penalties. Filing of Business Address.		Tree Nursery Stock 268
§ 2954.	Payment Form.	§ 3020.	Disclaimer of Warranties and Financial Responsibility.
Article 2.	Construction and Operation	§ 3020.1.	Definitions.
	of Licensed Wax–Salvage	§ 3020.2.	Requirements for Plantings and
	Plants	§ 3020.3.	Stock. Inspection and Testing Procedures
§ 2976. § 2977.	Definitions. Uniform Specifications for Plant		for Pome Fruit Trees.
8 2911.	Installations.	§ 3020.4.	Foundation Stock Requirements.
§ 2978.	Operation of Licensed Wax-Salvage	§ 3020.5.	Application and Fees.
	Plants.	Article 5.	Registration and
Article 3.	Bee Disease Quarantine 259		Certification of
§ 2990.	Acarine Mite Quarantine.	8 2024	Grapevines
§ 2991. § 2992.	African Honey Bee Quarantine. Honey Bee Tracheal Mite Control.	§ 3024.	Disclaimer of Warranties and Financial Responsibility.
§ 2993.	Varroa Mite Exterior Quarantine.	§ 3024.1.	Definitions.
Subchapter 2.	Nursery Stock	§ 3024.2.	General Provisions.
Subchapter 2.	•	§ 3024.3. § 3024.4.	Inspection and Testing Procedures. Application and Fees.
Article 1.	Registration and		Certification of Avocado
	Certification of Citrus	Article 6.	
	Trees	§ 3030.	Nursery Stock
§ 3000.	Disclaimer of Warranties and	8 3030.	Financial Responsibility.
§ 3001.	Financial Responsibility. Definitions.	§ 3031.	Definitions.
§ 3001. § 3002.	General Provisions.	§ 3032.	Requirements for Plantings and
§ 3003.	Inspection and Testing Procedures.	§ 3032.2.	Stock. Inspection and Testing Procedures
§ 3004.	Application and Fees.	3 5052.2.	and Requirements; Refusal,
Article 1-A.	Registration of Citrus Trees		Suspension or Cancellation of
	Found Free from Psorosis	§ 3033.	Certification. Application and Fees.
	Symptoms	Article 6.1.	
Article 1-B.	Decistration and	Article 0.1.	Registration of Avocado Trees
Afficie 1-b.	Registration and	\$ 2022 1	Disclaimer of Warranties and
	Certification of Improved	§ 3033.1.	Financial Responsibility.
8 2010	Meyer Lemon Trees	§ 3033.2.	Definitions.
§ 3010.	Disclaimer of Warranties and Financial Responsibility.	§ 3033.3.	General Provisions.
§ 3010.	Definitions.	§ 3033.4.	Inspection and Testing Procedures; Eligibility of Stock; Refusal,
§ 3010.3			Suspension or Cancellation of
§ 3010.3 § 3010.4		8 2022 5	Registration.
_	Registration of Citrus Seed	§ 3033.5.	Application and Fees.
Article 2.		Article 7.	California Certified Seed
	Trees 262	\$ 202 <i>5</i>	Potatoes
Article 2-A.	Registration and	§ 3035. § 3035.1.	Seed Potato Certification Agencies. Definitions.
	Certification of Caneberry	§ 3035.2.	General Provisions.
	Plants	§ 3035.3.	Refusal, Cancellation of Approval,
§ 3012.	Disclaimer of Warranties and	§ 3035.4.	or Rejection. Disease/Virus-Testing, Inspection,
§ 3012.	Financial Responsibility. Definitions.	0	and Post-Season Testing.
§ 3012.		§ 3035.5.	Grade Inspection.
§ 3012.:	Testing and Inspection Procedures.	§ 3035.6. § 3035.7.	Blue Tag Grade. Yellow Tag Grade.
§ 3012. § 3012.		§ 3035.8.	Certification.
§ 3012.		§ 3035.9.	Application and Fees.
Article 3.	Registration and	Article 8.	California Certified Seed
Afficie 5.	Certification of Deciduous		Garlic
		§ 3044.	Disclaimer of Warranties and
9 2015	Fruit and Nut Trees	§ 3044.1.	Financial Responsibility. Definitions.
§ 3015.	Financial Responsibility.	§ 3044.1. § 3044.2.	General Provisions.
§ 3015.	1. Definitions.	§ 3044.3.	Participant Responsibilities.
§ 3015.:		§ 3044.4. § 3044.5.	Eligibility Requirements. Requirements for Plantings.
§ 3015.	Plantings and Stock. Inspection and Testing Procedures	§ 3044.5. § 3044.6.	
	for Prunus Species.	§ 3044.7.	Application and Fees.
§ 3015. 8 3015		§ 3047. 8 3048	Application and Fees. Approval and Certification

Page iv (7-25-2008)

	Page		Page
Article 9.	Regulations for California	Article 3.	Permits to Operate Without a
	Certified Strawberry		License 293
	Plants	Article 4.	Aircraft Pilot's Pest
§ 3049.	Disclaimer of Warranties and Financial Responsibility.		Control Certificates
§ 3049.1		Article 5.	Pest Control Operations for
§ 3049.2 § 3049.3			Hire
§ 3049.4	Refusal or Cancellation of Approval or Certification.	§ 3090. § 3090.1.	Equipment Identification.
§ 3049.5			Accidental Release.
§ 3050.	General Provisions.	§ 3090.2.	Reports.
§ 3051. § 3052.	Inspection and Testing Procedures. Application and Fees.	Article 6.	Pest Control Operations 293
§ 3053.	Approval and Certification.	§ 3091.	General.
Article 10.	Numanu Staals Namatada	§ 3092. § 3093.	Experimental Use Permits.
Article 10.	Nursery Stock Nematode	8 3093.	Protection of Persons, Animals, and Property.
۲ 2055	Certification	§ 3094.	Work Requirements.
§ 3055.	Disclaimer of Warranties and Financial Responsibility.	§ 3095.	Vector Control Exemption.
§ 3055.1		§ 3096.	Protection of Bees.
§ 3055.2	2. General Provisions.	§ 3097. § 3098.	Citrus/Bee Protection Area. Service Containers.
§ 3055.3		-	
§ 3055.4 § 3055.5	5. Certification.	Article 7. Article 8.	Recommendations and Usage 294 Agricultural Pest Control
§ 3055.6 § 3056.	5. Application and Fees. Tree Identification.	micie o.	Adviser Licenses
Article 11.	Nursery Inspection	Article 9.	Pesticide Dealer Licenses
§ 3060.	Nursery and Seed Inspection.		
§ 3060.1	Inspection of Nurseries.	Article 10.	Pesticide Storage,
§ 3060.2			Transportation and
§ 3060.3 § 3060.4			Disposal 294
§ 3060.5		§ 3135.	Findings of the Director.
§ 3060.6		§ 3136.	Control of Pesticides, Containers, and Equipment.
	Nursery Stock Removed from Established Plantings.	§ 3137.	Delivery of Pesticide Containers.
	Established Flantings.	§ 3138.	Posting of Pesticide Storage Areas.
Article 12.	Nursery Stock Grades and	§ 3138.1.	
	Standards	§ 3139.	Prohibited Containers for Pesticides.
§ 3061.	Labeling.	§ 3140.	Container Requirements.
§ 3062.	Grade-Sizes.	§ 3140.1.	•
Article 13.	Origin Inspection of Nursery	§ 3141. § 3142.	Rinse and Drain Procedures. Disposal of Rinsed Containers.
	Stock from Other States 290.2	§ 3142. § 3143.	Disposal of Pesticides and Unrinsed
§ 3064.	Release of Nursery Stock Inspected at Origin.	§ 3144.	Containers. Disposal of Outer Shipping
§ 3065.	Oregon Nursery Stock Inspected at		Containers and Dry Pesticide
	Origin May Be Released.	§ 3145.	Containers. Exemptions.
§ 3066.	Arizona Nursery Stock Inspected at Origin May Be Released.		•
§ 3067.	Washington Nursery Stock	Subchapter 4.	Plant Quarantine
	Inspected at Origin May Be Released.	Article 1.	Definitions
Article 14.	License to Sell Nursery	Article 2.	General Provisions of
Atticle 14.	Stock		Quarantine Regulations 297
	Stock 291	§ 3152. § 3153.	Pests Requiring No Action. Federal Experimental Shipments
Article 15.	California Certified and/or	g 3133.	Exempted.
	Registered Nursery Stock	§ 3154.	Director May Issue Special Permits.
	Programs 291	§ 3155.	Disposition of Violations.
§ 3069.	Disclaimer of Warranties and	§ 3156. § 3157.	Hold for Inspection. Warning Tags.
· ·	Financial Responsibility;	§ 3158.	Director May Designate
	Implementing Agreements and		Exemptions.
	Forms.	§ 3159.	Violation Is Misdemeanor.
Subchapter 3.	Pest Control Operations 293	§ 3160. § 3161.	Reimbursement for Services.
-	•	8 3101.	Incorporation of Federal Quarantine Regulations.
Article 1.	Definitions	Article 3.	Exterior Quarantine
Article 2.	Agricultural Pest Control	muoio J.	(Regulations)
	Operator Licenses	§ 3250.	Citrus Pests Exterior Quarantine

Page v (7-25-2008)

	Page		Page
§ 3251.	Chestnut Bark Disease and Oak Wilt	§ 3283.	Soybean Cyst Nematode Exterior
§ 3252.	Disease Exterior Quarantine (Quarantine Proclamation 2). Caribbean Fruit Fly Exterior	§ 3284.	Quarantine. Asparagus Aphid Exterior Quarantine (Quarantine
§ 3253.	Quarantine. Eastern Filbert Blight Exterior Quarantine (Quarantine Order 4).	§ 3285.	Proclamation 39). Gypsy Moth Exterior Quarantine (Quarantine Proclamation 40).
§ 3254. § 3255.	Cotton Pests Exterior Quarantine. Vetch Weevil Exterior Quarantine.	§ 3286.	Tomato Yellow Leaf Curl Virus Exterior Quarantine.
§ 3256.	Cherry Fruit Fly Exterior Ouarantine.	Article 4.	Interior Quarantine
§ 3257.	Sweet Potato Weevil Exterior		(Regulations)
§ 3258.	Quarantine. Citrus White Fly Exterior Quarantine (Quarantine	§ 3400.	Peach Mosaic Disease Interior Quarantine (Quarantine Regulation 1).
§ 3259.	Proclamation 10). Peach Yellows, Little Peach and Red Suture Diseases Exterior Quarantine	§ 3401.	Ozonium Root Rot Interior Quarantine (Quarantine Regulation 2).
§ 3260.	(Quarantine Proclamation 11). Nut Tree Pests Exterior Quarantine (Quarantine Proclamation 12).	§ 3402.	Hawthorn–Juniper Rust Interior Quarantine (Quarantine Regulation 3).
§ 3261.	Ozonium Root Rot Exterior Quarantine (Quarantine Proclamation 13).	§ 3403.	Branched Broomrape Interior Quarantine (Quarantine Regulation
§ 3262.	Peach Mosaic Disease Exterior Quarantine (Quarantine Proclamation 14).	§ 3404.	4). Comstock Mealybug Interior Quarantine (Quarantine Regulation
§ 3263.	European Corn Borer Exterior Quarantine.	§ 3405.	5). Dutch Elm Disease Interior Quarantine (Quarantine Regulation
§ 3264.	Colorado Potato Beetle Exterior Quarantine (Quarantine Proclamation 16).	§ 3406.	6). Mediterranean Fruit Fly Interior
§ 3265.	Persimmon Root Borer Exterior Quarantine (Quarantine	§ 3407.	Quarantine (Quarantine Regulation 7). Citrus Tristeza Virus Interior
§ 3266.	Proclamation 19). Plum Curculio and Blueberry Maggot Exterior Quarantine.	§ 3408.	Quarantine. Gypsy Moth Interior Quarantine
§ 3267.	Elm Tree Diseases Exterior Quarantine (Quarantine	§ 3409.	(Quarantine Regulation 9). Pink Bollworm Interior Quarantine (Quarantine Regulation 10).
§ 3268.	Proclamation 21). Peach Wart Disease Exterior	§ 3410.	Hydrilla Interior Quarantine (Quarantine Regulation 13).
§ 3269.	Quarantine. Oak Wilt Disease Exterior Quarantine (Quarantine	§ 3411.	Pear–Juniper Rust Disease Interior Quarantine (Quarantine Regulation 14).
§ 3270.	Proclamation 23). Pickleworm Exterior Quarantine.	§ 3412.	Woolly Whitefly Interior Quarantine (Quarantine Regulation 15).
§ 3271.	Burrowing and Reniform Nematode Exterior Quarantine.	§ 3413.	Club Root Disease Interior Quarantine.
§ 3272.	Cornstalk Borers and Sugarcane Borer Exterior Quarantine.	§ 3414.	Cherry Fruit Fly Interior Quarantine (Quarantine Regulation 17).
§ 3273.	Walnut and Pecan Pests Exterior Quarantine (Quarantine	§ 3415.	Yellow Leaf Roll of Peach, Interior Quarantine.
§ 3274.	Proclamation 27). Cedar–Apple Rust Disease Exterior	§ 3416.	Hall Scale Interior Quarantine (Quarantine Regulation 19).
§ 3275.	Quarantine (Quarantine Proclamation 28). European Pine Shoot Moth Exterior	§ 3417. § 3418.	Mexican Fruit Fly Interior Quarantine. Khapra Beetle Interior Quarantine
§ 3275.	Quarantine. Peach Rosette Disease Exterior	§ 3416. § 3419.	(Quarantine Regulation 21). Date Palm Disease Interior
	Quarantine (Quarantine Proclamation 30).	8 3412.	Quarantine (Quarantine Regulation 24).
§ 3277.	Cereal Leaf Beetle Exterior Quarantine (Quarantine	§ 3420.	Japanese Beetle Interior Quarantine (Quarantine Regulation 25).
§ 3278.	Proclamation 31). Whitefringed Beetle Exterior Quarantine (Quarantine	§ 3421. § 3422.	Apple Maggot Interior Quarantine (Quarantine Regulation 26). Caribbean Fruit Fly Interior
§ 3279.	Proclamation 33). West Indian Sugarcane Root Borer Exterior Quarantine (Quarantine	§ 3423.	Quarantine (Quarantine Regulation 27). Oriental Fruit Fly Interior
§ 3280.	Proclamation 34). Japanese Beetle Exterior Quarantine.	v 2424	Quarantine (Quarantine Regulation 28).
§ 3281. § 3282.	Quarantine. Hydrilla Exterior Quarantine. Lethal Yellowing and Lethal	§ 3424. § 3425.	Bactrocera zonata Interior Quarantine. Melon Fruit Fly Interior Quarantine.
ų - -	Decline of Palm Exterior Quarantine.	g 342J.	Meion Hutt by Interior Qualatitute.

Page vi (7-25-2008)

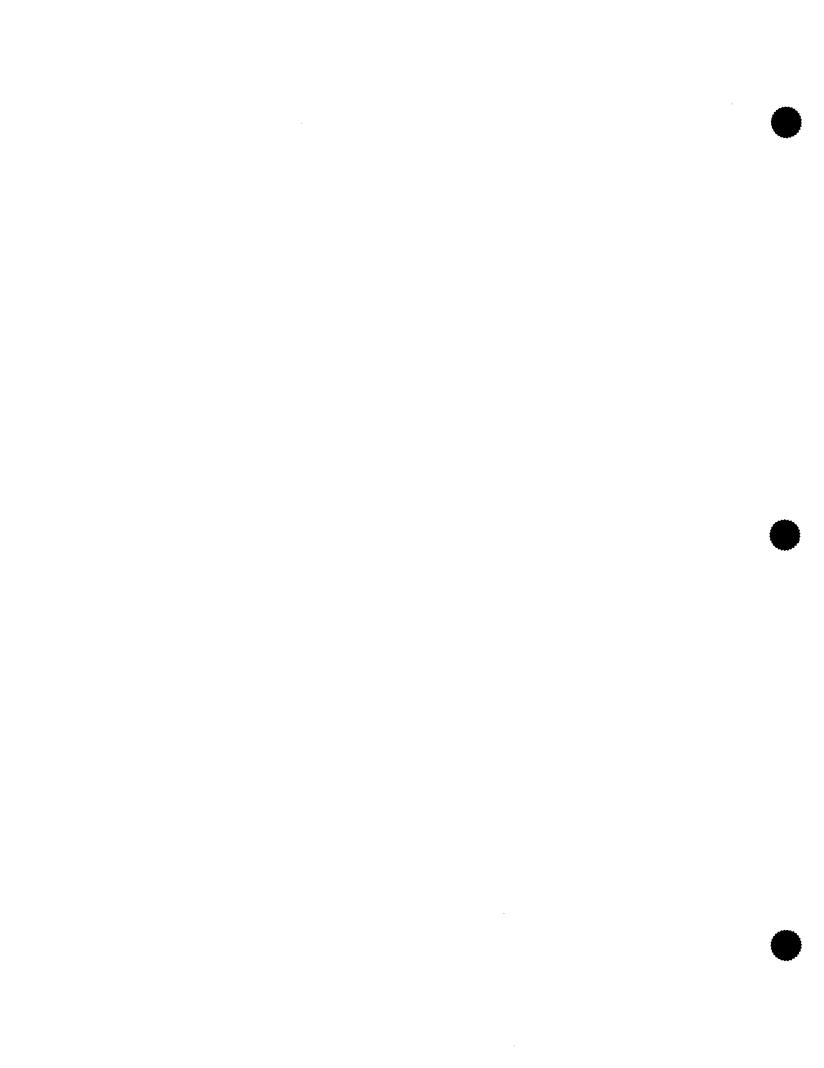
	Page			Page
§ 3426.	White Garden Snail Interior Quarantine.	§ 3591 § 3591		
§ 3427.	Whitefringed Beetle Interior Quarantine.	§ 3591.	Area. 15. Melon Fruit Fly Eradication Area.	
§ 3428.	Chrysanthemum White Rust Disease Interior Quarantine.	§ 3591.	 Red Imported Fire Ant Eradication Area. 	
§ 3429.	Sweetpotato Weevil Interior Quarantine.	§ 3591 § 3591	 Olive Fruit Fly Eradication Area. 	
§ 3430.	Karnal Bunt Disease Interior Ouarantine.	§ 3591.	Eradication Area.	
§ 3431.	Olive Fruit Fly Interior Quarantine.	•	Area.	
§ 3432.	Red Imported Fire Ant Interior Quarantine.	§ 3591.2	Eradication Area.	
§ 3433.	Diaprepes Root Weevil Interior Quarantine.	§ 3591.	Area.	
§ 3434.	Light Brown Apple Moth Interior Quarantine.	§ 3592.	White Garden Snail Eradication Area.	
Article 5.	Miscellaneous Rulings 340.1	Article 3.	Host-Free Districts	340.11
§ 3550.	Plant Products Exempt from Holding for Inspection.	§ 3595. § 3596.	Cotton Pests Host–Free Districts. Cotton Boll Weevil Host–Free	
§ 3551. § 3552.	Pear Decline Is "Pest." Hold Used Cotton Machinery for	§ 3597.	Districts. Lettuce Root Aphid Host-Free	
§ 3.332.	Inspection in San Joaquin Valley Quality Cotton District.	·	Districts.	
§ 3555.	Dissemination of Pests Through the	Article 4.	Fees for Pest Control and Eradication	340 13
§ 3556.	Agency of Appliances. Dissemination of Weed Pests	§ 3600.	Fees for Control and Eradication of	
	Through the Movement of Feed Grain.	§ 3601.	Pink Bollworm. Assessments for Control of Beet	
§ 3557. § 3558.	Seed Screenings and Cleanings. Insects Which May Be Imported or	Clarate 4	Leafhopper.	240.14
	Shipped Into or Within California Without a Permit.	Chapter 4. Subchapter 1.	Plant Pathology Host-Free Districts and	340.14
§ 3559.	Garlic Production in Mono County.	Subchapter 1.	Periods (Western Celery	
Article 6.	Airport and Marine Terminal		Mosaic)	340.14
§ 3560.	Inspection	Article 1.	Territorial Limits and	
§ 5500.	Fees.		Periods	340.14
Subchapter 5. § 3580.	Insect Pest Control	§ 3610.	Western Celery Mosaic Host-Free Districts and Periods.	
Article 1.	Pest Control Areas 340.4(a)	§ 3611.	Lettuce Mosaic Host–Free District and Period.	
§ 3581.	Sweetpotato Weevil Control Area.	§ 3612.	Chrysanthemum White Rust Host–Free District and Period.	
Article 2. § 3585.	Pest Eradication Areas	Subchapter 2.	Meyer Lemon	340.16
§ 3586.	Eradication Area. Western Cherry Fruit Fly	Article 1. § 3628.	Quick Decline of Citrus Definitions.	340.16
	Eradication Area.	§ 3629.	Meyer Lemon Plants Prohibited.	
§ 3587. § 3588.	Hall's Scale Eradication Area. Mexican Fruit Fly Eradication Area.	§ 3630. Subchapter 3.	Improved Meyer Lemon Plants. Eradication Areas	341
§ 3589. § 3589.1.	Japanese Beetle Eradication Area. Whitefringed Beetle Eradication	§ 3635.		
§ 3589.2.	Area. Sweet Potato Weevil Eradication	§ 3636.	Chrysanthemum White Rust Disease Eradication Area.	se
§ 3590.	Area. Pink Bollworm Eradication Area.	§ 3637.	Karnal Bunt Disease Eradication Area.	
§ 3591. § 3591.1.	Woolly Whitefly Eradication Area.	§ 3638.	Nematodes	242
·	Area.	Subchapter 4. § 3640.	Nematodes: Commercially Clean	342
§ 3591.2. § 3591.3.	Dutch Elm Disease Eradication	Subchapter 5.	Nursery Stock for Farm Planting. Pierce's Disease Control	
§ 3591.4.		Subchapter 5.	Program	342
§ 3591.5.	Area.	Article 1.	General Provisions	
§ 3591.6. § 3591.7.		§ 3650.	Legislative Intent and Authority.	
§ 3591.7. § 3591.8.		§ 3651. § 3652.	Control Program. Definitions.	
§ 3591.9.	Cotton Boll Weevil Eradication	§ 3653.	Area Designation Procedures.	
§ 3591.10	Area. Apple Maggot Eradication Area.	§ 3654.	Inspection of Shipments and Disposition of Infested Shipments.	
§ 3591.11	. Caribbean Fruit Fly Eradication	Artiala 2	•	242.2
§ 3591.12	Area. Peach Fruit Fly Eradication Area.	Article 2. § 3655.	Standards for Grapes Standards for Movement.	. 342.2

			Page		1	Page
	§ 3656. § 3657.	Certification. Exemptions.		§ 3817.	Research on Nonapproved Naturally Colored Cotton.	
Article	3. § 3658.	Standards for Plants Plants.	342.3	Article 4.5.	California Naturally Colored Cotton	344 1
	§ 3659. § 3660.	Standards for Movement. Certification.		§ 3818.	Production and Notification Requirements.	
Article	§ 3661.	Exemptions. Standards for Citrus Fruit	242.6	§ 3818.3.	Isolation of Naturally Colored Cotton from Other Cotton.	
Afficie	§ 3662. § 3663.	Standards for Citrus Pruit Standards for Movement. Certification.	342.0	§ 3818.5. § 3818.8.	of Naturally Colored Cotton.	
A	§ 3663.5.	Exemptions.		§ 3819.	Naturally Colored Cotton Ginning. Naturally Colored Cottonseed Delinting.	
Article	5.	Grapevine Loss Assistance		§ 3819.3.	Marketing.	
	8.2664	Program	342.7	Article 5.	Procedure and Enforcement	344.3
	§ 3664. § 3665.	Purpose. Application for GVLAP For GWSS-003 (March 1, 200)		§ 3820. § 3821.	Board Review and Comment. Cottonseed Arriving from Outside the District.	
	§ 3666. § 3667.	Eligibility. Application Review and El Determination.	igibility	§ 3821.1.	Hold Used Cotton Machinery for Inspection in San Joaquin Valley	
	§ 3668. § 3669.	Payment Criteria. Appeal/Hearing Procedure	S.	§ 3822.	Quality Cotton District. Planting and Harvesting Notification.	
Subchap	ter 6. § 3700.	Plant Disease Control Oak Mortality Disease Cor		§ 3823.	Nonapproved White Cotton Ginning, Including California Upland and California Pima Cotton.	
Chapter 5.	F	Rodent and Weed Control and	Seed	§ 3823.1.		
~		nspection	342.11	§ 3824.	Nonapproved Cotton Lint Storage and Identification, Including	
Subchap	ter 1.	San Joaquin Valley Quality Cotton District	342.11		California Upland, California Pima, and California Naturally Colored Cotton.	
Article	1. § 3800.	Definitions Definitions.	342.11	§ 3825. § 3826.	Nonapproved Cottonseed Disposal. Nonapproved White Cottonseed Delinting, Including California	
Article	1.1. § 3800.1. § 3800.2.			§ 3826.1.	Upland and California Pima Cotton. Nonapproved Colored Cottonseed Delinting.	
Article	-	General	2.13	Article 6.	Refusal of Applications	344.4
Anticic	§ 3801. § 3802.	Responsibilities.		§ 3830. Subchapter 2.	Refusal of Applications. Crop Seed Certification	
	§ 3602.	Performance Testing of Nonapproved Cottons Dev		1	and Screenings	344.4
	× 2002	Outside the San Joaquin Va Quality Cotton District.	mey	Subchapter 3.	Seed Inspection	344.4
Article	§ 3803.	Exemption. California Upland and		Article 1.	Definitions and	
Aiticle	2.3.	-	2.42	e 2050	Construction	344.4
	¢ 2004	California Pima Cotton	343	§ 3850. § 3851.	Terms Defined. Agricultural Seeds.	
	§ 3804. § 3805.	Seed Distribution. Planting, Field Isolation, and	nd	§ 3852.	Vegetable Seeds.	
	§ 5005.	Harvest Notification.		§ 3853.	Weed Seeds.	
	§ 3806.	Ginning.		§ 3854.	Prohibited Noxious Weed Seed.	
	§ 3807.	Delinting of Cottonseed for	r	§ 3855. § 3856.	Restricted Noxious Weed Seed. "Cleaning or Conditioning."	
	§ 3808.	Planting. Marketing.		Article 2.	_	245
A	_	_	1:	§ 3861.	Labeling Specimen Labels.	343
Article	3.	Nonapproved Cotton Breed	-	§ 3862.	Blank Spaces or the Words "Free"	
		and Performance Testing.		v	or "None."	
	§ 3810.	Nonapproved Cotton Breed Programs.	ding	§ 3863.	Designation of Kind, Type or	
	§ 3811.	Nonapproved Cotton Performance Testing.	rmance	§ 3864.	Variety. Seed in Hermetically Sealed Containers.	
Article	4.	Nonapproved Cotton		§ 3865. § 3866.	Germination Standards. Treated Seed.	
		Agronomic Research		§ 3867.	Labeling of Seed Containers.	
	§ 3815.	Public Agency Nonapprove Agronomic Research.	ed Cotton	Article 3.	Inspection and Sampling	346
	§.3816.	Private Agronomic Researd Nonapproved Cotton.	ch on	§ 3871. § 3872. § 3873.	Classification of Samples. Sampling. Forwarding Sample.	
Article	4.3.	Nonapproved Naturally		§ 3874.	Labels.	
		Colored Cotton Research	344 1	Article 4.	Certification	347

Page viii (7-25-2008)

	Page		Page
§ 3875.	Seed-Certifying Agencies.	§ 3919.	6
§ 3876.	Cooperation with Seed-Certifying Agencies.	§ 3920.	
§ 3877. Article 5.	Fees for Certification Services. Analysis and Testing	§ 3921.	Committees to Obtain Information. Compensation of Investigational Committee Members.
§ 3878. § 3879.	Indistinguishable Seed. Noxious—Weed Seed Examination.	Subchapter 4.	Vertebrate Pests
§ 3880. § 3881.	Purity Analysis. Germination Tests.	Article 1.	Vertebrate Pest Control
§ 3882. § 3883. § 3884. § 3885.	Tolerances. Fees for Testing and Other Services. Free Tests. Mixtures.	§ 3940.	Research
Article 6.	Enforcement and Procedure 349	Chapter 6.	Weed Free Areas and Weed
§ 3887.	Hearings.		Eradication Areas
§ 3888.	Procedure Under "Stop–Sale" Order.	Article 1.	Klamath Weed 355
Article 7.	Origin Inspection of Seed 349	Article 2.	Puncture Vine 355
§ 3890.	Designation of Origin Inspected Warehouse.	Article 3.	Wild Scotch Broom 355
§ 3891.	Sampling.	Article 4.	Russian Thistle 355
§ 3892. § 3893.	Designation and Reinstatement As an "Origin Inspected Warehouse." Revocation of Designation As	Article 5. § 3960.	Alligatorweed
	"Origin Inspected Warehouse."	Article 6.	Dudaim Melon 356
Article 8. § 3899.	Schedules	§ 3961.	Dudaim Melon Eradication Area Regulation.
§ 3900.	Schedule II. Vegetable Seed Germination Standards.	Article 7. § 3962.	Hydrilla
§ 3901.	Schedule III. Agricultural and Vegetable Seeds Classed As Weed Seeds When Occurring Incidentally in Agricultural Seeds.	Article 8. § 3963.	South American Spongeplant 357
§ 3902.	Schedule IV. Fees for Sampling and Testing.	Subchapter 5.	Wild Bird and Animal
§ 3903.	Schedule V. Specimen Labels.	-	Importations 357
Article 9. § 3906. § 3907.	Registration and Assessment	Subchapter 6. § 4500.	Noxious Weed Species
Article 10.	Seed Complaint Mediation 353	Chapter 7.	Miscellaneous Rulings 358
§ 3915. § 3915.1. § 3916. § 3916.1. § 3916.2. § 3916.3.	Mediation of Complaints Required. Mediation Notice. Complaint Procedures. Respondent's Rights. Establishing Dates. Appointment of Investigational Committee.	Subchapter 1. § 4600. § 4601. § 4602. § 4603.	Disclaimer of Liability and Financial Responsibility. Payment for Services Provided.
§ 3917. § 3918.	Investigation Procedures. Mediation Procedures.	Division 5. N	liscellaneous Matters 358.4

Page ix (7-25-2008)



Division 4. Plant Industry

(Originally Printed 7-25-45)

Chapter 1. Chemistry

Subchapter 1. Fertilizing Materials

Article 1. Standards and Labeling

§ 2300. Fertilizing Materials—General Provisions.

- (a) Labels of fertilizing materials, shall comply with the requirements of this article.
- (b) Efficacy data, which may be required as stated in Sections 14601 and 14631 of the Food and Agricultural Code, is data required to demonstrate the product's effectiveness when used as directed for all label claims. The data shall be obtained under California environmental use conditions or in areas that have essentially the same environmental use conditions.
- (c) All guarantees shall be based on an Association of Official Analytical Chemists (AOAC) laboratory method or when no AOAC method is available, a method developed for specific analyses by the Department shall be used.
- (d) The guaranteed analysis must be stated on an "as is" basis at time of sale or delivery to whoelesale and retail customers
- (e) "Zero" guarantees shall not appear in the guaranteed analysis statement.
- (f) Brand names, trademarks and tradenames are prohibited in the derivation statement or list of ingredients. They may appear as part of the product name in an area of the label separate from the list of ingredients or the derivation statement. However, trademarks and tradenames may not be similar to that of a recognized fertilizing material.
- (g) The statement "State of California approved" or other indication of official approval is prohibited in labeling and advertising.
- (h) A warning or caution statement shall appear on the label of any commercial fertilizer product which contains 0.1 percent or more by weight of boron in water soluble form. This statement shall carry the word "WARNING" or "CAUTION" conspicuously displayed, shall state the crop(s) for which the fertilizing material is to be used or state that the use of the fertilizing material on any crops other than those recommended may result in serious injury to the crop(s).
- (i) A warning or caution statement shall appear on the label of any commercial fertilizer product which contains 0.001 percent or more by weight of molybdeneum (Mo). This statement shall carry the word "WARNING" or "CAUTION" conspicuously displayed and the statement that the application of fertilizing materials containing molybdenum (Mo) may result in forage crops containing levels of molybdenum (Mo) which are toxic to ruminant animals.
- (j) When the name of a fertilizing material appears on the label, outside of the guaranteed analysis statement, the percentage of that ingredient is required in the guaranteed analysis statement.

NOTE: Authority cited: Sections 407, 14502 and 14631, Food and Agricultural Code. Reference: Sections14501(b), 14502 and 14631, Food and Agricultural Code.

HISTORY

- Amendment filed 10–11–68; effective thirtieth day thereafter (Register 68, No. 38).
- 2. Repealer of group I (articles 1–5, sections 2300–2321) and new group I (articles 1–4, sections 2300–2316) filed 7–29–82; effective thirtieth day thereafter (Register 82, No. 31). For prior history, see Registers 79, No. 26; 55, No. 3; and 24, No. 2
- 3. Repealer of paragraph following article 1 heading and amendment of section filed 8-2-91; operative 8-2-91 pursuant to Government Code section 11346.2(d) (Register 92, No. 7).

4. Editorial correction deleting repealed paragraph following article 1 heading (Register 95, No. 8).

§ 2300.1. Instructions of Use.

NOTE: Authority cited: Sections 407 and 14502, Food and Agricultural Code. Reference: Sections 14562 and 14591, Food and Agricultural Code.

HISTORY

- New section filed 11-14-88 as an emergency; operative 11-14-88 (Register 88, No. 48). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 3-14-89.
- 2. Repealed by operation of Government Code section 11346.1(g) (Register 98, No. 29).

§ 2300.5. Guaranteed Analysis.

NOTE: Authority cited: Sections 407 and 14502, Food and Agricultural Code. Reference: Section 14591, Food and Agricultural Code.

HISTORY

- 1. New section filed 7–1–83; effective thirtieth day thereafter (Register 83, No. 27).
- 2. Repealer of section filed 8–2–91; operative 8–2–91 pursuant to Government Code section 11346.2(d) (Register 92, No. 7).

§ 2301. Use of Numerals to Describe the Guaranteed Analysis.

When any series of numerals are used in labeling of or in advertising to describe the formula or analysis, or in connection with the name, brand, or trademark, such numerals shall be arranged so that the first will be the guaranteed percentage of nitrogen; the second, the guaranteed percentage of available phosphoric acid; and the third, the guaranteed percentage of soluble potash. The guaranteed percentages shall be consistent with the guaranteed analysis.

NOTE: Authority cited: Sections 407, 14502 and 14631, Food and Agricultural Code. Reference: Sections 14591 and 14631, Food and Agricultural Code.

HISTORY

1. Amendment of section heading filed 8–2–91; operative 8–2–91 pursuant to Government Code section 11346.2(d) (Register 92, No. 7).

§ 2302. Non-Nutritive Standards.

- (a) Inorganic commercial fertilizer and agricultural mineral products shall not exceed the following standards for the non–nutrient metals arsenic, cadmium and lead:
- (1) For each percent iron, manganese or zinc, the fertilizing material shall not exceed the following concentrations of non-nutrient metals: arsenic, 13 parts per million; cadmium, 12 parts per million; lead, 140 parts per million.
- (2) For each percent available phosphate (P₂O₅), the fertilizing material shall not exceed the following concentrations of non–nutrient metals:
- (A) Effective January 1, 2002 through December 31, 2002: arsenic, 4 parts per million; cadmium, 6 parts per million; lead, 20 parts per million.
- (B) Effective January 1, 2003 through December 31, 2003: arsenic, 3 parts per million; cadmium, 5 parts per million; lead, 20 parts per million.
- (C) Effective January 1, 2004: arsenic, 2 parts per million; cadmium, 4 parts per million; lead, 20 parts per million.
 - (3) The concentration limits are applied as follows:
- (A) For micronutrient materials with guaranteed available iron, manganese or zinc multiply the percentage of guaranteed micronutrient material (Minor Element) by the arsenic, cadmium and lead maximum concentrations as expressed in parts per million (ppm). Example: A 12% Iron product will have the following limits: arsenic, 156 parts per million (13 ppm X 12); cadmium, 144 parts per million (12 ppm X 12); and lead, 1,680 parts per million (140 ppm X 12).
- (B) For phosphate (P_2O_5) materials multiply the guaranteed percentage of P_2O_5 by the arsenic, cadmium and lead maximum concentrations as expressed in parts per million (ppm). Example: from January 1, 2002 through December 31, 2002: A guaranteed available 52% (P_2O_5) phosphate product will have the following limits: arsenic 208 parts per million (4 ppm X 52); cadmium 312 parts per million (6 ppm X 52); and lead 1,040 parts per million (20 ppm X 52).
- (4) For specialty fertilizers that guarantee less than 6% available phosphate (P_2O_5) but make no micronutrient claim, the maximum allowable concentrations of non–nutrient metals shall not exceed:

- (A) Effective January 1, 2002 through December 31, 2002 specialty fertilizers shall not exceed: arsenic, 20 parts per million; cadmium, 30 parts per million; and lead, 100 parts per million.
- (B) Effective January 1, 2003 through December 31, 2003 specialty fertilizers shall not exceed: arsenic, 15 parts per million; cadmium, 25 parts per million; and lead, 100 parts per million.
- (C) Effective January 1, 2004 specialty fertilizers shall not exceed: arsenic, 10 parts per million; cadmium, 20 parts per million; and lead, 100 parts per million.
- (5) For specialty fertilizers that guarantee less than 6% available phosphate (P_2O_5) and make a micronutrient claim, multiply the guaranteed percentage of micronutrient by the arsenic, cadmium and lead maximum concentrations as expressed in parts per million (ppm) and add the following values to that total:
- (A) Effective January 1, 2002 through December 31, 2002 add: arsenic, 20 parts per million; cadmium, 30 parts per million; and lead, 100 parts per million.
- (B) Effective January 1, 2003 through December 31, 2003 add: arsenic, 15 parts per million; cadmium 25 parts per million; and lead 100 parts per million.
- (C) Effective January 1, 2004 add: arsenic, 10 parts per million; cadmium, 20 parts per million; and lead 100 parts per million.
 - (6) The concentration limits are applied as follows:
- (A) A guaranteed available 3% (P_2O_5) phosphate product with 2% guaranteed zinc will have the following limits. Example: from January 1, 2002 through December 31, 2002: arsenic, 46 parts per million (13 ppm X 2 zinc = 26 ppm + 20 ppm); cadmium, 54 parts per million (12 ppm X 2 zinc = 24 ppm + 30 ppm); and lead, 380 parts per million (140 ppm X 2 zinc = 280 ppm + 100 ppm).
- (b) Waste and hazardous waste shall be defined as specified in Title 22, CCR Division 4.5, Chapter 11 Identification and Listing of Hazardous Waste, commencing with Section 66261.1.
- (c) Recyclable material used in fertilizing material manufacture shall meet all applicable requirements in the Code of Federal Regulations, Chapter 1, Title 40, Part 266, Subpart C Recyclable Materials Used In a Manner Constituting Disposal, commencing with Section 266.20.
- (d) Recyclable material used in fertilizing material manufacture shall be sampled and tested in accordance with procedures specified in Title 22, CCR, Division 4.5, Chapter 11 Identification and Listing of Hazardous Waste, commencing with Section 66261.1.
- (1) A copy of test results shall be submitted to the department for each source of recyclable material used in the manufacture of zinc, manganese or iron products utilized as a base fertilizing material ingredient. Additional test results shall not be required by the department unless the process or operation generating the recyclable material changes.
- (e) No recyclable material may be used in fertilizing material manufacture if its use is denied pursuant to Title 22, CCR, Division 4.5, Chapter 16, Article 8.5 Requirements for Management of Recyclable Materials Used in Agriculture, Section 66266.115.
- (f) No recyclable hazardous waste may be used in fertilizing material manufacture unless the generator of such recyclable hazardous waste complies with Title 22, CCR, Division 4.5, Chapter 16, Article 8.5 Requirements for Management of Recyclable Materials Used in Agriculture, commencing with Section 66266.115.
- (g) By December 31, 2004, the department shall publish a report concerning results of research that evaluates the protectiveness of these regulations on both human health and the environment. Additionally, the report shall include an analysis of and recommendations for regulating cobalt, copper, mercury, molybdenum, nickel, selenium and dioxins. NOTE: Authority cited: Sections 407, 14502 and 14682, Food and Agriculture Code. Reference: Section 14682, Food and Agriculture Code.

HISTORY

1. New section filed 10–19–2001; operative 1–1–2002 (Register 2001, No. 42). For prior history, see Register 92, No. 7.

§ 2303. Labeling Requirements.

The label information for fertilizing materials required by Section 14631 of the Food and Agricultural Code, shall include the following:

- (a) Product name.
- (b) Measurement
- (1) Net weight, of dry materials (for commercial fertilizer, agricultural minieral and auxiliary soil and plant substance labels).
- (2) Volume (for packaged soil amendments and liquid specialty fertilizers).
- (3) Density, (pounds per gallon at 68 degrees Fahrenheit), for bulk liquids only.
 - (c) Grade (for commercial fertilizer labels only).
 - (d) The licensee's name and address.
- (e) Purpose of the product (for packaged soil amendments and specialty fertilizers only).
- (f) Directions for use (for auxiliary soil and plant substances, packaged soil amendments and specialty fertilizers only).
- (g) The statement "NONPLANT FOOD INGREDIENT" printed in capital letters (for auxiliary soil and plant substance products).
- (h) A statement of composition showing the percent of each active ingredient, which is the agent in a product primarily responsible for the intended effects (for auxiliary soil and plant substances).
- (i) A guaranteed analysis using the following format, terminology and order presented:

(1) Total Nitrogen (N)	%
% Ammoniacal Nitrogen	
% Nitrate Nitrogen	
% Water Soluble Organic Nitrogen or Oth-	
er recognized and determinable forms	
of nitrogen	
% Water Insoluble Organic Nitrogen or	
Water Insoluble Nitrogen	
Available Phosphoric Acid (P_2O_5)	%
Soluble Potash (K ₂ O)	——— _%
(2) Secondary and micronutrient guarantee minimums. (if	
Calcium (Ca)	
Magnesium (Mg)	
Sulfur (S)	
Boron (B)	
Chlorine (Cl)	
Cobalt (Co)	0.0005%
Copper (Cu)	0.0500%
% Chelated Copper	
Iron (Fe)	0.1000%
% Chelated Iron	
Manganese (Mn)	0.0500%
% Chelated Manganese	
Molybdenum (Mo)	0.0005%
Sodium (Na)	0.1000%
Zinc (Zn)	0.0500%
% Chelated Zinc	
(3) Limiting material guarantees: (if claimed)	
Compound(s) composing material	%
(state specific compounds)	
Calcium carbonate equivalent	%
Sieve Analysis: 10 mesh %	
(BULK ONLY) 20 mesh	
40 mesh	
60 mesh	
Moisture, maximum (BULK ONLY)	%

- (4) Other guarantees: (if claimed, and approved by the director)
- (j) A derivation statement (for commercial fertilizers and agricultural mineral labels only).

- (1) Abbreviations shall not appear in the derivation statement.
- (k) A list of ingredients in decreasing amounts present. (For packaged soil amendments only).
- (*l*) The following format and guarantees, as applicable for the following products or ingredients, shall appear following the derivation statement of agricultural mineral and commercial fertilizer labels:

"ALSO CONTAINS NONPLANT FOOD INGREDIENT(S):"

X% Humic Acids (Derived from . . . state the source of the humic acids)

X% Polymers (state the name of the specific polymer). (For auxiliary soil and plant substances only).

Wetting Agents (state the name of the specific wetting agent on the application only – not required on the label)

- (m) Additional information, other than secondary or micronutrient guarantees, shall not appear in the guaranteed analysis statement.
- (n) The guarantees for the forms of nitrogen must add up to the total nitrogen guarantee claimed and are recommended in the order appearing in the format shown in section 2303(i)(1).
- (o) Zeros are required before the decimal points when less than one percent.
- (p) For packaged products, the information found in section 2303(a) through (o) shall either:
 - (1) Appear on the label, or
- (2) Be printed on a tag and attached to the package. This information shall be in a conspicuous form.
- (q) For bulk products, the information found in section 2303(a) through (o) shall be in written or printed form and shall accompany the delivery. This information shall be in a conspicuous form.
- (r) The manufacturer of any base fertilizing material ingredient that claims iron, manganese, zinc or phosphates shall provide a guarantee statement that the product does not exceed standards established for arsenic, cadmium and lead.
- (1) For purposes of the labeling guarantee, base fertilizing material ingredient shall be defined as phosphate, zinc, manganese, or iron products utilized singly or as material ingredient in blended or formulated fertilizing material products. Examples of such base fertilizing material ingredients include, but are not limited to, phosphoric acid, monoammonium phosphate, diammonium phosphate, zinc oxide, zinc sulfate, zinc from galvanizer skimmings, zinc from electric arc furnace dust, metallic zinc, refined zinc from the copper pickling process, zinc from circuit board recycling, iron II & III oxide, iron ore deposits, iron from recycling of bailing wire, rust or photographic operations, and manganese oxide.
- (2) The guarantee statement shall report in parts per million the maximum total concentration of arsenic, cadmium and lead in the base fertilizing material ingredient.
- (s) Packaged product labels for commercial fertilizer and agricultural mineral products, with the exception of gypsum, liming materials, manure, wood or coal fly ash, sewage sludge, composted products, potting soils, potting mix, blood meal, bone meal, feather meal, kelp meal or seaweed, cottonseed meal, fish meal, sphagnum moss and seed mix shall include either an informational statement of laboratory test results or provide an informational statement providing the maximum levels in parts per million of arsenic, cadmium, cobalt, copper, lead, mercury, molybdenum, nickel and selenium.
- (1) In lieu of a statement on the label, the information may be provided by either of the following statements:

"Information regarding the contents and levels of metals in this product is available by calling 1–800–XXX–XXXX."

Or

"Information regarding the contents and levels of metals in this product is available on the Internet at http://www.regulatory-info-xx.com." Each registrant shall substitute a unique alphanumeric identifier for "xx". This statement may be used only if the licensee establishes and maintains the Internet site; there is a clearly visible, direct hyperlink to a government web site; and, the Internet site contains no advertising or company—

specific information. A government web site internet address on the label is an acceptable alternative to a web site established and maintained by the licensee.

- (t) Testing methodology for the informational statement of laboratory test results shall conform to either sample preparation method 3050B or 3051 and conform to analysis methods as described in US EPA Publication SW–846 (Revision 3, December 1996), which is hereby incorporated by reference.
- (u) Labeling provisions in Section 2303 (r) shall be met no later than January 1, 2002. Labeling provisions in Section 2303 (s) shall be met no later than July 1, 2002 for all products entering into channels of trade.
- (v) The publication of inaccurate information regarding the contents and levels of metals is a misbranding violation pursuant to Section 14681 of the Food and Agriculture Code.

NOTE: Authority cited: Sections 407, 14502 and 14631, Food and Agricultural Code. Reference: Section 14631, Food and Agricultural Code.

HISTORY

- 1. Repealer and new section filed 8–2–91; operative 8–2–91 pursuant to Government Code section 11346.2(d) (Register 92, No. 7).
- 2. New subsections (r)–(v) filed 10–19–2001; operative 1–1–2002 (Register 2001, No. 42).
- 3. Change without regulatory effect amending subsection (t) filed 6–13–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 24).
- 4. Amendment of subsections (r)(1) and (s) filed 11-6-2003; operative 12-6-2003 (Register 2003, No. 45).

§ 2304. Biotics.

All fertilizing materials for which claims are made relating to organisms, enzymes or organisms by-products are auxiliary soil and plant substances and are subject to the registration requirement of Section 14601 of the Food and Agricultural Code, whether or not the material would otherwise be exempt from registration as a commercial fertilizer.

In addition to the information required by Section 14601 of the Food and Agricultural Code, the label of each product which contains organisms, enzymes, and other biologically active by-products of organisms for which claims are made shall state:

- (a) Name of each species and strains as part of the statement of composition and name of each by-product, if claimed.
- (b)(1) The percentage or number of viable units of microorganisms per cubic centimeters.
- (2) The concentration in percentage of enzymes or other organism byproducts claimed.
 - (c) The expiration date for use.
 - (d) Storage conditions.

A generally accepted laboratory method for assaying the viable and attenuated units, and the by-products claimed must be submitted with the registration application.

When used for the purpose intended, the product must not be pathogenic to plants or pathogenic to animals which may consume the treated plant. Biotic products such as Rhizobium spp., Gingaspora spp., Glomus spp., and Pisolithus spp., are acceptable for registration. Other biotic products are acceptable based on efficacy data.

NOTE: Authority cited: Sections 407, 14502, 14601 and 14631, Food and Agricultural Code. Reference: Sections 14594, 14601 and 14631, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 1–12–83; effective thirtieth day thereafter (Register 83, No. 3).
- 2. Repealer of former section 2304 and renumbering of former section 2305 to section 2304 filed 8–2–91; operative 8–2–91 pursuant to Government Code section 11346.2(d) (Register 92, No. 7).
- 3. Editorial correction amending first and second paragraphs (Register 98, No. 29).

§ 2305. Chelating Agents.

The label of each product for which a chelation claim is made shall state:

- (a) The name of the chelating agent.
- (b) The percent of the guaranteed micronutrient content which is chelated, for example, in the following format:

NOTE: Authority cited: Sections 407, 14502 and 14631, Food and Agricultural Code. Reference: Sections 14502 and 14631, Food and Agricultural Code.

HISTORY

 Renumbering of former section 2305 to section 2304 and renumbering and amendment of former section 2306 to section 2305 filed 8-2-91; operative 8-2-91 pursuant to Government Code section 11346.2(d) (Register 92, No. 7).

§ 2306. Fish Emulsion.

When a product is labeled as fish emulsion, it shall contain a minimum of 40 percent total solids.

NOTE: Authority cited: Sections 407, 14502 and 14631, Food and Agricultural Code. Reference: Sections 14502 and 14631, Food and Agricultural Code.

HISTORY

1. Renumbering and amendment of former section 2306 to section 2305 and renumbering and amendment of former section 2307 to section 2306 filed 8-2-91; operative 8-2-91 pursuant to Government Code section 11346.2(d) (Register 92, No. 7).

§ 2307. Hydroponics, Continuous Liquid Feed Products and Ready-to-Use Foliar Products.

The minimum percentages acceptable for micronutrients stated in Section 2303, do not apply to guarantees for those water soluble nutrients or micronutrients on products labeled only for hydroponic, continuous liquid feed programs or ready—to—use foliar products.

NOTE: Authority cited: Sections 407, 14502 and 14631 of the Food and Agricultural Code. Reference: Section 14631 of the Food and Agricultural Code.

HISTORY

- 1. Renumbering and amendment of former section 2307 to section 2306 and new section filed 8–2–91; operative 8–2–91 pursuant to Government Code section 11346.2(d) (Register 92, No. 7).
- 2. Amendment of section heading and section filed 10-15-96; operative 11-14-96 (Register 96, No. 42).

§ 2308. Packaged Soil Amendments.

- (a) Packaged soil amendments shall be measured by volume (quarts/cubic feet). If other measurement information is shown, it shall be in parentheses following the volume statement, e.g. weight, cubic inches, fractions of cubic feet and metric conversions.
- (b) No claim shall be made for chemical composition or nutritive consituents, except as provided in (d) and (f) of this section.
- (c) When a packaged soil amendment is labeled as a specific material, such as peat moss or leaf mold, the product shall consist of not less than 95 percent of that material.
- (d) Organic products such as bark, wood chips, wood sawdust and peat or peat moss claimed to be nitrogen fortified, nitrogen stabilized, or with other terms to inform that the product contains nitrogen added to compensate for nitrogen likely to be taken from soil due to the amendments decomposition therein, are soil amendments when such additional nitrogen is 0.5 percent or less. Any claim for such nitrogen stabilization or fortification or similar term made on the label of a packaged soil amendment shall be accompanied by a statement of the total percent of nitrogen contained therein
 - (e) Packaged soil amendments may contain wetting agents.
- (1) The claim "wetting agent added" can be made without guaranteeing the specific wetting agent or the percentage of such, but the chemical name of the wetting agent must be submitted at the time of registration along with the analytical method.
 - (f) Iron (Fe), may be guaranteed at less than 0.1 percent.
- (g) If reference is made to the acidity or alkalinity of the product, or its influence on the soil, a range or specific pH must be guaranteed.

 NOTE: Authority cited: Sections 407, 14502, 14601 and 14631, Food and Agricultural Code. Reference: Sections 14601 and 14631, Food and Agricultural Code.

 HISTORY
- 1. Repealer and new section filed 8–2–91; operative 8–2–91 pursuant to Government Code section 11346.2(d) (Register 92, No. 7).

§ 2309. Phosphorus Materials.

(a) Products that contain phosphorous acid shall state on the label the percentage of "Total phosphoric acid", upon conversion of phosphorous acid.

- (1) Phosphorous acid products are for use as a supplemental fertilizer treatment
- (2) Upon foliar application, the phosphite ions are taken up directly by the plant foliage and may undergo a degree of conversion to phosphate ions, or will be used directly by plants, as phosphite ions.
- (3) As a soil application to annual crops, a lesser response from the initial crop, with a corresponding superior response from succeeding crops. may be observed. In addition, placement close to seeds or root zones may be injurious to crops. The effect may be aggravated by a soil pH below 6.5.
- (b) Products that contain Phosphoric acid shall state on the label the percentage of "Available Phosphoric Acid". If, in addition, a percentage of "Total Phosphoric Acid" is stated, the percentage of "Insoluble Phosphoric Acid" (Citrate–Insoluble Phosphorus) must be stated immediately below, for example:

NOTE: Authority cited: Sections 407, 14502 and 14631, Food and Agricultural Code. Reference: Section 14631, Food and Agricultural Code.

HISTORY

- 1. Repealer and new section filed 8–2–91; operative 8–2–91 pursuant to Government Code section 11346.2(d) (Register 92, No. 7).
- New subsections (a)–(a)(3) and redesignation and amendment of existing section as subsection (b) filed 11–6–2003; operative 12–6–2003 (Register 2003, No. 45).

§ 2310. Seed and Plant Food Mixture.

A packaged combination of viable seeds for planting intermixed with nitrogen, available phosphoric acid, or potash, added singly or in combination totaling one percent or less, solely to stimulate the sprouting seeds after planting is not classed as any form of fertilizing material as defined in Section 14533 of the Food and Agricultural Code.

NOTE: Authority cited: Section 407 and 14502 of the Food and Agricultural Code. Reference: Section 14502 of the Food and Agricultural Code.

HISTORY

1. Renumbering and amendment of former section 2310 to section 2313 and new section filed 8–2–91; operative 8–2–91 pursuant to Government Code section 11346.2(d) (Register 92, No. 7).

§ 2311. Slow Released Plant Nutrients.

- (a) The label shall not state or imply that a plant nutrient or micronutrient contained in a fertilizer is released slowly over a period of time, unless such nutrients or micronutrients are identified and guaranteed.
 - (b) The types of slow released products recognized are:
- (1) Water insoluble (N products only), such as natural organics, urea formaldehyde, isobutylidene diurea and oxamide.
- (2) Coated slow release such as sulfur coated urea and other encapsulated soluble fertilizers.
- (3) Products containing water soluble nitrogen such as ureaform materials, urea formaldehyde products, methylenediurea (MDU), dimethylene triurea (DMTU), dicyanodiamide (DCD).
- (4) Occluded slow release, where fertilizers or fertilizer materials are mixed with waxes, resins, or other inert materials and formed into particles

The terms "water insoluble," "coated slow release," "slowly available water soluble" and "occluded slow release" are accepted as descriptive of these products provided the claim is substantiated by a research study as required by section 2300(b).

- (5) Products containing phosphorous acid such as potassium phosphite and ammonium phosphite which undergo a degree of conversion in plants or soils to available phosphoric acid (P₂O₅).
- (6) Effective January 1, 2006, products containing elemental sulfur are a source of nutrient sulfur when applied to soil. Other application techniques for elemental sulfur must be substantiated by scientific research as required by Section 2300(b) that demonstrates availability of an efficacious amount of nutrient sulfur for plant uptake generally consistent with soil application.

Page 228 Register 2005, No. 26; 7-1-2005

- (c) When slowly released nutrients are less than 15 percent of each total of the guarantee for either total nitrogen (N), available phosphoric acid (P_2O_5), or soluble potash (K_2O), as appropriate, the label shall not refer to slow release of the materials.
- (d) Association of Official Analytical Chemist's (AOAC) latest method shall be used to confirm the coated slow release and occluded slow release nutrients and others whose slow release characteristics depend on particle size and AOAC latest method shall be used to determine the water insoluble nitrogen of organic materials.

NOTE: Authority cited: Sections 407, 14502 and 14631, Food and Agricultural Code. Reference: Section 14631, Food and Agricultural Code.

HISTORY

- 1. Renumbering and amendment of former section 2311 to section 2315 and new section filed 8–2–91; operative 8–2–91 pursuant to Government Code section 11346.2(d) (Register 92, No. 7).
- 2. New subsection (b)(5) filed 11–6–2003; operative 12–6–2003 (Register 2003, No. 45).
- 3. Editorial correction of subsection (b)(3) (Register 2005, No. 26).
- 4. New subsection (b)(6) filed 7–1–2005; operative 1–1–2006 pursuant to Government Code section 11343.4(b) (Register 2005, No. 26).

§ 2312. Gypsum Equivalent.

Any of the following four compounds, singly or in combination, shall be expressed as a percent gypsum equivalent on the label:

Hydrated Calcium Sulfate (CaSO₄2H₂O)

Anhydride Calcium Sulfate (CaSO₄)

Hydrated Calcium Sulfite

Anhydride Calcium Sulfite

NOTE: Authority cited: Sections 407, 14502 and 14631, Food and Agriculture Code. Reference: Section 14631, Food and Agriculture Code.

HISTORY

1. Renumbering and amendment of former section 2312 to section 2316 and new section filed 8–2–91; operative 8–2–91 pursuant to Government Code section 11346.2(d) (Register 92, No. 7).

Article 2. Samples

§ 2313. Official Samples.

A sample of fertilizing materials drawn by the director for the purpose of analysis, in accordance with Sections 14641 and 14642 of the Food and Agricultural Code, shall be known as an "official sample" and shall be drawn in a manner prescribed by this article to represent the entire lot from which it is taken.

NOTE: Authority cited: Sections 407 and 14502, Food and Agricultural Code. Reference: Section 14605, Food and Agricultural Code.

HISTORY

 Renumbering of former section 2313 to section 2317 and renumbering and amendment of former section 2310 to section 2313 filed 8-2-91; operative 8-2-91 pursuant to Government Code section 11346.2(d) (Register 92, No. 7).

§ 2314. Subsamples.

Subsamples shall be provided to interested parties after laboratory analysis by the department, with the condition that the requesting party agree to provide analytical results of the subsample to the Department of Food and Agriculture, Feed, Fertilizer and Livestock Drug Branch within 21 days of receipt.

NOTE: Authority cited: Sections 407, 14502 and 14645, Food and Agricultural Code. Reference: Sections 14645 and 14646, Food and Agricultural Code.

HISTORY

Repealer and new section filed 8-2-91; operative 8-2-91 pursuant to Government Code section 11346.2(d) (Register 92, No. 7).

§ 2315. Sampling Procedure.

Each official sample shall consist of at least one pound of dry material or one pint of liquid material taken in the following manner:

- (a) Packaged Dry Materials.
- (1) Use a sampler that removes a core diagonally from end-to-end of the container.

(2) The lot and the sample size will be established in the following

Lot Size Containers Sample Size Containers	s
Less than 5	l
6–15	5
16–30	5
31–60	7
61–100	3
101–200)
201–300)
301–500	ı
501 or more	2

- (3) Small packages of dry fertilizer material in packages of 80 pounds or less, when not practical to sample according to subsection (2), shall be represented by one unbroken package which will constitute the official sample.
 - (4) Place all cores into sample container and send to the laboratory.
- (b) Sampling Dry Fertilizing Materials in Bulk Lots. Dry bulk material shall be sampled by one of the following methods:
- (1) Use a bulk cup—type sampler with an opening width at least three times the diameter of the largest particle being sampled and long enough to cut the complete stream. The delivery stream must be "cut" with the sampler at least ten times at equal intervals during the delivery.

The registrant mixing the material must supply a safe and convenient access to a stream of the material being loaded for the sampler.

- (2) Use a "Missouri D" probe according to the following system:
- (i) At least 12 cores must be drawn in different locations.
- (ii) When a single lot of fertilizing material is in two separate compartments, take a minimum of six cores from each compartment.
- (iii) When a single lot of fertilizing material is in three or more compartments, take a minimum of four cores from each compartment.
 - (c) When sampling gypsum, the following procedure is accepatable:
 - (1) Scrape outer surface aside before inserting sampler.
- (2) Take approximately 20 approximately equal cores from fairly evenly distributed parts of the quantity.
- (3) Portions may be taken with a trowel when the material contains large lumps or when for other reasons it is not possible to use a sampler.
- (4) Place all portions into sample container and send to the laboratory for mixing and quartering.
- (d) Liquid fertilizing materials must be sampled by one of the following systems:
- (1) Full horizontal cylindrical or spherical tanks are sampled with a restricted fill liquid sampling device. Lower the liquid sampler just below the surface and allow to fill, the liquid sampler is then recovered and emptied into a suitable container. This process is repeated twice at the center level of the tank and once at the bottom. All four aliquots are thoroughly mixed and tested; or a sample of the four aliquots consisting of not less than one pint shall be sent to the laboratory for testing.
- (2) Sample vertical cylindrical, cubic or rectangular shaped tanks by proceeding as in "(1)" except one aliquot is taken from the center level rather than taking two aliquots from the center level.
- (3) Nonpressurized nitrogen solutions, nitrogen-phosphate mixtures, and other clear solutions may be sampled at the sight gauge or outlet after these openings have been drained and flushed with the solution. Fertilizer suspensions or slurries must be completely agitated before sampling; when a homogenous mixture is achieved, sample as above.
- (4) Streamcutting a homogenous mixture from a valve while loading is an acceptable sampling procedure.
- (5) Small packages of liquid fertilizing materials, when not practical to sample according to subsection (d)(1)(2)(3), shall be represented by one unbroken package which will constitute the official sample.

NOTE: Authority cited: Sections 407, 14052 and 14646, Food and Agricultural Code. Reference: Section 14606, Food and Agricultural Code.

HISTORY

1. Repealer and renumbering and amendment of former section 2311 to section 2315 filed 8-2-91; operative 8-2-91 pursuant to Government Code section 11346.2(d) (Register 92, No. 7).

§ 2316. Identification of Official Sample.

A sample of a fertilizing material shall be identified before removal from premises where it was drawn. The identification shall consist of the date; name of product as given on the label, if any; inspector's initials and sample number.

NOTE: Authority cited: Sections 407, 14502 and 14645, Food and Agricultural Code. Reference: Sections 14645 and 14646, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 8–28–85; effective thirtieth day thereafter (Register 85, No. 35).
- Repealer and renumbering of former section 2312 to section 2316 filed 8-2-91; operative 8-2-91 pursuant to Government Code section 11346.2(d) (Register 92, No. 7).

§ 2317. Description of Sample.

An inspector's Product Sample Data official form showing pertinent information concerning the sample shall be prepared at the time each official sample is drawn. Where reasonably possible, a label shall be taken from the lot represented by the sample and accompany the inspector's Product Sample Data.

NOTE: Authority cited: Sections 407, 14502 and 14645, Food and Agricultural Code. Reference: Sections 14605, 14645 and 14646, Food and Agricultural Code. HISTORY

1. Renumbering of former section 2313 to section 2317 filed 8–2–91; operative 8–2–91 pursuant to Government Code section 11346.2(d) (Register 92, No. 7).

Article 3. Licensing

§ 2318. Licensing.

In addition to requirements found in Section 14591 of the Food and Agricultural Code, the following information is required.

(a) A place of business.

NOTE: Authority cited: Sections 407, 14502 and 14591, Food and Agricultural Code. Reference: Section 14591, Food and Agricultural Code.

HISTORY

1. New section filed 8–2–91; operative 8–2–91 pursuant to Government Code section 11346.2(d) (Register 92, No. 7).

§ 2319. Experimental Use of a Fertilizing Material.

Experimental use of a fertilizing material for noncommercial value is exempt from licensing.

NOTE: Authority cited: Sections 407, 14502 and 14591, Food and Agricultural Code. Reference: Sections 14531 and 14591, Food and Agricultural Code.

HISTORY

1. New section filed 8–2–91; operative 8–2–91 pursuant to Government Code section 11346.2(d) (Register 92, No. 7).

Article 4. Registration

§ 2320. Registration.

In addition to requirements found in Section 14601 of the Food and Agricultural Code, the following information is required.

Each auxiliary soil and plant substance, packaged agricultural mineral, packaged soil amendment and specialty fertilizer shall be registered in the name of the legal entity or person whose name appears on the label before being distributed in this state.

These materials shall not be distributed or sold unless the product is registered.

NOTE: Authority cited: Sections 407, 14502 and 14601, Food and Agricultural Code. Reference: Section 14601, Food and Agricultural Code.

HISTORY

1. New section filed 8–2–91; operative 8–2–91 pursuant to Government Code section 11346.2(d) (Register 92, No. 7).

Article 5. Tonnage Reporting

§ 2321. Tonnage Reporting.

In addition to the requirements found in Sections 14621, 14622 and 14623 of the Food and Agricultural Code, the following is required.

(a) The tonnage report shall be made semi-annually no later than July 31, and no later than January 31 of each year for tonnage of one ton or greater. Zero reports are not required.

NOTE: Authority cited: Sections 407, 14502, 14621, 14622 and 14623, Food and Agricultural Code. Reference: Sections 14621 and 14622, Food and Agricultural Code.

HISTORY

1. New section filed 8–2–91; operative 8–2–91 pursuant to Government Code section 11346.2(d) (Register 92, No. 7).

Subchapter 2. Economic Poisons

(Originally printed 7–25–45)

Article 1. General Provisions

§ 2330. Name, Brand, or Trademark of Economic Poison.

NOTE: Authority cited: Sections 407, 12781, and 14005, Food and Agricultural Code. Reference: Sections 12751–12994, Food and Agricultural Code.

HISTORY

- 1. Repealer of Article 1 (Sections 2327–2331, consecutive) and new Article 1 (Sections 2330 and 2331) filed 12–29–78; effective thirtieth day thereafter (Register 78, No. 52). For prior history, see Register 65, No. 6.
- 2. Editorial renumbering of Section 2330 to Section 6235 filed 7–19–85 (Register 85, No. 29).
- 3. Editorial correction deleting repealed Section 2327 (Register 95, No. 8).

§ 2331. Commercial Pest Control Service.

NOTE: Authority cited: Sections 407, 12781 and 14005, Food and Agricultural Code. Reference: Sections 12751–12994, Food and Agricultural Code.

HISTORY

1. Repealer filed 5-3-85; effective thirtieth day thereafter (Register 85, No. 18).

§ 2332. Operational Protocol for Pesticide Registration and Evaluation Manual.

NOTE: Authority cited: Sections 407, 12781, 12976, 12981 and 14005, Food and Agricultural Code. Reference: Sections 12751 through 14104, Food and Agricultural Code.

HISTORY

- 1. New section filed 4-24-80 as an emergency; designated effective 4-24-80 (Register 80, No. 17). A Certificate of Compliance must be transmitted to OAH within 120 days or emergency language will be repealed on 8-23-80.
- 2. Certificate of Compliance filed 7-3-80 (Register 80, No. 27).
- 3. Editorial renumbering of Section 2332 to Section 6160 filed 7–19–85 (Register 85, No. 29).

Article 2. Definitions

NOTE: Authority cited: Sections 407 and 12781, Food and Agricultural Code. HISTORY

- 1. Repealer of Subarticle 2 (Sections 2336–2338) and new Article 2 (Section 2340) filed 12–29–78; effective thirtieth day thereafter (Register 78, No. 52). For prior history, see Register 65, No. 6.
- 2. Repealer of Article 2 (Section 2340) filed 8–4–82; designated effective 1–1–83 (Register 82, No. 32).

Article 3. Exemptions

NOTE: Authority cited: Sections 407 and 12781, Food and Agricultural Code. Reference: Sections 12753 and 12801, Food and Agricultural Code.

HISTORY

- 1. Repealer of Article 3 (Sections 2343–2345) and new Article 3 (Section 2350) filed 12–29–78; effective thirtieth day thereafter (Register 78, No. 52). For prior history see Register 65, No. 6.
- 2. Renumbering of Article 3 (Section 2350) to Chapter 6 (Section 6210) filed 8-4-82; designated effective 1-1-83 (Register 82, No. 32).

Article 4. Registration Procedures

§ 2360. Application.

NOTE: Authority cited: Sections 407, 11502, 12005, 12111, 12531, 12561, 12781, 12824, 12976, 12981, 14005, 14006.7, Food and Agricultural Code. Reference: Sections 11401–12121, 12501–12671, 12751–13102, 14001–14104, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 12–5–79; designated effective 1–4–80 (Register 79, No. 49). For prior history, see Registers 79, No. 5; 78, No. 52; and 65, No. 6.
- 2. Amendment of subsections (a) and (d) filed 5-1-80 as an emergency; effective upon filing (Register 80, No. 18). A Certificate of Compliance must be transmitted to OAH within 120 days or emergency language will be repealed on 8-30-80.
- 3. Certificate of Compliance filed 7–3–80 (Register 80, No. 27).
- 4. Amendment of subsections (a) and (e) filed 1–19–82; effective thirtieth day thereafter (Register 82, No. 4).
- 5. Editorial renumbering and amendment of Section 2360(a) to Section 6170, renumbering of Section 2360(b) to Section 6171, renumbering and amendment of Section 2360(c) to Sections 6151 and 6156, renumbering of Section 2360(d) to Section 6157, renumbering of Section 2360(e) to Section 6158, renumbering of Section 2360(f) to Section 6230 and renumbering of Section 2360(g) to Section 6231 filed 7–19–85 (Register 85, No. 29).

§ 2360.1. Adverse Effect Disclosure.

NOTE: Authority cited: Sections 407, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005, 14006.7, Food and Agricultural Code. Reference: Sections 11401–12121, 12501–12671, 12751–13102, 14001–14104, Food and Agricultural Code.

HISTORY

- 1. New section filed 12-5-79; designated effective 1-4-80 (Register 79, No. 49).
- 2. Editorial renumbering of Section 2360.1 to Section 6210 filed 7–19–85 (Register 85, No. 29).

§ 2361. Acceptance of Labeling.

NOTE: Authority cited: Sections 407, 12781, and 14005, Food and Agricultural Code. Reference: Sections 12751–12994, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of Section 2361 to Section 6238 filed 7–19–85 (Register 85, No. 29).

§ 2362. Brands.

NOTE: Authority cited: Sections 407, 1152, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005, 14006.7, Food and Agricultural Code. Reference: Sections 11401–12121, 12501–12671, 12751–13102, 14001–14104, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 12-5-79; designated effective 1-4-80 (Register 79, No. 49).
- 2. Editorial renumbering of Section 2362 to Section 6152 filed 7–19–85 (Register 85, No. 29).

§ 2363. Transfer of Registration.

NOTE: Authority cited: Sections 407, 12781, and 14005, Food and Agricultural Code. Reference: Sections 12751–12994, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of Section 2363 to Section 6153 filed 7–19–85 (Register 85, No. 29).

§ 2364. Change of Name.

NOTE: Authority cited: Sections 407, 12781, and 14005, Food and Agricultural Code. Reference: Sections 12751–12994, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of Section 2364 to Section 6154 filed 7–19–85 (Register 85, No. 29).

§ 2365. Computation of Retail Value.

NOTE: Authority cited: Sections 407, 12781 and 14005, Food and Agricultural Code. Reference: Sections 12751–12994, Food and Agricultural Code.

HISTORY

1. Repealer filed 5–3–85; effective thirtieth day thereafter (Register 85, No. 18).

§ 2366. Renewal.

NOTE: Authority cited: Sections 407, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005, 14006.7, Food and Agricultural Code. Reference: Sections 11401–12121, 12501–12671, 12751–13102, 14001–14104, Food and Agricultural Code.

HISTORY

- 1. New section filed 12-5-79; designated effective 1-4-80 (Register 79, No. 49).
- 2. Editorial renumbering and amendment of Section 2366 to Section 6215 filed 7-19-85 (Register 85, No. 29).

§ 2367. Reevaluation.

NOTE: Authority cited: Sections 407, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005, 14006.7, Food and Agricultural Code. Reference: Sections 11401–12121, 12501–12671, 12751–13102, 14001–14104, Food and Agricultural Code.

HISTORY

- 1. New section filed 12-5-79; designated effective 1-4-80 (Register 79, No. 49).
- Editorial renumbering of Section 2367(a) to Section 6220, renumbering of Section 2367(b) to Section 6221, renumbering and amendment of Section 2367(c) and (d) to Section 6222, renumbering of Section 2367(e) to Sections 6223 and 6224, renumbering of Section 3267(f) to Section 6225 and renumbering of Section 2367(g) to Section 6226 filed 7-19-85 (Register 85, No. 29).

§ 2368. Annual Review.

NOTE: Authority cited: Sections 407, 11502, 12005, 12111 12531, 12561, 12781, 12976, 12981, 14005, 14006.7, Food and Agricultural Code. Reference: Sections 11401–12121, 12501–12671, 12751–13102, 14001–14104, Food and Agricultural Code.

HISTORY

- 1. New section filed 12-5-79; designated effective 1-4-80 (Register 79, No. 49).
- 2. Editorial renumbering of Section 2368 to Section 6227 filed 7–19–85 (Register 85, No. 29).

Article 5. Data Requirements

§ 2369. Review and Evaluation.

NOTE: Authority cited: Sections 407, 12781 and 12824, Food and Agricultural Code. Reference: Sections 11501, 12751–13102, Food and Agricultural Code.

[The next page is 229.]

HISTORY

- 1. Repealer of Article 5 (Section 2370) and new Article 5 (Sections 2369–2380, not consecutive) filed 12–5–79; designated effective 1–4–80 (Register 79, No. 49). For prior history, see Register 78, No. 52.
- New subsection (f) filed 4–28–80 as an emergency; effective upon filing (Register 80, No. 18). A Certificate of Compliance must be transmitted to OAH within 120 days or emergency language will be repealed on 8–27–80.
- 3. Certificate of Compliance filed 7-3-80 (Register 80, No. 27).
- Amendment of subsection (d) filed 1–19–82; effective thirtieth day thereafter (Register 82, No. 4).
- Repealer of subsection (f) filed 4–14–82; effective thirtieth day thereafter (Register 82, No. 16).
- Editorial renumbering and amendment of Section 2369(a)–(c) to Section 6159, renumbering and amendment of Section 2369(d) to Section 6170(c) and renumbering of Section 2369(e) to Section 6206 filed 7–19–85 (Register 85, No. 29).

§ 2369.5. Conditional Registration.

NOTE: Authority cited: Sections 407 and 12781, Food and Agricultural Code. Reference: Sections 11501 and 12824–12825, Food and Agricultural Code.

HISTORY

- 1. New section filed 4–14–82, effective thirtieth day thereafter (Register 82, No. 16).
- 2. Amendment of subsection (i)(4) filed 12–27–82; designated effective 1–1–83 pursuant to Government Code Section 11346.2(d) (Register 83, No. 1).
- 3. Editorial renumbering and amendment of Section 2369.5 to Section 6200 filed 7–19–85 (Register 85, No. 29).

§ 2370. Safety Related to Exposure.

Note: Authority cited: Sections 407, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401–12121, 12501–12671, 12751–13102 and 14001–14104, Food and Agricultural Code.

HISTORY

- Repealer of subsection (f)(4) and renumbering of subsection (f)(5) filed 5-1-80
 as an emergency; effective upon filing (Register 80, No. 18). A Certificate of
 Compliance must be transmitted to OAH within 120 days or emergency language will be repealed on 8-30-80.
- 2. Certificate of Compliance filed 7-3-80 (Register 80, No. 27).
- 3. Editorial renumbering of Section 2370(a) to Section 6176, renumbering of Section 2370(b) to Section 6177, renumbering of Section 2370(c) to Section 6178, renumbering of Section 2370(d) to Section 6179, renumbering of Section 2370(e) to Section 6180, renumbering of Section 2370(f)(1) to Section 6181, renumbering of Section 2370(f)(2)–(f)(4) to Section 6182 and renumbering of Section 2370(g) to Section 6183 filed 7–19–85 (Register 85, No. 29).

§ 2371. Residue Test Method.

NOTE: Authority cited: Sections 407, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005, 14006.7, Food and Agricultural Code. Reference: Sections 11401–12121, 12501–12671, 12751–13102, 14001–14104, Food and Agricultural Code.

HISTORY

- Amendment of subsection (b) filed 5-1-80 as an emergency; effective upon filing (Register 80, No. 18). A Certificate of Compliance must be transmitted to OAH within 120 days or emergency language will be repealed on 8-30-80.
- 2. Certificate of Compliance filed 7-3-80 (Register 80, No. 27)
- 3. Editorial renumbering of Section 2371 to Section 6184 filed 7–19–85 (Register 85, No. 29).

§ 2372. Residue Data.

NOTE: Authority cited: Sections 407, 11502, 12005, 12111, 12531, 12561, 12781, 12824, 12976, 12981, 14005, 14006.7, Food and Agricultural Code. Reference: Sections 11401–12121,12501–12671, 12751–13102, 14001–14104, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 1–19–82; effective thirtieth day thereafter (Register 82, No. 4).
- 2. Editorial renumbering and amendment of Section 2372 to Section 6185 filed 7–19–85 (Register 85, No. 29).

§ 2373. Efficacy.

NOTE: Authority cited: Sections 407, 11502, 12005, 12111, 12531, 12561, 12781, 12824, 12976, 12981, 14005, 14006.7, Food and Agricultural Code. Reference: Sections 11401–12121, 12501–12671, 12751–13102, 14001–14104, Food and Agricultural Code.

HISTORY

1. Amendment filed 1–19–82; effective thirtieth day thereafter (Register 82, No. 4).

2. Editorial renumbering of Section 2373 to Section 6186 filed 7–19–85 (Register 85, No. 29).

§ 2374. Hazards to Bees.

NOTE: Authority cited: Sections 407, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005, 14006.7, Food and Agricultural Code. Reference: Sections 11401–12121, 12501–12671, 12751–13102, 14001–14104, Food and Agricultural Code

HISTORY

1. Editorial renumbering of Section 2374 to Section 6187 filed 7–19–85 (Register 85, No. 29).

§ 2375. Closed System Compatibility.

NOTE: Authority cited: Sections 407, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005, 14006.7, Food and Agricultural Code. Reference: Sections 11401–12121, 12501–12671, 12751–13102, 14001–14104, Food and Agricultural Code.

HISTORY

1. Editorial renumbering and amendment of Section 2375 to Section 6188(a) filed 7–19–85 (Register 85, No. 29).

§ 2376. Effects on Pest Management.

NOTE: Authority cited: Sections 407, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005, 14006.7, Food and Agricultural Code. Reference: Sections 11401–12121, 12501–12671, 12751–13102, 14001–14104, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of Section 2376 to Section 6189 filed 7–19–85 (Register 85, No. 29).

§ 2378. Inert Ingredient Hazard.

NOTE: Authority cited: Sections 407, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005, 14006.7, Food and Agricultural Code. Reference: Sections 11401–12121, 12501–12671, 12751–13102, 14001–14104, Food and Agricultural Code.

HISTORY

1. Editorial renumbering and amendment of Section 2378 to Section 6190 filed 7–19–85 (Register 85, No. 29).

§ 2379. Volatile Organic Compounds.

NOTE: Authority cited: Sections 407, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005, 14006.7, Food and Agricultural Code. Reference: Sections 11401–12121, 12501–12671, 12751–13102, 14001–14104, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of Section 2379 to Section 6191 filed 7–19–85 (Register 85, No. 29).

§ 2379.5. General Toxicity Data.

NOTE: Authority cited: Sections 407, 12781 and 12824, Food and Agricultural Code. Reference: Sections 11501, 12824–12825, Food and Agricultural Code.

History

- 1. New section filed 1–19–82; effective thirtieth day thereafter (Register 82, No. 4).
- 2. Editorial renumbering of Section 2379.5 to Section 6172 filed 7–19–85 (Register 85, No. 29).

§ 2380. Other Data.

NOTE: Authority cited: Sections 407, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005, 14006.7, Food and Agricultural Code. Reference: Sections 11401–12121, 12501–12671, 12751–13102, 14001–14104, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of Section 2380 to Section 6192 filed 7–19–85 (Register 85, No. 29).

Article 6. Labeling

§ 2389. Scope of Labeling Requirements.

NOTE: Authority cited: Sections 407 and 12781, Food and Agricultural Code. Reference: Sections 12751–13102, Food and Agricultural Code.

HISTORY

- New section filed 5-1-80 as an emergency; effective upon filing (Register 80, No. 18). A Certificate of Compliance must be transmitted to OAH within 120 days or emergency language will be repealed on 8-30-80.
- 2. Certificate of Compliance filed 7-3-80 (Register 80, No. 27).
- 3. Editorial renumbering of Section 2389 to Section 6243 filed 7–19–85 (Register 85, No. 29).

(4-1-90)

Page 229

§ 2390. Placement of Label.

NOTE: Authority cited: Sections 407, 12781, and 14005, Food and Agricultural Code. Reference: Sections 12751–12994, Food and Agricultural Code.

HISTORY

- 1. Repealer of Article 6 (Section 2364) and new Article 6 (Sections 2390–2397, consecutive) filed 12–29–78; effective thirtieth day thereafter (Register 78, No. 52). For history of former Article 6, see Registers 77, No. 6 and 65, No. 6.
- 2. Editorial correction of History Note 1 (Register 79, No. 5)
- 3. Editorial renumbering of Section 2390 to Section 6237 filed 7–19–85 (Register 85, No. 29).

§ 2391. Name and Address of Manufacturer, Distributor, Packer, Formulator, or Registrant.

NOTE: Authority cited: Sections 407, 12781, and 14005, Food and Agricultural Code. Reference: Sections 12751–12994, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of Section 2391 to Section 6239 filed 7–19–85 (Register 85, No. 29).

§ 2393. Legibility of Label and Labeling.

NOTE: Authority cited: Sections 407, 12781, and 14005, Food and Agricultural Code. Reference: Sections 12751–12994, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of Section 2393 to Section 6240 filed 7–19–85 (Register 85, No. 29).

§ 2394. Registration Number.

NOTE: Authority cited: Sections 407, 12781, and 14005, Food and Agricultural Code. Reference: Sections 12751–12994, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of Section 2394 to Section 6241 filed 7–19–85 (Register 85, No. 29).

§ 2395. Warning or Caution Statement.

NOTE: Authority cited: Sections 407, 12781, and 14005, Food and Agricultural Code. Reference: Sections 12751–12994, Food and Agricultural Code.

HISTORY

1. Editorial renumbering and amendment of Section 2395 to Section 6242 filed 7–19–85 (Register 85, No. 29).

§ 2396. Sub-Packaging of Certain Economic Poisons for Resale to Consumers.

NOTE: Authority cited: Sections 407, 12781 and 14005, Food and Agricultural Code. Reference: Sections 12751–12994, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of Section 2396 to Section 6247 filed 7–19–85 (Register 85, No. 29).

§ 2397. False and Misleading Statements.

NOTE: Authority cited: Sections 407, 12781 and 14005, Food and Agricultural Code. Reference: Sections 12751–12994, Food and Agricultural Code.

HISTORY

1. Repealer filed 5-3-85; effective thirtieth day thereafter (Register 85, No. 18).

Article 7. Criteria

§ 2400. Wettable and Soluble Powders.

NOTE: Authority cited: Sections 407, 12781 and 14005, Food and Agricultural Code. Reference: Sections 12751–12994, Food and Agricultural Code.

HISTORY

- 1. Repealer of Article 7 (Sections 2369, 2370 and 2371) filed 4–9–65; effective thirtieth day thereafter (Register 65, No. 6).
- New Article 7 (Section 2400) filed 12–29–78; effective thirtieth day thereafter (Register 78, No. 52).
- 3. Editorial correction of History Notes 1 and 2 (Register 79, No. 5).
- 4. Editorial renumbering of Section 2400 to Section 6193 filed 7–19–85 (Register 85, No. 29).

§ 2401. Rodenticide Bait Safety.

NOTE: Authority cited: Sections 407, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005, 14006.7, Food and Agricultural Code. Reference: Sections 11401–12121, 12501–12671, 12751–13102, 14001–14104, Food and Agricultural Code.

HISTORY

1. New section filed 12-5-79; designated effective 1-4-80 (Register 79, No. 49).

2. Editorial renumbering of Section 2401 to Section 6180(b)–(e) filed 7–19–85 (Register 85, No. 29).

§ 2402. Closed System Compatibility.

NOTE: Authority cited: Sections 407, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005, 14006.7, Food and Agricultural Code. Reference: Sections 11401–12121, 12501–12671, 12751–13102, 14001–14104, Food and Agricultural Code.

HISTORY

- 1. New section filed 12-5-79; designated effective 1-4-80 (Register 79, No. 49).
- Editorial renumbering of Section 2402 to Section 6188(b) filed 7–19–85 (Register 85, No. 29).

Article 8. Findings of the Director

§ 2420. Findings of the Director of Food and Agriculture.

NOTE: Authority cited: Sections 407 and 12781, Food and Agricultural Code. Reference: Sections 12824 and 12825, Food and Agricultural Code.

HISTORY

- 1. Repealer of Article 8 (Sections 2375–2378) and new Article 8 (Sections 2420–2425, consecutive) filed 12–29–78; effective thirtieth day thereafter (Register 78, No. 52). For prior history see Register 65, No. 6.
- 2. Renumbering and amendment of Section 2420 to Section 6350 filed 8–4–82; designated effective 1–1–83 (Register 82, No. 32).

§ 2421. Findings of the Director of Food and Agriculture.

NOTE: Authority cited: Sections 407 and 12781, Food and Agricultural Code. Reference: Sections 12824 and 12825, Food and Agricultural Code.

HISTORY

1. Renumbering and amendment of Section 2421 to Section 6352 filed 8-4-82; designated effective 1-1-83 (Register 82, No. 32).

§ 2422. Findings of the Director of Food and Agriculture.

NOTE: Authority cited: Sections 407 and 12781, Food and Agricultural Code. Reference: Sections 12824 and 12825, Food and Agricultural Code.

HISTORY

1. Renumbering and amendment of Section 2422 to Section 6354 filed 8-4-82; designated effective 1-1-83 (Register 82, No. 32).

§ 2423. Inorganic Arsenic.

NOTE: Authority cited: Sections 407 and 12781, Food and Agricultural Code. Reference: Sections 12824 and 12825, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 5–30–80; effective thirtieth day thereafter (Register 80, No. 22).
- Renumbering and amendment of Section 2423 to Section 6356 filed 8-4-82; designated effective 1-1-83 (Register 82, No. 32).

§ 2424. Findings of the Director of Food and Agriculture.

NOTE: Authority cited: Sections 407 and 12781, Food and Agricultural Code. Reference: Sections 12824 and 12825, Food and Agricultural Code.

HISTORY

 Renumbering and amendment of Section 2424 to Section 6358 filed 8-4-82; designated effective 1-1-83 (Register 82, No. 32).

§ 2425. Suspension of Registration and Use of Economic Poisons Containing 1,2–Dibromo–3–Chloropropane (DBCP).

NOTE: Authority cited: Sections 407 and 12781, Food and Agricultural Code. Reference: Sections 12824, 12825 and 12826, Food and Agricultural Code.

HISTORY

1. Renumbering and amendment of Section 2425 to Section 6370 filed 8–4–82; designated effective 1–1–83 (Register 82, No. 32).

§ 2426. Suspension of Registration and Use of Economic Poisons Containing N–3–Pyridylmethyl N⁷-p Nitrophenyl Urea (Vacor).

 $NOTE: Authority\ cited: Sections\ 407\ and\ 12781, Food\ and\ Agricultural\ Code.\ Reference:\ Sections\ 12824,\ 12825\ and\ 12826,\ Food\ and\ Agricultural\ Code.$

HISTORY

- 1. New section filed 2–22–79 as an emergency; effective upon filing (Register 79, No. 8).
- 2. Certificate of Compliance filed 6-19-79 (Register 79, No. 25).
- 3. Renumbering and amendment of Section 2426 to Section 6372 filed 8–4–82; designated effective 1–1–83 (Register 82, No. 32).

§ 2427. Ethylene Dibromide.

NOTE: Authority cited: Sections 407, 12781 and 14102, Food and Agricultural Code. Reference: Sections 11501(b), 12824, 12825, 14001 and 14102, Food and Agricultural Code.

Page 230 (4-1-90)

HISTORY

- 1. New section filed 3–10–82 as an emergency; designated effective 3–10–82 (Register 82, No. 13). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 7–8–82.
- Certificate of Compliance transmitted to OAL 7–1–82 and filed 7–29–82 (Register 82, No. 31).
- Amendment filed 3–30–84; effective thirtieth day thereafter (Register 84, No. 13).
- 4. Editorial renumbering of Section 2427 to Section 6359 filed 7–19–85 (Register 85, No. 29).

§ 2428. Cadmium Compounds.

NOTE: Authority cited: Sections 407, 12781 and 12976, Food and Agricultural Code. Reference: Sections 12825, 12995 and 14102, Food and Agricultural Code.

- 1. New section filed 12–8–82; effective thirtieth day thereafter (Register 82. No. 50).
- 2. Editorial renumbering of Section 2428 to Section 6360 filed 7–19–85 (Register 85, No. 29).

Article 9. Mill Assessment

NOTE: Authority cited: Sections 407 and 12781, Food and Agricultural Code. Reference: Section 12841, Food and Agricultural Code.

HISTORY

- Repealer of Article 9 (Section 2380) and new Article 9 (Sections 2430–2435, consecutive) filed 12–29–78; effective thirtieth day thereafter (Register 78, No. 52). For prior history, see Registers 77, No. 6, and 65, No. 6.
- 2. Renumbering and amendment of Article 9 (Sections 2430–2435) to Chapter 6 (Sections 6380–6392, not consecutive) filed 8–4–82; designated effective 1–1–83 (Register 82, No. 32). For prior history, see Registers 80, No. 12; 79, No. 52; and 79, No. 28.

Article 9.5. Mill Assessment Disbursement Criteria

NOTE: Authority cited: Sections 407, 12781 and 12844, Food and Agricultural Code. Reference: Section 12844, Food and Agricultural Code.

HISTORY

- 1. New Article 9.5 (Sections 2436–2439.5) filed 7–9–79 as an emergency; effective upon filing. Certificate of Compliance included (Register 79, No. 28).
- Amendment of subsection (c) filed 12–24–79; effective upon filing (Register 79, No. 52). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 4–23–79.
- 3. Certificate of Compliance including amendment of subsection (c) filed 3–21–80 (Register 80, No. 12).
- 4. Repealer of Article 9.5 (Sections 2436–2439.5) and new Article 9.5 (Sections 2436–2438) filed 10–16–81; effective thirtieth day thereafter (Register 81, No. 42).
- 5. Repealer of Article 9.5 (Sections 2436–2439 and 2439.9, not consecutive) filed 7–8–83; effective thirtieth day thereafter (Register 83, No. 28). For prior history, see Register 81, No. 49.

Article 10. Violations

§ 2440. Misbranding.

NOTE: Authority cited: Sections 407 and 12781, Food and Agricultural Code.
HISTORY

- 1. Repealer of Article 10 (2390 and 2391) and new Article 10 (Section 2440) filed 12–29–78; effective thirtieth day thereafter (Register 78, No. 52). For prior history see Registers 77, No. 6 and 65, No. 6.
- 2. Repealer of Article 10 (Section 2440) filed 8-4-82; designated effective 1-1-83 (Register 82, No. 32).

Article 11. Pesticide Regulatory Program

§ 2440.5. Unregistered Products.

NOTE: Authority cited: Sections 407, 12781, 12976, 14005 and 14102, Food and Agricultural Code. Reference: Section 12995, Food and Agricultural Code.

HISTORY

1. New section filed 1–3–83; effective thirtieth day thereafter (Register 83, No. 2).

Editorial renumbering of Section 2440.5 to Section 6301 filed 7–19–85 (Register 85, No. 29).

§ 2441. Purpose.

NOTE: Authority cited: Sections 407, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005, 14006.7. Food and Agricultural Code. Reference: Sections 11401–12121, 12501–12671, 12751–13102, 14001–14104, Food and Agricultural Code.

HISTORY

- 1. New Article 11 (Sections 2441–2445) filed 12–5–79; designated effective 1–4–80 (Register 79, No. 49). For prior history, see Register 78, No. 52.
- 2. Editorial renumbering of Section 2441 to Section 6100(a) filed 8–13–85 (Register 85, No. 33).

§ 2442. Definitions.

NOTE: Authority cited: Sections 407, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005, 14006.7, Food and Agricultural Code. Reference: Sections 11401–12121, 12501–12671, 12751–13102 and 14001–14104, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of Section 2442 to Section 6000.1 filed 8–13–85 (Register 85, No. 33).

§ 2443. Pesticide Registration, Renewal, and Reevaluation.

Note: Authority cited: Sections 407, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401–12121, 12501–12671, 12751–13102 and 14001–14104, Food and Agricultural Code.

HISTORY

- Amendment of subsections (b) and (c) filed 5-1-80 as an emergency; effective upon filing (Register 80, No. 18). A Certificate of Compliance must be transmitted to OAH within 120 days or emergency language will be repealed on 8-30-80.
- 2. Certificate of Compliance filed 7–3–80 (Register 80, No. 27).
- 3. Editorial renumbering of Section 2443(a) to Section 6252, renumbering of Section 2443(b) to Section 6253, renumbering of Section 2443(c)–(e) to Section 6254 and renumbering of Section 2443(f) to Section 6255 filed 7–19–85 (Register 85, No. 29).

§ 2444. Standards and Regulations.

NOTE: Authority cited: Sections 407, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005, 14006.7, Food and Agricultural Code. Reference: Sections 11401–12121, 12501–12671, 12751–13102, 14001–14104, Food and Agricultural Code.

HISTORY

- 1. New Article 19 (§ 2444) filed 3–3–72 as an emergency; designated effective 3–4–72 (Register 72, No. 10). For history of former Article 19, see Register 66, No. 9.
- 2. Certificate of Noncompliance (repealer by operation of Section 11422.1, Government Code) filed 7–12–72 (Register 72, No. 29).
- 3. Amendment of subsection (a)(3) filed 5–1–80 as an emergency; effective upon filing (Register 80, No. 18). A Certificate of Compliance must be transmitted to OAH within 120 days or emergency language will be repealed on 8–30–80.
- 4. Certificate of Compliance filed 7-3-80 (Register 80, No. 27).
- 5. Editorial renumbering of Section 2444(a) and (b) to Section 6110, renumbering of Subsections (c) and (d) to Section 6116, and renumbering of Subsection (e) to Section 6118 filed 8–13–85 (Register 85, No. 33).

§ 2445. Commissioner Consultation.

NOTE: Authority cited: Sections 407, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005, 14006.7, Food and Agricultural Code. Reference: Sections 11401–12121, 12501–12671, 12751–13102, 14001–14104, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of Section 2445 to Section 6122 filed 8–13–85 (Register 85, No. 33).

Article 12. Application for Registration

NOTE: Authority cited: Sections 407, 12781 and 14005, Food and Agricultural Code. Reference: Sections 12751–12994, Food and Agricultural Code.

HISTORY

1. Repealer of Article 12 (Sections 2402–2408.6, not consecutive) filed 12–29–78; effective thirtieth day thereafter (Register 78, No. 52). For prior history, see Registers 78, No. 23; 77, No. 50; 77, No. 33; 77, No. 6; 72, No. 43; 72, No. 29; 72, No. 18; 71, No. 50; 71, No. 37; 71, No. 27; 71, No. 20; 70, No. 33; 70, No. 16; 69, No. 31; 65, No. 6.

Page 231 (4-1-90)

Article 13. Transfer of Registration

NOTE: Authority cited: Sections 407, 12781 and 14005, Food and Agricultural Code. Reference: Sections 12751–12994, Food and Agricultural Code.

HISTORY

1. Repealer of Article 13 (Sections 2412 and 2413) filed 12–29–78; effective thirtieth day thereafter (Register 78, No. 52). For prior history, see Registers 77, No. 50 and 65, No. 6.

Article 14. Commercial Pest Control Service

NOTE: Authority cited: Sections 407, 12781 and 14005, Food and Agricultural Code. Reference: Sections 12751–12994, Food and Agricultural Code.

HISTORY

1. Repealer of Article 14 (Sections 2418 and 2419) filed 12–29–78; effective thirtieth day thereafter (Register 78, No. 52). For prior history, see Registers 77, No. 6 and 65, No. 6.

Article 15. Toxicity Definitions and Caution Statements

NOTE: Authority cited: Sections 407, 12781 and 14005, Food and Agricultural Code. Reference: Sections 12751–12994, Food and Agricultural Code.

HISTORY

1. Repealer of Article 15 (Sections 2424 and 2425) filed 12–29–78; effective thirtieth day thereafter (Register 78, No. 52). For prior history, see Registers 77, No. 6 and 65, No. 6.

Article 16. Labeling

NOTE: Authority cited: Sections 407, 12781 and 14005, Food and Agricultural Code. Reference: Sections 12751–12994, Food and Agricultural Code.

HISTORY

1. Repealer of Article 16 (Sections 2430–2434, consecutive) filed 12–29–78; effective thirtieth day thereafter (Register 78, No. 52). For prior history, see Registers 77, No. 6; 71, No. 23; 65, No. 6.

Article 17. Misbranding

NOTE: Authority cited: Sections 407, 12781 and 14005, Food and Agricultural Code. Reference: Sections 12751–12994, Food and Agricultural Code.

HISTORY

1. Repealer of Article 17 (Sections 2435–2436, consecutive) filed 12–29–78; effective thirtieth day thereafter (Register 78, No. 52). For prior history, see Registers 77, No. 6; 75, No. 27; 65, No. 6.

Article 17.1. Advertising and Sales Documents

NOTE: Authority cited: Sections 407, 12781 and 14005, Food and Agricultural Code. Reference: Sections 12751–12994, Food and Agricultural Code.

HISTORY

 Repealer of Article 17.1 (Section 2440) file 12–29–78; effective thirtieth day thereafter (Register 78, No. 52). For prior history, see Registers 75, No. 27; 72, No. 39; 72, No. 15.

Article 17.2. Mill Assessments

NOTE: Authority cited: Sections 407, 12781 and 14005, Food and Agricultural Code. Reference: Sections 12751–12994, Food and Agricultural Code.

HISTORY

1. Repealer of Article 17.2 (Sections 2440.5–2440.7) filed 12–29–78; effective thirtieth day thereafter (Register 78, No. 52). For prior history, see Registers 75, No. 27; 75, No. 24; 73, No. 24; 72, No. 35.

Article 17.3. Mill Assessment Reimbursement to Counties

NOTE: Authority cited: Sections 407, 12781 and 14005. Food and Agricultural Code. Reference: Sections 12751–12994, Food and Agricultural Code.

HISTORY

1. Repealer of Article 17.3 (Sections 2441 and 2441.1) filed 12–29–78; effective thirtieth day thereafter (Register 78, No. 52). For prior history, see Registers 75, No. 27; 72, No. 35.

Article 18. Products Containing Lead

NOTE: Authority cited: Sections 407, 12781 and 14005, Food and Agricultural Code. Reference: Sections 12751–12994, Food and Agricultural Code.

HISTORY

1. Repealer of Article 18 (Sections 2442 and 2443) filed 12–29–78; effective thirtieth day thereafter (Register 78, No. 52). For prior history, see Register 73, No. 8

Article 19. Restricted Materials

NOTE: Authority cited: Sections 407 and 14005, Agricultural Code. Reference: Sections 14001–14035, Agricultural Code.

HISTORY

- 1. New Article 19 (§ 2444) filed 3–3–72 as an emergency; designated effective 3–4–72 (Register 72, No. 10). For history of former Article 19, see Register 66, No. 9.
- 2. Certificate of Noncompliance (repealer by operation of Section 11422.1, Government Code) filed 7–12–72 (Register 72, No. 29).

Article 20. Restricted Materials

§ 2450. Restricted Materials.

NOTE: Authority cited: Sections 407, 12781, 12976, 12981, 14001, 14004.5, 14005, 14006.7 and 14102, Food and Agricultural Code. Reference: Sections 14001–14104, Food and Agricultural Code.

HISTORY

- 1. Amendment of subsection (n) filed 4–3–84 as an emergency; effective upon filing (Register 84, No. 14). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 8–1–84. For prior history, see Register 83, No. 41.
- 2. New subsection (k)(25) filed 8-24-84 as an emergency; effective upon filing (Register 84, No. 36). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 12-22-84.
- 3. Repealer of subsection (k)(25) by operation of Government Code Section 11346.1(g) (Register 85, No. 1).
- 4. New subsection (k)(25) filed 12–31–84 as an emergency; effective upon filing (Register 85, No. 1). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 4–30–85.
- Reinstatement of subsection (n) as it existed prior to emergency amendment filed 4-3-84 by operation of Government Code Section 11346.1(f) (Register 85, No. 9).
- 6. Amendment of subsection (n) filed 2-28-85; effective thirtieth day thereafter (Register 85, No. 9).
- Order of Repeal of 12–31–84 emergency order filed 5–20–85 by OAL pursuant to Government Code Section 11349.6(b) (Register 85, No. 21).
- New subsection (k)(25) filed 5-21-85 as an emergency; effective upon filing. (Register 85, No. 21). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 9-18-85.
- 9. Editorial renumbering of Section 2450 to Section 6400 filed 8–13–85 (Register 85, No. 33).

§ 2450.5. Designation of Restricted Materials.

NOTE: Authority cited: Sections 407, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401–12121, 12501–12671 and 12751–14104, Food and Agricultural Code.

HISTORY

- 1. New section filed 12-5-79; designated effective 1-4-80 (Register 79, No. 49).
- 2. New subsection (d) filed 1–2–80 as an emergency; designated effective 1–4–80 (Register 80, No. 1). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 5–4–80.
- 3. Expired by own terms (Register 80, No. 18).
- Amendment filed 5-1-80 as an emergency; effective upon filing (Register 80, No. 18). A Certificate of Compliance must be transmitted to OAH within 120 days or emergency language will be repealed on 8-30-80.

Page 232 (4-1-90)

- 5. Certificate of Compliance filed 7–3–80 (Register 80, No. 27).
- 6. Editorial renumbering of Section 2450.5 to Section 6228 filed 7-19-85 (Register 85, No. 29).

§ 2451. Definitions.

NOTE: Authority cited: Sections 407, 12781, 12976, 12979, 14004.5, 14005, 14033, 14063 and 14102, Food and Agricultural Code. Reference: Sections 12751-13102 and 14001-14104, Food and Agricultural Code.

HISTORY

- 1. Amendment of subsections (a) and (d) filed 12-6-78; effective thirtieth day thereafter (Register 78, No. 49)
- 2. Amendment of subsection (a) filed 12-19-80; effective thirtieth day thereafter (Register 80, No. 51)
- 3. Amendment of subsection (d) filed 10-15-81; effective thirtieth day thereafter (Register 81, No. 42).
- 4. Editorial renumbering of Section 2451 to Section 6000.2 filed 8-13-85 (Register 85, No. 33).

§ 2452. Restricted Material Permit Requirements.

NOTE: Authority cited: Sections 407, 14005 and 14006, Food and Agricultural Code. Reference: Sections 14001, 14006, 14006.5 and 14007, Food and Agricultural Code.

HISTORY

- 1. New subsections (j), (k) and (l) filed 12-5-79; designated effective 1-4-80
- (Register 79, No. 49). For prior history, see Register 78, No. 49.
 2. Amendment of subsection (j) filed 1–2–80 as an emergency: designated effective 1-4-80 (Register 80, No. 1). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 5-4-80.

 3. Amendment of subsection (d)(13) filed 3-20-80; effective thirtieth day thereaf-
- ter (Register 80, No. 12).
- 4. Amendment of subsection (j), repealer of subsection (k) and relettering of subsection (l) to (k) filed 5-1-80 as an emergency; effective upon filing (Register 80, No. 18). A Certificate of Compliance must be transmitted to OAH within 120 days or emergency language will be repealed on 8-30-80.
- 5. Certificate of Compliance filed 7-3-80 (Register 80, No. 27)
- 6. Amendment of subsection (d)(1) filed 10-15-81; effective thirtieth day thereafter (Register 81, No. 42).
- 7. Amendment of subsections (e), (f), (i) and (j) filed 1-14-82; effective thirtieth day thereafter (Register 82, No. 3)
- 8. Amendment of subsection (j)(10) filed 3-2-82; effective thirtieth day thereafter (Register 82, No. 10).
- 9. Editorial correction of subsection (j)(10) filed 5-19-82 (Register 82, No. 21).
- 10. Editorial renumbering of Section 2452(a) to Section 6412, Section 2452(b) and (c) to Section 6414, Section 2452(d) to Section 6400(p), Section 2452(e) to Section 6420, Section 2452(f) to Section 6422(a), Section 2452(g) to Section 6412, Section 2452(h) to Section 6408(a), Section 2452(i) to Section 6424(a), Section 2452(j)(1)(A)-(G) to Section 6000.3, Section 2452(j)(2) to Section 6422(b), Section 2452(j)(3) and (4) to Section 6426(a) and (b), Section 2452(j)(5) to Section 6428, Section 2452(j)(6) to Section 6434(a), Section 2452(j)(7) to Section 6430, Section 2452(j)(8) to Section 6432(a), Section 2452(j)(9) to Section 6432(b), last sentence of Section 2452(j)(9)(A) to Section 6410, Section 2452(j)(10) to Section 6434(b), Section 2452(j)(11) to Section 6122(b), Section 2452(j)(12) to Section 6436, Section 2452(j)(13) to Section 6408(b), Section 2452(j)(14) to Section 6424(b), and Section 2452(k) to Section 6100(b) filed 8-13-85 (Register 85, No. 33).

§ 2452.1. Employer-Employee Responsibility.

NOTE: Authority cited: Sections 407, 12781, 12976, 12981, 14001, 14004.5, 14005 and 14102, Food and Agricultural Code. Reference: Sections 14001–14104, Food and Agricultural Code.

HISTORY

- 1. New section filed 2-6-80; effective thirtieth day thereafter (Register 80, No. 6).
- 2. Repealer filed 5-31-95; operative 6-30-95 (Register 95, No. 22).

§ 2452.5. Refusal, Suspension or Revocation of a **Restricted Material Permit.**

NOTE: Authority cited: Sections 407, 12979, 14004.5, 14005, 14033 and 14063, Food and Agricultural Code. Reference: Sections 14001-14104, Food and Agricultural Code.

HISTORY

- 1. New section filed 12-6-78; effective thirtieth day thereafter (Register 78, No.
- 2. Repealer filed 5-31-95; operative 6-30-95 (Register 95, No. 22).

§ 2453. Chloropicrin and Methyl Bromide Restrictions.

NOTE: Authority cited: Sections 407, 12781, 12976, 12981, 14001, 14004.5, 14005, and 14102, Food and Agricultural Code. Reference: Sections 14001-14104, Food and Agricultural Code.

HISTORY

- 1. New subsection (d) filed 2-6-80; effective thirtieth day thereafter (Register 80,
- 2. Editorial renumbering of Section 2453(a) to Section 6450, Section 2453 (b) and (c) to Section 6452(a) and (b), and Section 2453(d) to Section 6454 filed 8-13-85 (Register 85, No. 33).

§ 2454. Sodium Arsenite Restrictions.

NOTE: Authority cited: Sections 407, 12781, 12976, 12981, 14001, 14004.5, 14005 and 14102, Food and Agricultural Code. Reference: Sections 12980-12982, 14001-14003, 14006, 14006.5, 14007, 14011, and 14103, Food and Agricultural Code.

HISTORY

- 1. New subsections (d)-(h) filed 2-6-80; effective thirtieth day thereafter (Register 80, No. 6).
- 2. Amendment filed 10-15-81; effective thirtieth day thereafter (Register 81, No. 42).
- 3. Editorial renumbering of Section 2454 to Section 6456 filed 8–13–85 (Register 85, No. 33).

§ 2455. Restrictions on Planting Seeds Treated with Mercury Compounds.

HISTORY

1. Repealer filed 5-31-95; operative 6-30-95 (Register 95, No. 22).

§ 2456. Propanil Restrictions.

NOTE: Authority cited: Sections 407, 12781, 12976, 14001, 14005 and 14102, Food and Agricultural Code. Reference: Sections 14006 and 14033, Food and Agricultural Code.

HISTORY

- 1. Amendment of subsection (a) and new subsection (b) filed 7-30-81 as an emergency; effective upon filing (Register 81, No. 31). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 11-27-81.
- 2. Certificate of Compliance as to 7-30-81 order transmitted to OAL 11-27-81 and filed 12-11-81 (Register 81, No. 50).
- 3. New subsection (c) filed 6-29-82 as an emergency; effective upon filing (Register 82, No. 28)
- 4. Order of Repeal of 6–29–82 emergency order filed 7–8–82 by OAL pursuant to Government Code Section 11349.6 (Register 82, No. 28).
- 5. New subsection (c) filed 7–9–82 as an emergency: effective upon filing (Register 82, No. 28). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 11–6–82.
- 6. Subsection (b) expired by own terms (Register 83, No. 25).
- 7. New subsection (b) filed 6-14-83 as an emergency; effective upon filing (Register 83, No. 25). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 10-12-83.
- 8. Editorial correction of subsection (b) filed 7-28-83 (Register 83, No. 31).
- 9. Amendment of subsection (c) filed 4-13-84 as an emergency; effective upon filing (Register 84, No. 15). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 8-11-84.
- 10. Certificate of Compliance as to 4-13-84 order transmitted to OAL 8-10-84 and filed 9-10-84 (Register 84, No. 37)
- 11. Editorial renumbering of Section 2456 to 6462 filed 8-13-85 (Register 85, No.

§ 2457. Restrictions on Highly Volatile Liquid Herbicides.

HISTORY

1. Editorial renumbering of Section 2457 to Section 6464(a) filed 8-13-85 (Register 85, No. 33).

§ 2458. Herbicide Restrictions.

NOTE: Authority cited: Sections 407, 11502, 12005, 12731, 12781, 12976, 12979, 12981, 14001, 14004.5, 14005, 14033, 14063 and 14102, Food and Agricultural Code. Reference: Sections 11401-11531, 12981 and 14001-14104, Food and Agricultural Code.

HISTORY

- 1. New subsection (e)(12) filed 4-28-78 as an emergency; effective upon filing (Register 78, No. 17).
- 2. Amendment of subsection (e) (10) filed 5-11-78 as an emergency; effective upon filing (Register 78, No. 19).
- 3. Certificate of Compliance filed 9-8-78 (Register 78, No. 36).
- 4. New subsection (e)(12) refiled 9–15–78 as an emergency; effective upon filing (Register 78, No. 37).
- 5. Amendment of subsections (a), (d) and (e) filed 12-6-78; effective thirtieth day thereafter (Register 78, No. 49).
- 6. Amendment filed 6-18-79 as an emergency; effective upon filing. Certificate of Compliance included (Register 79, No. 25).

- 7. Amendment of subsections (b)–(d) filed 2–6–80; effective thirtieth day thereafter (Register 80, No. 6).
- Amendment of subsection (f)(5)(B) filed 4–17–81 as an emergency; effective upon filing (Register 81, No. 16). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 8–15–81
- 9. Certificate of Compliance as to 4–17–81 order transmitted to OAL 8–13–81 and filed 8–28–81 (Register 81, No. 35).
- 10. Amendment of subsection (e)(10)(C) and repealer of subsections (e)(2) and (e)(10)(B) filed 4–30–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 18).
- 11. Editorial renumbering of Section 2458(a)–(c) to Section 6460(a)–(c) and Section 2458(d)–(f) to Section 6464(b)–(d) filed 8–13–85 (Register 85, No. 33).

§ 2458.1. Sodium Fluoroacetate Restrictions.

NOTE: Authority cited: Sections 407, 12979, 14004.5, 14005, 14033, and 14063, Food and Agricultural Code. Reference: Sections 14001 through 14104, Food and Agricultural Code.

HISTORY

- 1. New section filed 12–6–78; effective thirtieth day thereafter (Register 78, No. 49).
- 2. Repealer filed 5-31-95; operative 6-30-95 (Register 95, No. 22).
- 3. Editorial correction of NOTE (Register 97, No. 37).

§ 2458.2. Paraguat Restrictions.

NOTE: Authority: Sections 407, 12781, 12976, 12981, 14001, 14004.5, 14005, and 14102, Food and Agricultural Code. Reference: Sections 14001–14104, Food and Agricultural Code..

HISTORY

- 1. New section filed 2-6-80; effective thirtieth day thereafter (Register 80, No. 6).
- 2. Editorial renumbering of Section 2458.2 to Section 6466 filed 8–13–85 (Register 85, No. 33).

§ 2458.3. 1,3–Dichloropropene and Ethylene Dibromide Restrictions.

NOTE: Authority: Sections 407, 12781, 12976, 12981, 14001, 14004.5, 14005, and 14102, Food and Agricultural Code. Reference: Sections 14001–14104, Food and Agricultural Code.

HISTORY

- 1. New section filed 2–6–80; effective thirtieth day thereafter (Register 80, No. 6).
- Editorial renumbering of Section 2458.3 to Section 6468 filed 8–13–85 (Register 85, No. 33).

§ 2458.4. Cotton Harvest Aid Restrictions.

NOTE: Authority: Sections 407, 12781, 12976, 12981, 14001, 14004.5, 14005, and 14102, Food and Agricultural Code. Reference: Sections 14001–14104, Food and Agricultural Code.

HISTORY

- 1. New section filed 7–11–79 as an emergency; designated effective 8–1–79 (Register 79, No. 28.)
- 2. Repealed by operation of section 11422(c), Government Code (Register 80, o. 6).
- $3.\ New\ section\ filed\ 2-6-80; effective\ thirtieth\ day\ thereafter\ (Register\ 80, No.\ 6).$
- 4. Amendment of subsection (a) filed 9–1–81 as an emergency; effective upon filing (Register 81, No. 37).
- 5. Order of Repeal of 9–1–81 emergency order filed 9–10–81 by OAL pursuant to Government Code Section 11349.6 (Register 81, No. 37).
- 6. Editorial renumbering of Section 2458.4 to Section 6470 filed 8–13–85 (Register 85, No. 33).

§ 2458.5. Ethylene Dichloride Use Restrictions.

NOTE: Authority: Sections 407, 12781, 12976, 12981, 14001, 14004.5, 14005, and 14102, Food and Agricultural Code. Reference: Sections 14001–14104, Food and Agricultural Code.

HISTORY

- 1. New section filed 2–6–80; effective thirtieth day thereafter (Register 80, No. 6).
- 2. Editorial renumbering of Section 2458.5 to Section 6472 filed 8–13–85 (Register 85, No. 33).

§ 2458.6. Chlordane Restrictions on Citrus, Grapes, and Strawberries.

NOTE: Authority: Sections 407, 12781, 12976, 12981, 14001, 14004.5, 14005, and 14102, Food and Agricultural Code. Reference: Sections 14001–14104, Food and Agricultural Code.

HISTORY

- 1. New section filed 2–6–80; effective thirtieth day thereafter (Register 80, No. 6).
- 2. Repealer filed 5-31-95; operative 6-30-95 (Register 95, No. 22).

§ 2458.7. Carbofuran Restrictions.

NOTE: Authority: Sections 407, 12781, 12976, 12981, 14001, 14004.5, 14005, and 14102, Food and Agricultural Code. Reference: Sections 14001–14104, Food and Agricultural Code.

HISTORY

- 1. New section filed 2–6–80; effective thirtieth day thereafter (Register 80, No. 6).
- 2. Editorial renumbering of Section 2458.7 to Section 6474 filed 8–13–85 (Register 85, No. 33).

§ 2458.8. Fenamiphos Restrictions.

NOTE: Authority: Sections 407, 12781, 12976, 12981, 14001, 14004.5, 14005, and 14102, Food and Agricultural Code. Reference: Sections 14001–14104, Food and Agricultural Code.

HISTORY

- 1. New section filed 2–6–80; effective thirtieth day thereafter (Register 80, No. 6).
- 2. Editorial renumbering of Section 2458.8 to Section 6476 filed 8–13–85 (Register 85, No. 33).

§ 2458.9. Termiticide Restrictions.

NOTE: Authority cited: Sections 407, 12781, 12976, 14005, and 14102, Food and Agricultural Code. Reference: Sections 14001 through 14104, Food and Agricultural Code.

HISTORY

- 1. New section filed 3–20–80; effective thirtieth day thereafter (Register 80, No. 12).
- 2. Editorial correction of printing error in subsection (k) (Register 91, No. 33).
- 3. Repealer filed 5–31–95; operative 6–30–95 (Register 95, No. 22).

§ 2458.10. 2,4-Dichlorophenyl p-Nitrophenyl Ether Restrictions.

NOTE: Authority cited: Sections 407, 11502, 12781, and 14005, Food and Agricultural Code. Reference: Sections 11401–12121 and 12751–14104, Food and Agricultural Code.

HISTORY

- New section filed 4-29-80 as an emergency; effective upon filing (Register 80, No. 18). A Certificate of Compliance must be transmitted to OAH within 120 days or emergency language will be repealed on 8-28-80.
- 2. Certificate of Compliance filed 8-20-80 (Register 80, No. 34).
- 3. Amendment filed 8–22–80 as an emergency; effective upon filing (Register 80, No. 34). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 12–22–80.
- Reinstatement of section as it existed prior to emergency amendment filed 8-22-80 by operation of Section 11346.1(f), Government Code (Register 81, No. 48).
- Editorial renumbering of Section 2458.10 to Section 6480 filed 8–13–85 (Register 85, No. 33).

§ 2458.11. Phenoxy Herbicide Restrictions on Timberland.

NOTE: Authority cited: Sections 407, 14001, 14005 and 14006, Food and Agricultural Code. Reference: Sections 14004, 14006.5 and 14009, Food and Agricultural Code.

HISTORY

- 1. New section filed 3–17–82 as an emergency; effective upon filing (Register 82, No. 13)
- 2. Order of Repeal of 3–17–82 emergency order filed 3–26–82 by OAL pursuant to Government Code Section 11349.6 (Register 82, No. 13).
- 3. New section filed 4–12–82 as an emergency; effective upon filing (Register 82, No. 16).
- 4. Order of Repeal filed 4–12–82 by OAL pursuant to Government Code Section 11349.6 (Register 82, No. 16).
- 5. New section filed 3–2–83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 10).
- Amendment filed 7–30–84, effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 31).
- 7. Renumbering and amendment of Section 2458.11 to Section 6443 filed 9-14-87; operative 10-14-87 (Register 87, No. 38).

§ 2459. Reports and Records.

NOTE: Authority cited: Sections 407, 12781, 12976, 14005, 14102, Food and Agricultural Code. Reference: Sections 12751–13102 and 14001–14104, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 12–19–80; effective thirtieth day thereafter (Register 80, No. 51).
- 2. Editorial renumbering of Section 2459 to Section 6440 filed 8–13–85 (Register 85, No. 33).

§ 2460. Generalized Symptoms, Residues, and Health Hazards.

HISTORY

1. Editorial renumbering of Section 2460 to Section 6444 filed 8–13–85 (Register 85, No. 33).

§ 2461. Dealer Responsibilities.

HISTORY

1. Editorial renumbering of Section 2461 to Section 6568 filed 8–13–85 (Register 85, No. 33).

§ 2462. Exempt Materials.

HISTORY

1. Editorial renumbering of Section 2462 to Section 6402 filed 8–13–85 (Register 85, No. 33).

§ 2463. Hearings Pursuant to Section 14009 of the Food and Agricultural Code.

NOTE: Authority cited: Sections 407 and 14005, Food and Agricultural Code. Reference: Sections 14006.5 and 14007–14011, Food and Agricultural Code.

HISTORY

- 1. New section filed 5–12–78 as an emergency; effective upon filing (Register 78, No. 19).
- 2. Certificate of Compliance filed 9-8-78 (Register 78, No. 36).
- 3. Editorial renumbering of Section 2463 to Section 6442 filed 8–13–85 (Register 85, No. 33).

Article 21. Applicator Certification

§ 2465. Certification Requirements.

NOTE: Authority cited: Sections 407, 12979, 14004.5, 14005, 14033, and 14063, Food and Agricultural Code. Reference: Sections 14001–14104, Food and Agricultural Code.

HISTORY

- 1. Repealer of Article 21 (Sections 2460–2466) and new Article 21 (Sections 2465–2469) filed 12–7–77; effective thirtieth day thereafter (Register 77, No. 50). For prior history, see Registers 29, No. 3, 55, No. 15, 61, No. 16, 68, No. 48, 70, No. 5, 70, No. 22, 70, No. 43, 71, No. 31, 73, No. 5, 73, No. 12, 73, No. 15, 73, No. 25, 74, No. 15, 74, No. 23, 74, No. 40, 75, No. 32, 76, No. 31, and 77, No. 37.
- 2. Repealer of Article 21 (Sections 2460–2466) and new Article 21 (Sections 2465–2469) refiled 1–16–78 as an emergency; effective upon filing. Certificate of Compliance filed 1–26–78. For technical reasons, corrected order and Certificate of Compliance printed in Register 77, No. 50.
- 3. Amendment of section, and title of Article 21 filed 12–6–78; effective thirtieth day thereafter (Register 78, No. 49).
- Editorial renumbering of first sentence of Section 2465 to Section 6404 and renumbering of remaining Section 2465 to Section 6406 filed 8–13–85 (Register 85, No. 33).

§ 2466. Applications.

NOTE: Authority cited: Sections 407, 14005 and 14102, Food and Agricultural Code.

HISTORY

 Repealer filed 4–30–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 18).

§ 2467. Categories and Examinations.

NOTE: Authority cited: Sections 407, 12976, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 14001 and 14102, Food and Agricultural Code.

HISTORY

1. Renumbering and amendment of former Section 2467 to Section 6530 filed 4-30-85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 18).

§ 2468. Refusal, Revocation, and Suspension of a Commercial Applicator Certificate.

NOTE: Authority cited: Sections 407, 12976, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 14001 and 14102, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 12–6–78; effective thirtieth day thereafter (Register 78, No. 49).
- 2. Renumbering and amendment of former Section 2468 to Section 6534 filed 4-30-85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 18).

§ 2469. Non-Certified Applicator Supervision.

NOTE: Authority cited: Sections 407, 12979, 14004.5, 14005, 14033, and 14063, Food and Agricultural Code. Reference: Sections 14001–14104, Food and Agricultural Code.

HISTORY

1. Repealer filed 12–6–78; effective thirtieth day thereafter (Register 78, No. 49).

Article 22. Regulation of Environmentally Harmful Materials Used by Structural Pest Control Operators

§ 2470. Regulation of Environmentally Harmful Materials Used by Structural Pest Control Operators.

NOTE: Authority cited: Sections 407, 12781, 12976, 12981, 14001, 14004.5, 14005, 14010, 14011 and 14102, Food and Agricultural Code. Reference: Sections 14101–14104, Food and Agricultural Code.

HISTORY

- 1. Repealer of article 22 (sections 2470–2472) filed 12–6–78; effective thirtieth day thereafter (Register 78, No. 49). For former history, see Register 54, No. 13.
- 2. New article 22 (section 2470) filed 8–3–79 as an emergency; effective upon filing (Register 79, No. 31). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 12–1–79.
- 3. Certificate of Compliance filed 11-30-79 (Register 79, No. 48).
- 4. Editorial correction of printing error in subsections (Register 91, No. 33).
- 5. Repealer filed 5-31-95; operative 6-30-95 (Register 95, No. 22).

Article 23. Pesticide Worker Safety

§ 2475. Purpose of Article.

NOTE: Authority cited: Sections 407, 11502, 12005, 12111, 12782, 12979, 12981 and 14005, Food and Agricultural Code. Reference: Sections 11401–12121, 12751–12994, and 14001–14104, Food and Agricultural Code.

HISTORY

- 1. Repealer of Article 23 (Sections 2475 through 2488, inclusive) and new Article 23 (Sections 2475 through 2487, inclusive) filed 7–28–76; effective thirtieth day thereafter (Register 76, No. 31). For prior history, see Register 74, No. 15, and Register 75, No. 24.
- 2. Repealer of Article 23 (Sections 2475 through 2487) and new Article 23 (Sections 2475 through 2487) filed 2–2–77; effective thirtieth day thereafter (Register 77, No. 6).
- 3. Renumbering and amendment of Article 23 (Sections 2475, 2477–2487) to Chapter 6, Subchapter 3, Group 3 (Sections 6700–6778, not consecutive), and renumbering and amendment of Section 2476 to Chapter 6, Subchapter 1, Group 1 (Section 6000.4) filed 10–25–85; effective thirtieth day thereafter (Register 85, No. 43). For prior history, see Registers 83, No. 41; 79, No. 29; and 79, No. 1.

Subchapter 3. Tolerances and Exemptions from Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities

§ 2490. Findings of Fact: Incorporation of Federal Regulations.

NOTE: Authority cited: Sections 407, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401–12121, 12501–12671, 12751–13102 and 14001–14104, Food and Agricultural Code.

HISTORY

1. Repealer of Group 3 (Sections 2490.1 through 2490.1018, not consecutive) and new Group 3 (Sections 2490, 2490.1 and 2490.2) filed 2–22–74; effective thir-

tieth day thereafter (Register 74, No. 8). For prior history, see Registers 60, No. 16; 63, No. 12; 64, No. 15; 67, Nos. 11 and 24; 68, No. 41.

- 2. New subsection (c) filed 12-5-79; designated effective 1-4-80 (Register 79, No. 49).
- 3. Editorial renumbering of Section 2490 to Section 6490 filed 8-13-85 (Register 85, No. 33).

§ 2490.1. Limitation on Residues of Pesticide Chemicals.

HISTORY

1. Editorial renumbering of Section 2490.1 to Section 6492 filed 8–13–85 (Register 85, No. 33).

§ 2490.2. Tolerances for DDT and Toxaphene.

HISTORY

1. Repealer filed 5-31-95; operative 6-30-95 (Register 95, No. 22).

§ 2490.3. Severance.

NOTE: Authority cited: Sections 407, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005, and 14006.7, Food and Agricultural Code. Reference: Sections 11401–12121, 12501–12671, 12751–13102, and 14001–14104, Food and Agricultural Code.

HISTORY

- 1. New section filed 12-5-79; designated effective 1-4-80 (Register 79, No. 49).
- 2. Editorial renumbering of Section 2490.3 to Section 6102 filed 8–13–85 (Register 85, No. 33).

[The next page is 239.]

Page 236

Chapter 2. Field Crops

(Originally Printed 7-25-45)

Subchapter 1. Bonded Warehouses

NOTE: Authority cited for repealer of Group 1: Section 407, Agricultural Code. Reference: Sections 54601–54861, Agricultural Code.

HISTORY

1. Repealer of Group 1 (§§ 2500 through 2627) filed 3–21–69; effective thirtieth day thereafter (Register 69, No. 22). For former sections, see original Title 3.

Subchapter 2. Commercial Feed

Article 1. Definitions

§ 2675. Definitions.

Unless otherwise apparent from the context the following definitions apply to this Group 2:

- (a) "Mineral feed" means a commercial feed intended to supply primarily mineral elements or inorganic nutrients for animal nutrition.
- (b) "Official sample" means a sample of commercial feed taken by the secretary or his agent for regulatory purposes.
- (c) "Process" means any treatment that changes a feed ingredient so that it can no longer be restored to its previous form.
- (d) "Official name" of ingredients means those defined in Article 14 of this Group 2, provided that in the absence of a definition, the common English name shall be used.
- (e) "Food additive" has the same meaning as defined in the Food, Drug and Cosmetics Act 21, United States Code, section 321(s).
- (f) "Sell" includes offer for sale, expose for sale, possess for sale, exchange, barter, or trade.
- (g) "Inert material" means ingredients that are not assimilated in the digestive process, including sand, granite grit, charcoal and clay.
- (h) "Prohibited Mammalian Tissue" is any protein—containing portion of mammalian animals, excluding: blood and blood products, gelatin, inspected meat products which have been cooked and offered for human food and further heat processed for feed (such as plate waste and used cellulosic food casings), milk products (milk and milk proteins), and any product whose only mammalian protein consists entirely of porcine or equine protein; or any material specified in Title 21, Code of Federal Regulations (CFR) Part 589.2000, April 1, 2001.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Sections 14925, 14991, 14992(e), 15011 and 15042, Food and Agricultural Code.

HISTORY

- 1. Repealer of Group 2 (Secs. 2675–2815 not consecutive) and new Group 2 (Secs. 2675–2802), filed 6–13–73; effective thirtieth day thereafter (Register 73, No. 24). For history of former Group 2, see Registers 59, No. 8; 67, No. 46; 68, No. 2; 70, No. 3 and 71, No. 4.
- 2. Repealer of subsections (a)–(c), (g)–(j), (l), (m) and (o), and relettering and amendment of subsections (d)–(f), (k), (n) and (p) to subsections (a)–(f) filed 7–2–82; effective thirtieth day thereafter (Register 82, No. 27).
- 3. Amendment of subsection (a) and new subsection (g) filed 7–17–97; operative 8–16–97 (Register 97, No. 29).
- 4. Amendment of subsection (b), new subsection (h) and amendment of Note filed 1-30-2002; operative 1-30-2002 pursuant to Government Code section 11343.4 (Register 2002, No. 5).

Article 2. Commercial Feed Containing Drugs, Food Additives, or Harmful Substances

§ 2676. Safety and Efficacy of Drugs and Food Additives.

(a) Prior to use or sale of commercial feed containing any additive (including any drug, food additive, or other special purpose additive, or

- non-nutritive additive) the distributor shall submit evidence to the secretary to show the safety and efficacy of the commercial feed when used according to the directions stated on the label.
- (b) In determining whether satisfactory evidence of safety and efficacy is shown, the secretary will consider:
- (1) Whether each additive conforms to the requirements of the applicable regulations in Title 21, Code of Federal Regulations, Parts 570, 573 and 582 or are "prior sanctioned" or "generally recognized as safe (GRAS)" for stated uses.
- (A) "Prior Sanctioned" is defined in Title 21, Code of Federal Regulations, Part 570.3, as an explicit approval granted with respect to use of a substance in food prior to September 6, 1958, by the Food and Drug Administration or the United States Department of Agriculture pursuant to the Federal Food, Drug and Cosmetic Act, the Poultry Products Inspection Act, or the Meat Inspection Act.
- (B) "Generally Recognized as Safe (GRAS)" is defined in Title 21, Code of Federal Regulations, Part 570.3, definition of safe, as a reasonable certainty in the minds of competent scientists that the substance is not harmful under the intended conditions of use, and Part 570.30, where general recognition of safety may be based only on the views of experts qualified by scientific training and experience to evaluate the safety of substances directly or indirectly added to food.
- (2) Whether the feed itself is a drug as defined in Section 14928 of the Food and Agricultural Code and is generally recognized as safe and effective for the label use, or is approved by the Food and Drug Administration under 21 United States Code 360 b.
- (c) Premixes that contain more than 272.4 milligrams per pound (600 parts per million) added selenium shall be maintained by a daily inventory record that includes the following:
- (1) The quantity of selenium premixes on hand at the beginning and end of the workday (up to 24 hours).
- (2) A daily comparison of the actual amount of selenium premix used, with the theoretical or calculated usage.
 - (3) Actions taken to reconcile any discrepancies.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Sections 14903, 15011, 15031 and 15041, Food and Agricultural Code.

HISTORY

- 1. Amendment of subsection (b) filed 7–2–82; effective thirtieth day thereafter (Register 82, No. 27).
- 2. Amendment of subsection (b) filed 10–26–82; effective thirtieth day thereafter (Register 82, No. 44).
- 3. Amendment of subsections (a) and (b), new subsections (c)–(c)(3) and amendment of Note filed 1–30–2002; operative 1–30–2002 pursuant to Government Code section 11343.4 (Register 2002, No. 5).
- 4. Amendment of subsection (c) filed 4–20–2004; operative 4–20–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 17).

§ 2677. Unlawful Sale or Use of Poisonous Substances.

It is unlawful to use or sell a commercial feed containing any poisonous or deleterious substance or any substance which when fed in accordance with label directions or when used in accordance with usual feeding practices may impair the health of the animal being fed or result in an illegal or harmful residue or constituent in or on human food.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Sections 14903, 15011 and 15041(a), Food and Agricultural Code.

HISTORY

1. Editorial correction of NOTE filed 8-17-82 (Register 82, No. 34).

§ 2678. Unlawful Sale or Use of Material Containing Pesticide Residue.

- (a) It is unlawful to sell or use commercial feed which contains pesticide residue or drug residue in excess of the tolerance permitted by regulations of the Food, Drug, and Cosmetic Act, Title 21, Part 556, and Title 40, Part 180, Code of Federal Regulations or tolerances set by the director.
 - (b) Tolerances established by the director are:
- (1) DDT, DDD (TDE), and DDE, total residue: 0.5 part per million in or on commercial feed for animals.

0%

- (2) Toxaphene: 2.0 parts per million in or on commercial feed used by dairies for dairy animals; 7.0 parts per million for ruminant meat animal production and equines.
- (3) Kelthane (1,1-bis (p-chlorophenyl)-2,2,2-trichloroethanol): 1.5 parts per million in or on commercial feed for ruminant meat animal production and equines.
- (4) DEF (S,S,S, Tributyl Phosphorotrithioite), 4 parts per million in or on commercial feed for ruminant meat animal production and equines.
- (5) Folex (Tributyl Phosphorotrithioite), 0.25 part per million in or on commercial feed for ruminant meat animal production and equines.
- (c) This section does not authorize application of any pesticide. NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Sections 14903, 15011 and 15041(a), Food and Agricultural Code.

HISTORY

- 1. Amendment filed 6–25–74; effective thirtieth day thereafter (Register 74, No. 26).
- 2. Amendment of subsection (a) filed 7-2-82; effective thirtieth day thereafter (Register 82, No. 27).
- 3. Amendment of subsection (a) filed 7–17–97; operative 8–16–97 (Register 97, No. 29).

§ 2679. Fluorine Tolerances.

- (a) The fluorine content of any mineral or mineral mixtures to be used directly for feeding shall not exceed 0.20 percent for breeding and dairy cattle; 0.30 percent for slaughter cattle; 0.30 percent for sheep; 0.35 percent for lambs; 0.45 percent for swine; and 0.60 percent for poultry.
- (b) Any fluorine bearing ingredients may be used only in such limited amounts in commercial feed so that they will not increase the flurorine content of the total ration, exclusive or roughage, above the following amounts: for breeding and dairy cattle 0.004 percent; for slaughter cattle 0.009 percent; for sheep 0.006 percent; for lambs 0.01 percent; for swine 0.015 percent; and for poultry 0.03 percent.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Section 15011, Food and Agricultural Code.

HISTORY

- 1. Editorial correction of NOTE filed 8-17-82 (Register 82, No. 34).
- 2. Amendment filed 7-17-97; operative 8-16-97 (Register 97, No. 29).

§ 2680. Heavy Metals Prohibited.

It is unlawful to sell or use commercial feed intended for direct feeding which contains a heavy metal; provided, however, the following tolerances are permitted: arsenic fifty (50) parts per million, lead thirty (30) parts per million, and mercury two (2) parts per million. Heavy metal contained in drugs which are otherwise permissible, are not subject to this prohibition.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Section 15011, Food and Agricultural Code.

HISTORY

- 1. Editorial correction of NOTE filed 8-17-82 (Register 82, No. 34).
- 2. Amendment filed 7–17–97; operative 8–16–97 (Register 97, No. 29).

§ 2681. Animal Proteins Prohibited in Ruminant Feed.

(a) The manufacture, distribution and use of commercial feed containing protein derived from prohibited mammalian tissues shall comply with the requirements of Title 21, Code of Federal Regulations, Parts 589.2000, April 1, 2001.

 $Note: Authority\ cited: Sections\ 407\ and\ 14902,\ Food\ and\ Agricultural\ Code.\ Reference:\ Sections\ 14903,\ 15011\ and\ 15041,\ Food\ and\ Agricultural\ Code.$

HISTORY

- 1. New section filed 1–30–2002; operative 1–30–2002 pursuant to Government Code section 11343.4 (Register 2002, No. 5).
- 2. Amendment filed 4–20–2004; operative 4–20–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 17).

Article 3. Special Mixes

§ 2683. Special Mixes.

(e) Ash, maximum

- (a) On or before the date of the first delivery of a load, each person that manufactures or prepares a special mix for another person shall furnish to the purchaser either a label that meets the conditions of section 2694 or the following information on an invoice or other document furnished to the purchaser:
- (1) A numbered invoice or an attached document stating the date of sale and formula number.
 - (2) A guaranteed analysis stating the following:
 - (a) Crude Protein, minimum
 (b) Equivalent Crude Protein from
 Nonprotein Nitrogen, maximum (If Present)
 (c) Crude Fat, minimum
 (d) Crude Fiber, maximum

 %
- (f) Maximum percentage of sodium, if more than one-half of one percent (0.5%) of sodium is present.
- (g) In the case of any formula feed which contains more than nine percent ash, the minimum and maximum percentage of calcium (Ca), minimum percentage of phosphorus (P) and the maximum percentage of sodium (if present).
- (3) The official name and percent or pounds of each ingredient and if any formula feed is used, the percent or pounds of the formula feed.
- (4) If a formula feed is used, the label for the formula feed meeting the requirements of section 2694 must be attached to the numbered invoice.
- (5) A special mix that contains a drug must be accompanied by all information required in section 2701 with each delivery.
- (b) The shipping document that accompanies each subsequent delivery shall provide a label which meets the terms of section 2694, or shall plainly and prominently show the original special mix in the following manner: "Ingredient listings and guarantee of analysis accompanying formula number () applies to this delivery." The shipping document must also contain the name, address and telephone number of the purchaser. Whenever any change is made in the composition of the special mix the purchaser shall be supplied with a newly numbered formula showing the required information on or before the date of the first delivery. Upon request, the manufacturer must provide the above documentation as required by director.
- (c) The seller shall retain a copy of each formula for one year subject to inspection by the director. No two formulas issued in one calendar year shall bear the same number.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Sections 14992(e), 14993 and 14994, Food and Agricultural Code.

HISTORY

- 1. Editorial correction of Note filed 8–17–82 (Register 82, No. 34).
- 2. Amendment of section filed 9–10–91; operative 10–10–91 (Register 92, No. 2).
- 3. Amendment of subsections (a)(1), (a)(2)(a), (a)(2)(f) and (a)(2)(g) filed 7–17–97; operative 8–16–97 (Register 97, No. 29).

§ 2684. Bulk Sale.

The net weight of any special mix which is sold in bulk shall be affirmed by a weighmaster's certificate of weight and measure.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Section 14993, Food and Agricultural Code.

HISTORY

1. Editorial correction of NOTE filed 8-17-82 (Register 82, No. 34).

§ 2685. Packaged Sale.

If packaged, each package of a special mix shall have attached to it a label with all the information required in Section 2683.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Sections 14991, 14992 and 14993, Food and Agricultural Code.

HISTORY

1. Editorial correction of NOTE filed 8-17-82 (Register 82, No. 34).

2. Amendment filed 7-17-97; operative 8-16-97 (Register 97, No. 29).

§ 2686. Resale.

It is unlawful to resell a special mix unless properly labeled to meet the requirements of this Group 2.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Sections 14991 and 14994, Food and Agricultural Code.

HISTORY

1. Editorial correction of NOTE filed 8-17-82 (Register 82, No. 34).

Article 4. Labeling and Use Requirements

§ 2688. Required Use of Official Names.

The official name of each ingredient in reference to commercial feed in labeling and advertising shall be from the official feed name found in Article 14.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Sections 14991 and 14992(e), Food and Agricultural Code.

HISTORY

- 1. Editorial correction of NOTE filed 8-17-82 (Register 82, No. 34).
- 2. Amendment filed 7-17-97; operative 8-16-97 (Register 97, No. 29).

§ 2689. Classification of Ingredients.

The director will examine all ingredients used in feed on the basis of materials, label and advertising claims, and generally accepted usage, and determine whether each is a drug, food additive, special purpose additive or nutritional ingredient.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Sections 14991 and 14992(e), Food and Agricultural Code.

HISTORY

1. Editorial correction of NOTE filed 8-17-82 (Register 82, No. 34).

§ 2690. Specificity of Directions.

The director may disapprove directions which are incapable of being followed, or are unlikely to be followed in usual feeding practices.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Sections 14991 and 14992(f), Food and Agricultural Code.

HISTORY

1. Editorial correction of NOTE filed 8-17-82 (Register 82, No. 34).

§ 2691. Statement of Ingredients Outside List.

It is unlawful to show any ingredient outside the list of ingredients, whether in a tradename, trademark or otherwise, unless the percentage of the ingredient in the mix is shown in the same size type. Such statement shall not be shown in a misleading manner.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Sections 14991 and 14992, Food and Agricultural Code.

HISTORY

1. Editorial correction of NOTE filed 8-17-82 (Register 82, No. 34).

§ 2692. Inert Materials.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Sections 14991, 14992(d) and 15011, Food and Agricultural Code.

HISTORY

- 1. Editorial correction of NOTE filed 8-17-82 (Register 82, No. 34).
- 2. Repealer filed 7–17–97; operative 8–16–97 (Register 97, No. 29).

§ 2693. Complete Label Required.

Each lot or parcel of commercial feed shall bear a complete label as required by sections 14991 and 14992 of the Food and Agricultural Code. Any supplemental representation of the commercial feed, whether or not attached to the label, must correspond fully with the information stated on the label and apply to the complete feed.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Sections 14991 and 14992, Food and Agricultural Code.

HISTORY

1. Editorial correction of NOTE filed 8-17-82 (Register 82, No. 34).

§ 2694. Label Statements.

The tag or label shall contain a legible and plainly printed statement which certifies to all of the following:

- (a) Minimum percent of crude protein.
- (1) Commercial feeds containing non-protein nitrogen must be labeled in accordance with Section 2707.
 - (b) Minimum percent of crude fat.
 - (c) Maximum percent of crude fiber.
 - (d) Maximum percent of ash.
- (1) Guarantees for the minimum and maximum percentage calcium, minimum percentage phosphorus, and maximum percentage of sodium may be stated in lieu of the ash guarantee.
- (2) In the case of any formula feed which contains more than 9.0 percent ash, the minimum and maximum percentage of calcium, minimum percentage of phosphorus and maximum percentage of sodium shall be guaranteed, if present.
- (e) Recognized official name of each ingredient in order of decreasing amounts present. The name of each ingredient shall appear in the same size, style and color and shall not be misleading. The following descriptive terms used in identification of ingredients in article 14 are not required in the list of ingredients unless it expressly states: "Mechanically Extracted," "Solvent Extracted," or "Feed Grade."
- (f)(1) A single ingredient product using the official name defined in Article 14, Definitions and Standards, is not required to have an ingredient statement.
- (2) The labeling for a single ingredient shall contain guarantees required by this section and the minimum and/or maximum specifications included in the product definition in Article 14, Definitions and Standards
- (3) A single ingredient is not required to guarantee maximum percentage of ash unless it is specified by definition in Article 14.
- (g) Maximum percentage of low nutrition ingredients in a formula feed if they singly or collectively make up more than one percent.
- (h) Trademarked products can be contained in the ingredient listing in parentheses with the ingredients in the product listed in decreasing amounts present.
- (i) Inert materials contained in a formula feed shall be guaranteed if they singly or collectively make up no more than one percent.
- (j) Maximum percentage of sodium, if more than 0.5 percent of sodium is present.
- (k) Numerical value shall be guaranteed for any special quality claimed, including vitamin potency, amino acid content or special mineral content
- (1) Maximum percentage of moisture or minimum percentage dry matter shall be guaranteed when moisture exceeds 15.0 percent. When dried animal waste is used in a mixed feed, the moisture of the mixed feed shall not exceed 12.0 percent.
- (m) Vitamins shall be guaranteed in the terms specified in section 2702. Guarantees for vitamins are not required when commercial feed is neither formulated for nor represented in any manner as a vitamin supplement.
- (n) Any ingredient that is used as a carrier for vitamin, medicated or mineral premixes, may be omitted from the label and substituted with the collective term "roughage products," if the premix makes up one percent or less of the formula feed. The term "roughage products" may be omitted from the formula feed listing of ingredients.
- (o) Additional guarantees must be measurable by an analytical method approved by the Secretary.
- (p) Commercial feeds containing added selenium must be labeled in accordance with section 2697 (Labeling for Special Purposes).

NOTE: Authority cited: Sections 407, 14902 and 14992, Food and Agricultural Code. Reference: Sections 14992, 15011 and 15042, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 11-4-76; effective thirtieth day thereafter (Register 76, No.
- 2. Repealer of subsections (a)–(c), and relettering and amendment of subsections (d)–(o) to subsections (a)–(l) filed 7–2–82; effective thirtieth day thereafter (Register 82, No. 27).
- 3. New subsection (m) filed 5-4-90; operative 6-3-90 (Register 90, No. 24).

- 4. Amendment filed 7-17-97; operative 8-16-97 (Register 97, No. 29).
- 5. Amendment of subsections (d), (j) and (*l*), new subsection (p) and amendment of NoTE filed 1–30–2002; operative 1–30–2002 pursuant to Government Code section 11343.4 (Register 2002, No. 5).

§ 2695. Collective Terms.

- (a) The term "grains" may be used as an ingredient name. However, when one or more grains are named, no substitution shall be made. The form of the grain may be rolled, burred, cracked, ground, whole or pelleted. A statement of form is optional. The ingredients which may be included as "grains" are:
 - (1) Barley, as defined in section 2776(a);
 - (2) Corn, as defined in section 2782(c);
 - (3) Grain sorghums, as defined in section 2797(a);
 - (4) Oats, as defined in section 2791(a);
 - (5) Rye, as defined in section 2795(a); and
 - (6) Wheat, as defined in section 2800(a).
- (b) The term "roughage products" may be used as an ingredient name only in labeling medicated, mineral and vitamin premixes if the labeled recommended use level of the premix in the total ration is specified to be one percent or less of the total ration. The ingredients which may be included as "roughage products" are:
 - (1) Almond Hull products, as defined in section 2773.5;
 - (2) Barley Hulls, as defined in section 2776(d);
 - (3) Corn Cob Fractions;
 - (4) Cottonseed Hulls, as defined in section 2783(i);
 - (5) Grape Pomace, as defined in section 2785(a);
 - (6) Oat Hulls, as defined in section 2791(c);
 - (7) Rice products, as defined in section 2794(f) and (g);
 - (8) Rye, Mill Run, as defined in section 2795(a);
 - (9) Soybean Hulls, as defined in section 2798(c);
 - (10) Soybean Mill Feed, as defined in section 2798(i);
 - (11) Soybean Mill Run, as defined in section 2798(j);
 - (12) Citrus Meal, Dried Citrus Pulp, as defined in section 2802(f); and,
 - (13) Wheat products, as defined in Section 2800.

NOTE: Authority cited: Sections 407, 14902 and 14992, Food and Agricultural Code. Reference: Section 14992(e), Food and Agricultural Code.

HISTORY

- 1. Amendment of subsection (d) filed 7-2-82; effective thirtieth day thereafter (Register 82, No. 27).
- 2. Amendment filed 5-4-90; operative 6-3-90 (Register 90, No. 24).
- 3. Amendment of subsections (b)(11)–(12) and new subsection (b)(13) filed 1–30–2002; operative 1–30–2002 pursuant to Government Code section 11343.4 (Register 2002, No. 5).

§ 2696. Guarantees.

- (a) All guarantees shall apply to the whole feed rather than any single ingredient, except as required in section 2683, and shall be based on a recognized laboratory method of determination.
- (b) Misleading and indefinite statements concerning ingredients and value of ingredients of the feed are prohibited. Included within this prohibition is the use of such terms as "better," "high," "increased," "greater," "low," "decreased," and "less."
- (c) All guarantees shall be stated in percent unless expressly provided to the contrary as required by sections 2683 and 2702.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Section 14992(d), Food and Agricultural Code.

HISTORY

1. Editorial correction of NOTE filed 8-17-82 (Register 82, No. 34).

§ 2697. Labeling for Special Purposes.

- (a) Each delivery of commercial feed, other than a special mix, shall be accompanied by a label containing the information required by section 2694.
- (b) The guarantees required by section 2694 may be replaced with guarantees pertinent to special purpose commercial feeds and feed ingredients when the feed is sold primarily for drug, mineral, or vitamin content; or when labeled in accordance with Sections 2783.5, 2788(g), (h), (i), (j), (l), (m), 2789(p), (r), (t), (u), 2790, 2790.5, 2790.7 and 2802(e).

- (c) Premixes processed by a manufacturer for use in commercial feed shall be identified. These products are subject to inspection, and shall conform to the definitions and standards which apply to the product or the claims made.
- (d) Commercial feeds containing more than 0.3 parts per million (ppm) added selenium shall include the following on the label:
- (1) A guaranteed analysis statement for the minimum and the maximum parts per million (ppm) of selenium.
- (2) Feeding and/or mixing instructions that bear adequate directions for the safe and permitted use of a feed containing added selenium, including the maximum permitted levels of use for a specific species.
- (3) The statement "Caution: Follow label directions: Feeding added selenium at levels in excess of 0.3 ppm in the total diet is prohibited."
- (e) Computer, generated labels may be used provided all labeling requirements are met.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Sections 14903, 14993, 15011 and 15041, Food and Agricultural Code.

HISTORY

- 1. Amendment of subsection (b) filed 7-2-82; effective thirtieth day thereafter (Register 82, No. 27).
- 2. Amendment of subsection (a) filed 7–17–97; operative 8–16–97 (Register 97, No. 29).
- New subsections (d)–(d)(3), subsection relettering, amendment of newly designated subsection (e) and amendment of NOTE filed 1–30–2002; operative 1–30–2002 pursuant to Government Code section 11343.4 (Register 2002, No. 5).

§ 2698. Labeling Liquid Feed.

All liquid feed supplements shall be labeled in accordance with the requirements found in Section 2694. In addition, the label shall include the minimum percentage of total sugar expressed as invert and maximum percentage of moisture or the minimum percentage of dry matter. Guarantees for crude fat or crude fiber are not required in liquid feed when there is less than one percent of either constituent.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Sections 14991, 14992 and 14993, Food and Agricultural Code.

HISTORY

- 1. New section filed 11–4–76; effective thirtieth day thereafter (Register 76, No. 45).
- 2. Editorial correction of NOTE filed 8-17-82 (Register 82, No. 34).
- 3. Amendment filed 7-17-97; operative 8-16-97 (Register 97, No. 29).

Article 5. Commercial Feeds Containing Drugs and Special Provisions

§ 2700. Use of Drugs in Commercial Feed.

All feeds containing drugs and food additives shall comply with the requirements of Title 21, Code of Federal Regulations, Parts 225, 558, 570. 573 and 582.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Sections 14903, 15011, 15031 and 15041, Food and Agricultural Code. HISTORY

- 1. Amendment filed 7–2–82; effective thirtieth day thereafter (Register 82, No. 27)
- 2. Amendment of section filed 9–10–91; operative 10–10–91 (Register 92, No. 2).

§ 2701. Labeling of Feeds Containing Drugs.

Without exception, each delivery of commercial feed containing drugs must be accompanied by a label, invoice or delivery document stating in a prominent manner:

- (a) The name and quantity of each drug and active ingredient.
- (b) The purpose of each drug and active ingredient.
- (c) The term "MEDICATED" prominently displayed immediately above or below the name of the feed.
 - (d) Adequate directions for use.
- (e) Warnings against use of the feed under contra-indicated conditions, including danger to the health of the animal, and warnings against use of the animal or its products for particular purposes when necessary.
- (f) Withdrawal warnings where necessary to assure compliance with residue limitations imposed by regulation.

Page 242 Register 2004, No. 17; 4-23-2004

(g) Each batch or production run of medicated feed shall be identified with its own individual batch or production run number, code, date or other suitable identification. Bulk feed shall have this information stated on the label, invoice or shipping document. Sacked or packaged feed shall have the lot number applied to the label, sack or package. This identification shall be adequate to facilitate the tracing of the complete manufacturing and distribution history of the product.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Sections 14903, 14992(f) and 15011, Food and Agricultural Code.

History

- 1. Editorial correction of NOTE filed 8-17-82 (Register 82, No. 34).
- 2. Amendment of subsections (a) and (b), new subsection (c), subsection relettering, and amendment of newly designated subsection (f) filed 7–17–97; operative 8–16–97 (Register 97, No. 29).
- 3. New subsection (g) filed 1–30–2002; operative 1–30–2002 pursuant to Government Code section 11343.4 (Register 2002, No. 5).

§ 2702. Drug and Food Additive Guarantees.

Drugs and food additives in commercial feed shall be guaranteed in percentage except:

- (a) Drugs, where the statement of dosage is in milligrams, shall be guaranteed in milligrams per pound.
- (b) Antibiotics shall be guaranteed in milligrams per pound, except as required by subsection (c).
- (c) Commercial feed containing antibiotics in amounts less than 2,000 grams per ton of feed shall be labeled to show the grams of antibiotic per ton; or if present in amounts more than 2,000 grams per ton shall be labeled to show the grams of antibiotic per pound of feed.
- (d) Vitamin A shall be guaranteed in International United States Pharmacopoeia (U.S.P.) units per pound.
- (e) Vitamin D shall be stated in International or United States Pharmacopoeia (U.S.P.) units per pound.
- (f) Vitamin E shall be guaranteed in International Units (I.U.) per pound.
 - (g) All other vitamins shall be guaranteed in milligrams per pound.
- (h) All guarantees for vitamin content shall be stated as true vitamins, not compounds. Vitamin K shall be guaranteed as Menadione. The actual form of the vitamin added may be stated as the true vitamin (examples include D–Activated Animal Sterol, Vitamin A Acetate, A–Tocopherol Acetate) or as other commonly recognized terms (examples include Vitamin D₃ Supplement, Vitamin A Supplement, Vitamin E Supplement). Note: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Sections 14903, 14991 and 14992(e), Food and Agricultural Code.

HISTORY

- Amendment filed 11–4–76; effective thirtieth day thereafter (Register 76, No. 45).
- Amendment of subsections (d) and (j) filed 7-2-82; effective thirtieth day thereafter (Register 82, No. 27).
- 3. Amendment of subsection (j) filed 9–10–91; operative 10–10–91 (Register 92, No. 2).
- 4. Repealer of subsections (d) and (f), subsection relettering, and amendment of newly designated subsections (d), (e) and (h) filed 7–17–97; operative 8–16–97 (Register 97, No. 29).

§ 2703. Net Weight Statement.

The net weight statement on the label shall comply with requirements of Division 5 of the Business and Professions Code.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Section 14992(a), Food and Agricultural Code.

HISTORY

1. Editorial correction of NOTE filed 8-17-82 (Register 82, No. 34).

§ 2704. Screenings in Wheat Products.

The admixture of any proportion of wheat screenings with wheat bran or wheat shorts requires a declaration to that effect in the principal brand name. For example: (a) wheat bran with ground wheat screenings; (b) wheat shorts with ground wheat screenings; (c) wheat mixed feed with wheat screenings.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Section 14992(e), Food and Agricultural Code.

HISTORY

1. Editorial correction of NOTE filed 8-17-82 (Register 82, No. 34).

§ 2705. Standards Not Changed by Addition of Screenings.

The crude fiber standards, as shown in the various definitions for grains and mill by-products, shall not be altered by the addition of screenings.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Sections 15041(b) and (c), Food and Agricultural Code.

HISTORY

1. Editorial correction of NOTE filed 8-17-82 (Register 82, No. 34).

§ 2706. Materials Requiring Percentage Listings.

The director may require the percentage listing of any material which he finds to be of minimal nutritional value.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code, Reference: Section 14992(d), Food and Agricultural Code.

HISTORY

1. Editorial correction of NOTE filed 8-17-82 (Register 82, No. 34).

§ 2707. Use of Nonprotein Nitrogen Products.

- (a) Urea and other nonprotein nitrogen products defined in section 2790.7 are acceptable ingredients in commercial feeds for ruminants. They may be used in commercial feed for other animals only with approval by the Director.
- (b) Ingredient sources of non-protein nitrogen such as Urea, DiAmmonium Phosphate, Ammonium Polyphosphate Solution, Ammonium Sulfate, or other basic non-protein nitrogen ingredients defined by regulation shall be guaranteed as follows:
 - (1) Minimum percentage of Nitrogen.
- (2) Minimum percentage of Equivalent Crude Protein from Non–Protein Nitrogen.
- (c) Formula feed containing nonprotein nitrogen products shall be labeled as follows: The maximum percent of equivalent crude protein from nonprotein nitrogen shall appear immediately below the guarantee for the minimum percent of crude protein.
- (d) If the commercial feed, including liquid feed contains more than 8.75 percent equivalent crude protein from all forms of nonprotein nitrogen, or if the equivalent crude protein from all forms of nonprotein nitrogen exceeds one—third of the total crude protein, the label shall bear a warning statement followed by feeding directions for the safe use of the feed. The warning statement shall be in prominent bold type against a contrasting background.

WARNING EXCESSIVE CONSUMPTION MAY RESULT IN ADVERSE TOXIC REACTION USE ONLY AS DIRECTED

(e) Directions for use must be stated in a manner that when followed correctly will prevent toxic reaction from over—consumption. The directions shall include the following: Consumption should be carefully controlled until animals become adjusted to the feed. Additional care should be exercised with starved, stressed or debilitated animals. Recommended daily intake levels shall be given, as well as the statement that all manufacturer's directions for use must be followed carefully.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Sections 14992(d) and (f), Food and Agricultural Code.

HISTORY

- 1. Amendment filed 11–4–76; effective thirtieth day thereafter (Register 76, No. 45).
- 2. Editorial correction of NOTE filed 8-17-82 (Register 82, No. 34).
- New subsections (b)–(b)(2), subsection relettering, and amendment of newly designated subsections (c) and (d) filed 7–17–97; operative 8–16–97 (Register 97, No. 29).

§ 2708. Vitamin Premixes.

All vitamin premixes shall be labeled to show all vitamin potencies in terms described in section 2702. The carrier shall be stated, if the premix is to make up more than one percent of the total ration; otherwise, the collective term "roughage products" may be used. When mineral compounds are present they shall be listed and guaranteed in percent of the

elemental form. Premixes carrying drugs shall be labeled in conformity with section 2701. The label shall include a statement showing the date manufactured.

NOTE: Authority cited: Sections 407, 14902 and 14992, Food and Agricultural Code. Reference: Sections 14991 and 14992(e), Food and Agricultural Code.

HISTORY

- 1. Amendment filed 7–2–82; effective thirtieth day thereafter (Register 82, No. 27).
- 2. Amendment filed 5-4-90; operative 6-3-90 (Register 90, No. 24).

Article 6. Advertising

§ 2712. Misleading Advertising Prohibited.

No printed, written, or advertising matter concerning commercial feed shall contain any statement, design, or device which is false, or misleading.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Section 15031, Food and Agricultural Code.

HISTORY

1. Editorial correction of NOTE filed 8-17-82 (Register 82, No. 34).

Article 7. Reports of Inspection and Analysis

§ 2717. Reports of Inspection and Analysis.

- (a) When an official sample has been taken and the analysis made, all financially interested parties shall be supplied with a copy of the report of inspection and analysis.
- (b) If the analysis of an official sample shows that a lot of commercial feed has been sold or offered for sale in violation of any requirement of law or regulation, the report of inspection and analysis shall state the violations found.
- (c) Reports of inspection and analysis apply only to the specific lot represented by the sample.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Sections 14902 and 15021, Food and Agricultural Code.

HISTORY

1. Editorial correction of NOTE filed 8-17-82 (Register 82, No. 34).

§ 2719. Use of Reports in Advertising Prohibited.

It is unlawful to use the name of the Department of Food and Agriculture or any of its employees or any reference to a report of inspection and analysis made by the Department in connection with any advertising of commercial feed.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Section 14902, Food and Agricultural Code.

HISTORY

1. Editorial correction of NOTE filed 8-17-82 (Register 82, No. 34).

Article 8. Containers

§ 2725. Reuse of Containers.

Containers used in the manufacture, distribution and sale of commercial feed shall be suitable for the intended use, sanitized when necessary and cleaned after use, when necessary, to prevent contamination or adulteration of the product.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Section 14902, Food and Agricultural Code.

HISTORY

1. Editorial correction of NOTE filed 8-17-82 (Register 82, No. 34).

Article 9. Misbranding Adulteration

§ 2733. Misbranding.

A commercial feed shall be deemed to be misbranded:

- (a) If it is distributed under the name of another commercial feed.
- (b) If it purports to be or is represented as a commercial feed, or if it purports to contain or is represented as containing a feed ingredient or in-

gredients, unless the commercial feed or feed ingredients conform to the definitions prescribed in this Group 2.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Section 15031, Food and Agricultural Code.

HISTORY

1. Repealer of subsections (a), (c) and (e), and relettering of subsections (b) and (d) to subsections (a) and (b) filed 7-2-82; effective thirtieth day thereafter (Register 82, No. 27).

§ 2734. Adulteration.

A commercial feed shall be deemed to be adulterated:

- (a) (1) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such commercial feed shall not be considered adulterated under this subsection if the quantity of such substance in such commercial feed does not render it injurious to health; or
- (2) If it bears or contains any added poisonous, added deleterious, or added nonnutritive substance which is unsafe within the meaning of section 406 of the Federal Food, Drug, and Cosmetic Act (other than one which is (i) a pesticide chemical in or on a raw agricultural commodity; or (ii) a food additive); or
- (3) If it is, or it bears or contains any food additive which is unsafe within the meaning of section 409 of the Federal Food, Drug, and Cosmetic Act; or
- (4) If it is a raw agricultural commodity and it bears or contains a pesticid chemical which is unsafe within the meaning of section 408(a) of the Federal Food, Drug, and Cosmetic Act: Provided, that where a pesticide chemical has been used in or on a raw agricultural commodity in conformity with an exemption granted or a tolerance prescribed under section 408 of the Federal Food, Drug, and Cosmetic Act and such raw agricultural commodity has been subjected to processing such as canning, cooking, freezing, dehydrating, or milling, the residue of such pesticide chemical remaining in or on such processed feed shall not be deemed unsafe if such residue in or on the raw agricultural commodity has been removed to the extent possible in good manufacturing practice and the concentration of such residue in the processed feed is not greater than the tolerance prescribed for the raw agricultural commodity unless the feeding of such processed feed will result or is likely to result in a pesticide residue in the edible product of the animal, which is unsafe within the meaning of section 408(a) of the Federal Food, Drug, and Cosmetic Act.
- (5) If it is, or it bears or contains any color additive which is unsafe within the meaning of section 721 of the Federal Food, Drug and Cosmetic Act.
- (6) If it contains more than 20 parts per billion Aflatoxin B₁ except as provided in Section 2735(e).
- (b) The use or intended use in ruminant feed of any material that contains protein derived from prohibited mammalian tissues causes the feed to be adulterated and in violation of the Food and Agricultural Code. NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Sections 15011 and 15041, Food and Agricultural Code.

HISTORY

- Repealer of subsections (b)–(d) filed 7–2–82; effective thirtieth day thereafter (Register 82, No. 27).
- 2. New subsection (a)(6) filed 8-27-82 as an emergency; effective upon filing (Register 82, No. 35). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 12-25-82.
- 3. Certificate of Compliance transmitted to OAL 11-30-82 and filed 12-27-82 (Register 83, No. 1).
- 4. Amendment of subsections (a)(5)–(6) filed 2–23–96 as an emergency; operative 2–23–96 (Register 96, No. 8). A Certificate of Compliance must be transmitted to OAL by 6–22–96 or emergency language will be repealed by operation of law on the following day.
- 5. Editorial correction of printing error in subsection (a)(6) (Register 96, No. 28). 6. Certificate of Compliance as to 2–23–96 order transmitted to OAL 6–3–96 and
- filed 7–12–96 (Register 96, No. 28).

 7. New subsection (b) and amendment of Note filed 1–30–2002; operative 1–30–2002 pursuant to Government Code section 11343.4 (Register 2002. No.

1–30–2002 pursuant to Government Code section 11343.4 (Register 2002, No. 5).

§ 2735. Supplemental Cottonseed Product Controls.

This section supplements the control of cottonseed products to ensure that these products meet the tolerance for aflatoxin B_1 , established in Section 2734(a)(6).

Page 244

- (a) Each lot, or truck, railcar, ship, barge, container, air transport, or any other means of transportation of cottonseed products originating outside of California, as a condition of entry into California, shall be accompanied by the following:
- (1) A completed form furnished by the secretary (Certificate of Movement of Cottonseed Products, Rev. 5–97), incorporated by reference, stating the origin and destination of the cottonseed products.
- (2) An analysis certificate reporting the results of sampling and laboratory testing for aflatoxin B_1 , showing compliance with the aflatoxin B_1 tolerances stated in Section 2734(a)(6), the name of the testing laboratory, and the testing laboratory report number representing the lot of cottonseed products identified on the certificate.
- (3) A label with guaranteed analyses that complies with Section 2694 and Section 2783.
- (b) Shipment of cottonseed products, which do not meet the tolerance for aflatoxin B_1 established in Section 2734(a)(6), shall be refused entry into California, except for entry for transportation to a site operating under authority of the secretary for aflatoxin detoxification or oil extraction, with the exception of products intended for export or non–feed usage, or exempted by subsection (e) of this section.
- (c) Documentation for all shipments, originating outside of California, by railcar, truck, ship, barge, container, or air transportation, with the exception of products intended for export or non-feed usage, shall be mailed to the Department on or before the shipment date and documents shall be affixed to, or accompany the lot to the purchaser. All truck shipments shall submit to inspection at California border stations and a copy of all required documentation shall accompany the lot to the purchaser. Failure to obtain such document inspection, or diversion after document inspection, shall be grounds for seizure and quarantine of the shipment.
- (d) Cottonseed products originating in Riverside and Imperial counties of California shall move only to a detoxification or oil extraction site approved by the secretary, unless the products are certified by laboratory testing showing that the product is within the tolerance for aflatoxin B_1 established in Section 2734(a)(6). Such laboratory certifications shall be affixed to, or accompany the lot to the purchaser.
- (e) Cottonseed meal exceeding the 20 ppb tolerance for aflatoxin B_1 but below the federal action level for aflatoxin B_1 of 300 ppb. may be fed to beef cattle in Imperial County under the following conditions:
- (1) Shipments into Imperial County shall be made by sealed trailer or sealed railcar.
- (2) All cottonseed meal entering Imperial County that exceeds the 20 ppb tolerance for aflatoxin B_1 but below the federal action level for aflatoxin B_1 of 300 ppb shall be accompanied by an analysis certificate showing the results of laboratory sampling and testing, as required by Section 2735(a).
- (3) All Imperial County beef cattle feedlots receiving shipments of cottonseed meal, meeting the requirements of Section 2735(e), shall sign the Certificate of Movement on Cottonseed Products and return it, as required by Section 2735(b), to the Department of Food and Agriculture, Division of Inspection Services, 1220 N Street, Sacramento, California, 95814.
- (4) Once delivered to a beef cattle feedlot in Imperial County, cottonseed meal exceeding the 20 ppb tolerance for aflatoxin B_1 but below federal action level for aflatoxin B_1 of 300 ppb shall not be removed from the feedlot premises except for testing purposes.
- (5) It is a violation of Sections 15071, 15071.5 and 15072, Food and Agricultural Code, for any person to distribute, sell or transport or otherwise remove cottonseed meal exceeding the 20 ppb tolerance for aflatoxin B_1 but below the federal action level for aflatoxin B_1 of 300 ppb from a beef cattle feedlot in Imperial County.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Sections 15041, 15071, 15071.5, 15072 and 15073, Food and Agricultural Code.

HISTORY

 New section filed 11-3-82 as an emergency; effective upon filing (Register 82, No. 45). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 3-3-83.

- 2. Certificate of Compliance, including editorial corrections, transmitted to OAL 2–10–83 and filed 3–10–83 (Register 83, No. 11).
- 3. Amendment of subsection (a), new subsections (b) and (d) and subsection relettering filed 11–16–93; operative 11–16–93 pursuant to Government Code section 11346.2(d) (Register 93, No. 47).
- Amendment of subsection (a) and new subsections (e)–(e)(5) and amendment of NOTE filed 2–23–96 as an emergency; operative 2–23–96 (Register 96, No. 8). A Certificate of Compliance must be transmitted to OAL by 6–22–96 or emergency language will be repealed by operation of law on the following day.
- 5. Editorial correction of printing error in subsection (a) (Register 96, No. 28).
- 6. Certificate of Compliance as to 2–23–96 order including amendment of subsections (e), (e)(2), (e)(4) and (e)(5) transmitted to OAL 6–3–96 and filed 7–12–96 (Register 96, No. 28).
- 7. Editorial correction of subsection (a) (Register 2004, No. 17).
- 8. Amendment filed 4–20–2004; operative 4–20–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 17).

Article 10. Removal from Sale

§ 2746. Removal from Sale.

(a) The results of analysis determining whether the seized commercial feed is in violation of law shall be made known to the person having control of the feed within 5 working days.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Section 15076, Food and Agricultural Code.

HISTORY

1. Repealer of subsections (a) and (b) and relettering of subsection (c) to subsection (a) filed 7–2–82; effective thirtieth day thereafter (Register 82, No. 27).

Article 11. Inspection Tax and Plant Licenses

§ 2750. Tax Payment.

- (a) Each person holding a commercial feed license shall pay the inspection tonnage tax as required in section 15062 of the Food and Agricultural Code.
- (b) Reports of taxable sales shall be made quarterly to the director not later than one calendar month after March 31, June 30, September 30, and December 31 on a form furnished by the director. Quarterly reports and payments become delinquent on May 1, August 1, November 1, and February 1, for the respective preceding quarter.
- (c) Sales of commercial feed amounting to a tonnage tax of zero dollars (0) or up to five hundred dollars (\$500) may be submitted as an estimate for the entire year on the first quarter tonnage tax payment. A fourth quarter report shall be required if there are any adjustments for the calendar year's tonnage tax payment.
- (d) A completed tax report must be filed for each quarter whether or not taxable sales have been made in that period, except as provided in Section 2750(c).
- (e) Each licensee shall keep accurate records of sales of commercial feed which shall be available for examination by the director and shall include the date of sale, to whom sold, the name and net weight of the product sold. The records shall be maintained to support the reports for the previous 3 years.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Sections 15061 and 15062, Food and Agricultural Code.

HISTORY

- 1. Amendment of subsection (b), repealer of subsection (c), and relettering of subsections (d) and (e) to subsections (c) and (d) filed 7-2-82; effective thirtieth day thereafter (Register 82, No. 27).
- 2. Editorial correction of NOTE filed 8-17-82 (Register 82, No. 34).
- 3. New subsection (c), subsection relettering, and amendment of newly designated subsection (d) filed 7–17–97; operative 8–16–97 (Register 97, No. 29).

§ 2751. Licensing.

- (a) Exemptions from license requirements provided in Section 15051 of the Food and Agricultural Code shall apply only to retail stores selling bagged or packaged commercial feed labeled by a licensed feed manufacturer.
- (b) Beginning July 1, 2008, the annual commercial feed licensure fee shall be three hundred dollars (\$300.00) for each location.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Sections 15051 and 15053, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 11–4–76; effective thirtieth day thereafter (Register 76, No. 45).
- 2. Amendment of subsection (a) filed 7–2–82; effective thirtieth day thereafter (Register 82, No. 27).
- Amendment of section heading, repealer of subsection (a) and subsection relettering filed 7–17–97; operative 8–16–97 (Register 97, No. 29).
- New subsection (b) and amendment of Note filed 6-17-2008; operative 7-1-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 25).

Article 12. Damaged Feed

§ 2760. Damaged Feed.

- (a) Damaged feed shall be deemed adulterated and unlawful for sale except under permit of the director. Feed shall be deemed damaged when it or any ingredient has been affected by smoke, heat, water, mold, or contamination by any foreign substance to such an extent as to affect the nutritive value, therapeutic value, palatability, or wholesomeness of the feed
- (b) Any person in possession of damaged feed shall notify the director as soon as practicable after the event causing the damage and shall withhold use of the damaged feed until approved by the director. Within 5 working days of receipt of notification, except in emergency conditions, the director will make such inquiry and tests as he deems necessary, or may require the person in possession to demonstrate the extent of damage by sampling, testing, and other procedures as the director deems necessary.
- (c) If the director determines that the damaged feed is suitable for use as commercial feed without restriction, he shall so notify the person in possession. Such feed shall not be deemed adulterated.
- (d) If the director finds that he damaged feed should be permitted to be used only upon certain conditions, including reconditioning and special labeling, he may issue a permit to the person in possession for such use, requiring such conditions to be met, and may require protective controls and reports as he deems necessary.
- (e) If the director determines that the feed is damaged to such an extent as to be unsuitable for use as commercial feed, he shall require the person in possession to destroy the feed or dispose of it in such a manner that it cannot be used as feed and may require controls and reports as he deems necessary.
- (f) The director will require that all damaged feed containing drugs be disposed of as provided in subsection (e) and it is unlawful to sell or use such damaged feed.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Section 15041, Food and Agricultural Code.

HISTORY

1. Editorial correction of NOTE filed 8-17-82 (Register 82, No. 34).

Article 13. Violations

§ 2765. Violations.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Section 15072, Food and Agricultural Code.

HISTORY

1. Repealer filed 7-2-82; effective thirtieth day thereafter (Register 82, No. 27).

§ 2766. Medicated Feed.

It is unlawful to use any medicated feed except in compliance with all directions on the tag or label.

NOTE: Authority cited: Sections 407, and 14902, Food and Agricultural Code. Reference: Section 15073, Food and Agricultural Code.

HISTORY

- 1. New section filed 11–4–76; effective thirtieth day thereafter (Register 76, No. 45).
- 2. Editorial correction of NOTE filed 8-17-82 (Register 82, No. 34).

Article 14. Definitions and Standards

§ 2770. Feed Ingredients.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Sections 14902 and 15011, Food and Agricultural Code.

HISTORY

1. Repealer filed 7-2-82; effective thirtieth day thereafter (Register 82, No. 27).

§ 2773. General Provisions for Processed Alfalfa Products.

- (a) Chopped alfalfa, alfalfa meal, dehydrated alfalfa, alfalfa leaf meal, alfalfa stem meal, alfalfa straw meal, alfalfa pellets, alfalfa wafers, alfalfa cubes, and other forms of processed alfalfa shall be prepared only from the processing of entire alfalfa hay without the addition of foreign materials, except as specifically permitted herein, and shall not contain more than 10 percent of other crops and weeds.
- (b) Alfalfa products may contain state or federally approved antioxidants and in addition may contain not more than 2 percent of added animal or vegetable fat to control dustiness without stating same as part of the name of the product; provided, however, the label shall state the presence of such antioxidant and added animal or vegetable fat.
- (c) The label may include a guarantee of the beta carotene content of alfalfa products, expressed in milligrams per pound, and such guarantee may be accompanied by an expiration date. No reference shall be made to the quantity of vitamin A equivalent which may be derived by the animal.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Sections 14992 and 15011, Food and Agricultural Code.

HISTORY

1. Editorial correction of NOTE filed 8-17-82 (Register 82, No. 34).

§ 2773.1. Alfalfa Products.

- (a) The name of an alfalfa product may include the word "dehydrated" only when the product is prepared entirely from freshly cut alfalfa having a moisture content of not less than 70.0 percent before being artificially dried at a temperature of not less than 212 degrees Fahrenheit for a period of not more than 45 minutes. Dehydrated alfalfa products shall contain not less than 15.0 percent crude protein and not more than 28.0 percent crude fiber. If the product does not meet the above standards it shall be called a dehydrated forage product.
- (b) Chopped Alfalfa is the entire alfalfa hay, chopped but not ground finely enough to become a meal, without the addition of any alfalfa stems, alfalfa straw, or other foreign material, or removal of the leaves and containing not less than 15.0 percent protein and not more than 30.0 percent crude fiber.
- (c) Alfalfa Meal is obtained from the grinding of the entire alfalfa hay, without the addition of any alfalfa stems, alfalfa straw, or foreign material, or the removal of the leaves and containing not less than 15.0 percent protein and not more than 30.0 percent crude fiber.
- (d) Alfalfa Leaf Meal is the ground product consisting chiefly of leafy materials separated from alfalfa hay containing not more than 18.0 percent crude fiber.
- (e) Forage Meal is a mixture of alfalfa hay with alfalfa straw or other hays, straws or legumes and contains not less than 8.0 percent protein and not more than 38.0 percent fiber.
- (f) Alfalfa Stem Meal is the ground product remaining after the separation of the leafy material from alfalfa hay or meal. When used in a mixture, the maximum percent of stem meal shall be stated in the list of ingredients.
- (g) Alfalfa pellets, cubes, wafers, and other extruded forms of alfalfa are obtained from processing the entire alfalfa, without the addition of any alfalfa stems, alfalfa straw or foreign material and shall contain not less than 15.0 percent crude protein and not more than 30.0 percent crude fiber.
- (h) Alfalfa Nutrient Concentrate is the product obtained from the extracted juice of freshly cut alfalfa, by coagulation, separation from the alfalfa solubles and subsequent dehydration. The product should express both protein and Xanthophyll guarantees.

Page 246 Register 2008, No. 25; 6-20-2008

- (i) Concentrated Alfalfa Solubles is the product obtained by the concentration of the liquid remaining after the separation of Alfalfa Nutrient Concentrate from the juice of freshly cut alfalfa. The moisture level should not exceed 50.0 percent.
- (j) If the alfalfa products defined in this section do not comply with the standards indicated in every respect, the term "forage" must be substituted for the word "alfalfa" in the name of the product.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Sections 14992 and 15011, Food and Agricultural Code.

HISTORY

- Amendment of subsection (h) filed 11-4-76; effective thirtieth day thereafter (Register 76, No. 45).
- 2. Editorial correction of NOTE filed 8-17-82 (Register 82, No. 34).
- 3. Amendment filed 1–30–2002; operative 1–30–2002 pursuant to Government Code section 11343.4 (Register 2002, No. 5).

§ 2773.5. Almond Hull Products.

- (a) Almond hulls are obtained by drying that portion of the almond fruit which surrounds the nut. They shall not contain more than 13.0 percent moisture, nor more than 15.0 percent crude fiber, and not more than 9.0 percent ash. If they contain more than 15.0 percent but less than 29.0 percent crude fiber, they shall be labeled "Almond Hull and Shell," and the maximum percent of crude fiber shall be stated. If the crude fiber exceeds 29.0 percent, the product shall be labeled "Almond Shell." If the ash exceeds 9.0 percent, the term "and dirt" shall be included in the product name. Almond hull products shall be free of foreign material, including plastic, glass, and metal except in such trace amounts as unavoidably occur in good manufacturing practices.
- (b) When the following almond hull products are used in a mixed feed, the maximum percent shall be stated.
 - (1) Almond hull and shell.
 - (2) Almond shell.
 - (3) Almond products containing more than 9.0 percent ash.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Sections 14992 and 15011, Food and Agricultural Code.

History

- 1. Amendment filed 11–4–76; effective thirtieth day thereafter (Register 76, No. 45).
- 2. Editorial correction of Note filed 8-17-82 (Register 82, No. 34).
- 3. Amendment of subsections (a) and (b)(3) filed 1–30–2002; operative 1–30–2002 pursuant to Government Code section 11343.4 (Register 2002, No. 5).

§ 2774. Animal Products.

- (a) General Provision: The following general provisions apply to animal products: (1) If an approved antioxidant is added to animal products, it need not be shown in the brand name. However, the name of the antioxidant shall be clearly shown on the label. Digestibility tests referred to in this section shall use the A.O.A.C. method. (2) Animals other than livestock shall be excluded from all animal products except dry rendered tankage. (3) All animal products must be pathogen free and produced by a commercial renderer operating in conformance with the standards of section 1180.26 of this Title 3. Any animal protein product sold as pure porcine shall be so labeled, pursuant to Title 21 CFR 589.2000, April 1, 2001.
- (b) Meat Meal is the dry rendered product from mammal tissues, exclusive of any added blood, hair, hoof, horn, hide trimmings, manure, stomach and rumen contents, except in such amounts as may occur unavoidably in good manufacturing practices. It shall not contain added extraneous materials not provided for by this definition. The Calcium (Ca) level shall not exceed the actual level of Phosphorus (P) by more than 2.2 times. It shall not contain more than 12.0 percent Pepsin indigestible residue and not more than 9.0 percent of the crude protein in the product shall be pepsin indigestible. The label shall include guarantees for minimum crude protein, minimum crude fat, maximum crude fiber, minimum Phosphorus (P) and minimum and maximum Calcium (Ca).
- (c) Meat and Bone Meal is the dry rendered product from mammal tissues, including bone, exclusive of any added blood, hair, hoof, horn, hide trimmings, manure, stomach and rumen contents, except in such

- amounts as may occur unavoidably in good manufacturing processing practices. It shall not contain added extraneous materials not provided for in this definition. It shall contain a minimum of 4.0 percent phosphorus (P) and the calcium (Ca) level shall not be more than 2.2 times the actual Phosphorus (P) level. It shall not contain more than 12.0 percent pepsin indigestible residue and not more than 9.0 percent of the crude protein in the product shall be pepsin indigestible. The label shall include guarantees for minimum crude protein, minimum crude fat, maximum crude fiber, minimum Phosphorus (P) and minimum and maximum Calcium (Ca).
- (d) Blood Meal is produced from clean, fresh animal blood, exclusive of all extraneous materials such as hair, stomach belchings and urine, except as might occur unavoidably in good processing practices. The process used must be listed as a part of the product name such as conventional cooker dried, steamed or hydrolyzed.
- (e) Poultry By-Product Meal consists of the ground, rendered, clean parts of the carcass of slaughtered poultry, such as necks, feet, undeveloped eggs, and intestines, exclusive of feathers, except in such amounts as might occur unavoidably in good processing practices. The label shall include guarantees for minimum crude protein, minimum crude fat, maximum crude fiber, minimum phosphorus (P), and minimum and maximum calcium (Ca). The Calcium (Ca) level shall not exceed the actual level of phosphorus (P) by more than 2.2 times.
- (f) Poultry Hatchery By-Product is a mixture of egg shells, infertile and unhatched eggs, and culled chicks which have been cooked, dried, and ground, with or without removal of part of the fat.
- (g) Hydrolyzed Poultry Feathers is the product resulting from the treatment under pressure of clean, undecomposed feathers from slaughtered poultry, free of additives and accelerators. Not less than 75.0 percent of its crude protein content shall be digestible by the pepsin digestibility method.
- (h) Dry Rendered Tankage is a dry rendered product consisting of undecomposed whole animals, including hair, hoof, horn, hide, feathers, and viscera, with no additional hair, hoof, horn, hide, feathers, or viscera added.
- (i) Dried Meat Solubles is obtained by drying the defatted water extract of the clean, wholesome parts of slaughtered animals prepared by steaming or hot water extraction. It shall be designated according to its crude protein content which shall be no less than 70.0 percent.
- (j) Fleshings Hydrolysate is obtained by acid hydrolysis of the flesh from fresh or salted hides. It is defatted, strained, and neutralized. If evaporated to 50.0 percent solids, it shall be designated "Condensed Fleshings Hydrolysate". It shall have a minimum crude protein and maximum salt guarantee.
- (k) Animal By-Product Meal is the rendered product from animal tissues, exclusive of any added hair, hoof, horn, hide trimmings, manure, stomach and rumen contents, except in such amounts as may occur unavoidably in good processing practices. It shall not contain added extraneous materials not provided for by this definition. This ingredient definition is intended to cover those individual rendered animal tissue products that cannot meet the criteria as set forth elsewhere in this section. This ingredient is not intended to be used to label a mixture of animal tissue products.
- (1) Hydrolyzed Hair is a product prepared from clean, undecomposed hair, by heat and pressure to produce a product suitable for animal feeding. Not less than 80.0 percent of its crude protein shall be digestible by the pepsin digestibility method.
- (m) Hydrolyzed Leather Meal is produced from leather scrap that is treated with steam for not less than 33 minutes at a pressure not less than 125 pounds per square inch and further processed to contain not more than 10.0 percent moisture, not less than 60.0 percent crude protein, not more than 6.0 percent crude fiber, not more than 2.75 percent chromium, and with not less than 80.0 percent of its crude protein digestible by the pepsin digestibility method. Hydrolyzed leather meal may be utilized in livestock feeds as provided in food additive regulation, Title 21 of the Code of Federal Regulations, CFR Part 573.540, April 1, 2001.

- (n) Sprayed Dried Animal Blood is produced from clean, fresh animal blood, exclusive of all extraneous material such as hair, stomach belching, urine, except in such traces as might occur unavoidably in good factory practice. Moisture is removed from the blood by a low temperature evaporator under vacuum until it contains approximately 30.0 percent solids. It is then dried by spraying into a draft of warm, dry air which reduces the blood to finely divided particles with a maximum moisture of 8.0 percent and a minimum crude protein of 85.0 percent. It shall be designated according to its minimum water solubility.
- (o) Egg Shell Meal is a mixture of egg shells, shell membranes and egg content obtained by drying the residue from an egg breaking plant in a dehydrator to an end product temperature of 180° Fahrenheit. It shall be designated according to its crude protein and calcium content.
- (p) Egg Product is product obtained from egg graders, egg breakers and/or hatchery operations that is dehydrated, handled as liquid, or frozen. This product shall be free of shells or other non-egg materials except in such amounts which might occur unavoidably in good processing practices, and contain a maximum ash content of 6.0 percent on a dry matter basis.
- (q) Poultry Meal is the dry rendered product from a combination of clean flesh and skin with or without accompanying bone, derived from the parts of whole carcasses of poultry or a combination thereof, exclusive of feathers, heads, feet, and entrails. It shall be suitable for use in animal food. If it bears a name descriptive of its kind, it shall correspond thereto.
- (r) Blood Meal, Flash Dried is produced from clean, fresh animal blood, exclusive of all extraneous material such as hair, stomach belchings and urine except as might occur unavoidably in good manufacturing processes. A large portion of the moisture (water) is usually removed by a mechanical dewatering process or by condensing by cooking to a semisolid state. The semi-solid blood mass is then transferred to a rapid drying facility where the more tightly bound water is rapidly removed. The minimum biological activity of lysine shall be 80.0 percent.
- (s) Glandular Meal and Extracted Glandular Meal is obtained by drying liver and other glandular tissues from slaughtered mammals. When a significant portion of the water soluble material has been removed, it may be called Extracted Glandular Meal.
- (t) Animal Plasma is the product obtained by spray drying plasma which has been separated away from the cellular matter (red and white blood cells) of fresh whole blood by chemical and mechanical processing. The protein portion of this product is primarily albumin, globulin, and fibrinogen type proteins. The minimum percent crude protein and the maximum percent ash shall be guaranteed on the label.
- (u) Ensiled Paunch Product is a product composed of the contents of rumen of slaughtered cattle. The moisture level is reduced to 50.0–68.0 percent. The product is then packed into an airtight environment, such as a silo, where it undergoes an acid fermentation that retards spoilage. The ensiled product will have a pH of 4.0 or less.
- (v) Leather Hydrolyzate is obtained from leather trimmings that are pressure cooked with the addition of steam and sodium hydroxide. Chromium is precipitated and separated so that not over 30 ppm (Solids Basis) remain in the hydrolyzate. This product can be used as a liquid ingredient or as a powder. In either event, the analysis on "as a solids basis" will not be less than 75.0 percent crude protein and not less than 85.0 percent of the protein shall be pepsin digestible.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Sections 14992, 15011 and 15041, Food and Agricultural Code.

HISTORY

- 1. Amendment of subsection (a) and new subsection (h) filed 6-25-74; effective thirtieth day thereafter (Register 74, No. 26).
- 2. Editorial correction of NOTE filed 8-17-82 (Register 82, No. 34).
- 3. Amendment of section and NoTE filed 1–30–2002; operative 1–30–2002 pursuant to Government Code section 11343.4 (Register 2002, No. 5).

§ 2774.5. Processed Animal Waste Products.

It is unlawful to sell or use commercial feed containing animal waste products in violation of this section.

- (a) Licensing and Processing Requirements.
- (1) Commercial feed licensees shall apply to the director for endorsement to the license authorizing the processing, manufacturing, and selling of processed animal waste products. It is unlawful to process, manufacture or sell processed animal waste products without being licensed with a commercial feed license so endorsed.
- (2) The applicant shall submit to the director a description of the facilities and equipment to be used in the processing and manufacturing of animal waste products, and protocol to be followed during operation. If the director is satisfied that the facilities, equipment and protocol are adequate to fulfill the requirements for the product, he shall issue the endorsement, subject, however, to the condition that it may be summarily suspended whenever the director has reason to believe that the approved procedures are not being complied with or that the product may contain pathogenic organisms.
- (3) Each process approved by the director shall result in pathogen free products at all times, and be substantiated by process controls. The director may require the use of recording devices and thermometers, and a periodic schedule of sampling and laboratory examinations, and such other records he deems necessary.
 - (b) General Provisions.
- (1) Processed animal waste is a processed product composed of total excreta, with or without litter, from poultry or ruminant animals. It shall not contain levels of drug residue, pesticide residue, or other toxic or deleterious substances that could be harmful to animals or result in harmful or unlawful residue levels in their tissues or by–products.
- (2) Commercial feeds containing dried animal waste products shall not exceed 12 percent moisture.
 - (3) It shall not be used in feed for lactating dairy animals.
- (4) When used in a mixed feed, the maximum percentage shall be stated.
- (5) Animal waste products wherever sold, held for sale or offered for sale shall conform with the requirements of this section. Such products which are produced and utilized on the premises and are used entirely for feeding on the premises by the person whose animals produced the products, shall conform generally to the provisions of this section provided, however, the secretary may grant a non–fee restricted license and endorsement to such users.
- (6) Any processed animal waste product which does not meet the standards for the product shall be immediately destroyed or subjected to further processing until the standards are met. Any noncomplying products may be condemned and disposed of in a manner prescribed by the secretary at the expense of the licensee or person in possession.
- (c) Dried Poultry Waste is processed undiluted poultry excreta collected from cage layer flocks. The product must be uniform and contain not less than 25.0 percent crude protein, not more than 15.0 percent crude fiber and not more than 35.0 percent ash. It shall be labeled to show the maximum moisture, minimum crude protein, maximum equivalent crude protein from non–protein nitrogen, minimum fat, maximum fiber, maximum ash, the maximum and minimum calcium (Ca) and the minimum percent of phosphorus (P). The product shall not contain more than 1.0 percent feathers. Dried poultry waste products not meeting the protein guarantee shall be labeled "dried poultry litter," but said product shall meet all other requirements generally applicable to poultry waste.
- (d) Dried Poultry Litter is the processed combination of total poultry excreta and litter that occurs in the floor production of poultry. The product shall be uniform and contain not less than 18.0 percent protein. The type of litter shall be a part of the product name. It shall be labeled to show minimum crude protein, maximum equivalent crude protein from non-protein nitrogen, minimum crude fat, maximum crude fiber, lignin and ash, the maximum and minimum calcium (Ca), minimum phosphorus (P), and maximum copper (Cu).
- (e) Dried Ruminant Waste is processed bovine excreta free of extraneous material such as straws, wood shavings, dirt and similar materials. The product must be uniform and contain not less than 12.0 percent crude protein and not more than 30.0 percent crude fiber and 20.0 percent ash.

It must be labeled to show minimum protein, maximum equivalent crude protein from nonprotein nitrogen, minimum crude fat, maximum crude fiber, lignin, ash and maximum sodium (Na).

(f) Processed Animal Waste products in excess of 12.0 percent moisture including slurries, silages, and other semidry products must conform to the licensing and processing requirements and general provisions except Section 2 of the general provisions. If sold for feeding purposes; these products shall be labeled to show type of process, maximum moisture, minimum crude protein, maximum equivalent crude protein from nonprotein nitrogen, minimum crude fat, maximum crude fiber, lignin and ash, and maximum sodium (Na).

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Sections 14992, 15011, 15041 and 15051, Food and Agricultural Code.

HISTORY

- 1. New section filed 6–25–74; effective thirtieth day thereafter (Register 74, No. 26).
- 2. Amendment of subsections (a), (b), (c) and (d) filed 11–4–76; effective thirtieth day thereafter (Register 76, No. 45).
- 3. Editorial correction of NOTE filed 8-17-82 (Register 82, No. 34).
- 4. Amendment of subsections (b)(2) and (b)(5)–(f) and amendment of Note filed 1–30–2002; operative 1–30–2002 pursuant to Government Code section 11343.4 (Register 2002, No. 5).

§ 2775. Apple Products.

- (a) Dried Apple Pomace is the sound, dried residue remaining after the removal of cider from apples.
- (b) Dried Apple Pectin Pulp is the sound, dried residue remaining after the removal of pectin from apple products.
- (c) Wet Apple Pomace is the sound, wet residue remaining after the removal of cider juice from apples.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Sections 14992 and 15011, Food and Agricultural Code.

HISTORY

- 1. Editorial correction of NOTE filed 8-17-82 (Register 82, No. 34).
- New subsection (c) filed 1–30–2002; operative 1–30–2002 pursuant to Government Code section 11343.4 (Register 2002, No. 5).

§ 2776. Barley Products.

- (a) Ground Barley or Rolled Barley is the product obtained by grinding or rolling barley of such quality that the resulting processed material contains not more than 7 percent crude fiber.
- (b) Ground Light Barley or Rolled Light Barley is the product obtained by grinding or rolling barley of such quality that the resulting processed material contains not more than 9 percent crude fiber.
- (c) Barley Mixed Feed is the entire offal from the milling of barley flour from clean barley, and is composed of barley hulls and barley middlings.
- (d) Barley Hulls is the product consisting of the outer coverings of the barley. When used in a mixture, the maximum percentage present shall be stated.
- (e) Barley Feed is the entire by-product resulting from the manufacture of pearl barley from clean barley.
 - (f) Hulled Barley is barley from which the hull has been removed.
- (g) Ground Hulled Barley, Rolled Hull Barley is the product obtained by grinding or rolling barley from which the hull has been removed. Note: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Sections 14992 and 15011, Food and Agricultural Code.

HISTORY

1. Editorial correction of NOTE filed 8-17-82 (Register 82, No. 34).

§ 2777. Beet Products.

- (a) Dried Beet Pulp is the dried residue from sugar beets which have been cleaned and freed from leaves and sand, and from which the sugar has been extracted.
- (b) Wet Beet Pulp is the residue from sugar beets which have been cleaned and freed from leaves and sand, and from which the sugar has been extracted
- (c) Molasses Dried Beet Pulp is the dried material remaining after the sugar has been extracted from sugar beets to which molasses has been added.

(d) Molasses Dried Beet Pulp Product is the dried material remaining after the extraction of sugar to which molasses and beet molasses residue has been added.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Sections 14992 and 15011, Food and Agricultural Code.

HISTORY

1. Editorial correction of NOTE filed 8-17-82 (Register 82, No. 34).

§ 2778. Brewers' and Distillers' Products.

- (a) Brewers Dried Grains is the dried extracted residue of barley malt alone or in mixture with other cereal grain or grain products resulting from the manufacture of wort and may contain pulverized dried spent hops in an amount not to exceed 3.0 percent, evenly distributed.
- (b) Brewers Wet Grains is the extracted residue resulting from the manufacture of wort from barley malt alone or in mixture with other cereal grains or grain products. The guaranteed analysis shall include the maximum moisture.
- (c) Malt Sprouts is the product removed from malted barley consisting primarily of sprouts which may include some of the malt hulls, other parts of malt and containing not less than 24 percent crude protein. The term malt sprouts when applied to a corresponding portion of other malted cereals shall be used in qualified form: i.e., "Rye Malt Sprouts," "Wheat Malt Sprouts," etc.
- (d) Malt Cleanings is the cleanings of malted barley or from the recleaning of malt which does not meet the minimum crude protein standard of malt sprouts. It shall be labeled according to its crude protein content.
 - (e) Malt Hulls consists of the hulls obtained in cleaning malted barley.
 - (f) Dried Spent Hops is the dried material filtered from hopped wort.
- (g) Molasses Distillers Dried Solubles is the dried residue from the yeast fermentation of molasses after the removal of the alcohol by distillation
- (h) Molasses Distillers Condensed Solubles is the condensed residue from the yeast fermentation of molasses after the removal of the alcohol by distillation.
- (i) Potato Distillers Dried Residue is the dried product obtained after the manufacture of alcohol and distilled liquors from potatoes or from a mixture in which potatoes predominate.
- (j) Distillers Dried Solubles is the dried thin stillage fraction after the removal of ethyl alcohol by distillation from the yeast fermentation of a grain or a grain mixture. The predominating grain shall be stated as the first word in the name.
- (k) Distillers Dried Grains is the dried grain or grain mixture after the removal of ethyl alcohol by distillation from the yeast fermentation by separating the resultant coarse grain fraction of the whole stillage. The predominating grain shall be stated as the first word in the name.
- (*l*) Distillers Dried Grains with Solubles is the product obtained after the removal of ethyl alcohol by distillation from the yeast fermentation of a grain or a grain mixture by condensing and drying at least 3/4 of the solids of the resultant whole stillage. The predominating grain shall be stated as the first word in the name.
- (m) Condensed Distillers Solubles is the condensed thin stillage fraction after the removal of ethyl alcohol by distillation from the yeast fermentation of a grain or a grain mixture. The predominating grain shall be stated as the first word in the name.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Sections 14992 and 15011, Food and Agricultural Code.

HISTORY

- 1. Editorial correction of Note filed 8-17-82 (Register 82, No. 34).
- 2. New subsection (b) and subsection relettering filed 1–30–2002; operative 1–30–2002 pursuant to Government Code section 11343.4 (Register 2002, No. 5).

§ 2781. Coconut Products.

(a) Coconut Meal or Copra Meal, mechanically extracted, is the ground residue which remains after removal of most of the oil from dried meat of coconuts by a mechanical extraction process.

(b) Coconut Meal or Copra Meal, Solvent Extracted, is the ground residue which remains after removal of most of the oil from dried meat of coconuts by a solvent extraction process.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Sections 14992 and 15011, Food and Agricultural Code.

HISTORY

1. Editorial correction of NOTE filed 8-17-82 (Register 82, No. 34).

§ 2782. Corn Products.

- (a) Corn Bran is the outer coating of the corn kernel, with little or none of the starchy part or germ.
- (b) Corn Feed Meal is the fine siftings obtained in the manufacture of screened corn chop, screened ground corn, or screened cracked corn with or without its aspiration products added.
- (c) Ground Corn, Corn Meal, Cracked Corn, Corn Chop is the entire product made by grinding, cutting, or chopping the grains of sound Indian corn, and may be fine, medium, or coarse, and contains not more than 4.0 percent of foreign material.
- (d) Screened Corn Chop, Screened Ground Corn, or Screened Cracked Corn is the coarse portion of corn chop, ground corn, or cracked corn from which most of the fine particles have been removed, and contains not more than 4.0 percent of foreign material.
- (e) Corn Grits or Hominy Grits is the fine or medium sized, hard, flinty portions of sound Indian corn and contains 5.0 percent or less of the bran or germ
- (f) Ear Corn Chops is corn and cob chopped, without the husk, with no greater proportion of cob than occurs in the ear corn in its natural state.
- (g) Corn Gluten Meal is that part of commercial shelled corn that remains after the extraction of the larger part of the starch and germ, and the separation of the bran by the process employed in the wet milling manufacture of corn starch or syrup. It may contain corn solubles and corn oil meal.
- (h) Corn Gluten Feed is that part of the commercial shelled corn that remains after the extraction of the larger portion of the starch, gluten, and germ by the processes employed in the wet milling manufacture of corn starch or syrup. It may or may not contain fermented corn extractives or corn germ meal.
- (i) Hominy Feed is a mixture of corn bran, corn germ, and a part of the starchy portion of either white or yellow corn kernels or mixture thereof as produced in the manufacture of pearl hominy, hominy grits, or table meal and contains not less than 4.0 percent crude fat. If prefixed with the words "white" or "yellow," the product must correspond thereto.
- (j) Corn Germ Meal (Wet Milled) is ground corn germ from which most of the solubles have been removed by steeping and most of the oil removed by hydraulic, expeller, or solvent extraction processes, and is obtained in the wet milling process of manufacture of corn starch, corn syrup, or other corn products.
- (k) Corn Germ Meal (Dry Milled) is ground corn germ which consists of corn germ with other parts of the corn kernel from which part of the oil has been removed and is the product obtained in the dry milling process of manufacture of corn meal, corn grits, hominy feed, and other corn products.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Sections 14992 and 15011, Food and Agricultural Code.

HISTORY

- 1. Editorial correction of NOTE filed 8-17-82 (Register 82, No. 34).
- 2. Amendment filed 1–30–2002; operative 1–30–2002 pursuant to Government Code section 11343.4 (Register 2002, No. 5).

§ 2783. Cottonseed Products.

- (a) Cottonseed Meal, Mechanically Extracted, is the product obtained by finely grinding the cake which remains after removal of most of the oil from cottonseed by a mechanical extraction process. It shall contain not less than 36.0 percent crude protein.
- (b) Cottonseed Meal, Solvent Extracted, is the product obtained by finely grinding the flakes which remain after removal of most of the oil from cottonseed by a solvent extraction process. It shall contain not less than 36.0 percent crude protein.
- (c) Cottonseed Cake, Mechanically Extracted, is the unground product composed of the kernel and such portions of the lint, hull, and oil as re-

- main after removal of most of the oil from cotton seed by a mechanical process. It shall contain not less than 36.0 percent crude protein.
- (d) Cottonseed Flakes, Mechanically Extracted, is the unground product, composed of the kernel and such portions of the lint, hull, and oil as remain after removal of the oil from cottonseed by a mechanical extraction process. It shall contain not less than 36.0 percent crude protein.
- (e) Cottonseed Flakes, Solvent Extracted, is the unground product, composed of the kernel and such portions of the lint, hull, and oil as remain after removal of the oil from cottonseed by a solvent extraction process. It shall contain not less than 36.0 percent crude protein.
- (f) Whole–Pressed Cottonseed, Mechanically Extracted, is composed of sound, mature, clean, delinted, and unhulled cottonseed, from which most of the oil has been removed by mechanical pressure. It shall be designated and sold by its crude protein content. If ground, it must be so designated.
- (g) Low Gossypol Cottonseed Meal, Mechanically Extracted, is a meal in which the gossypol is not more than 0.04 percent free gossypol.
- (h) Low Gossypol Cottonseed Meal, Solvent Extracted, is a meal in which the gossyol is not more than 0.04 percent free gossypol.
- (i) Cottonseed Hulls is the outer covering of the cottonseed. When used in a mixture, the maximum percent present shall be stated.
- (j) Whole cottonseed is seed remaining after removal of fiber in the ginning process. It shall contain not more than 15.0 percent free fatty acids in the oil. It shall contain not more than 13.0 percent moisture and not more than 2.0 percent foreign material. It shall be labeled to include the maximum percent ash.
- (k) Prime whole cottonseed is seed remaining after the removal of fiber in the ginning process. It shall contain not more than 3.0 percent free fatty acids in the oil. It shall contain not more than 13.0 percent moisture and not more than 2.0 percent foreign material. It shall be labeled to include the maximum percent ash.
- (1) Cracked or ground pima is pima cottonseed that has been processed but from which the oil has not been extracted. It shall be labeled to include the maximum percent ash.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Sections 14992 and 15011, Food and Agricultural Code.

HISTORY

- 1. Amendment of subsection (j) filed 7-2-82; effective thirtieth day thereafter (Register 82, No. 27).
- 2. Amendment filed 1–30–2002; operative 1–30–2002 pursuant to Government Code section 11343.4 (Register 2002, No. 5).
- 3. Amendment of subsection (j), new subsection (k) and subsection relettering filed 4–20–2004; operative 4–20–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 17).

§ 2783.5. Fats and Oils.

- (a) General Provisions: Any mixture of two or more fats or fat derivatives defined below shall be identified by listing each component, for example, "animal fat and hydrolyzed vegetable oil." Any antioxidant used shall be named and followed by the word "preservative." All fats and oils used in commercial feed shall be pathogen free and safe for use as animal feed. The percentage of fatty matter is the total percentage of moisture, insoluble matter and unsaponifiable matter subtracted from 100. The use of sewer plant fats and oils is prohibited.
- (b) Animal Fat is obtained from the tissues of mammals and/or poultry in the commercial processes of rendering or extracting. It consists predominantly of glyceride esters of fatty acids and contains no additions of free fatty acids or other materials obtained from fats. It must contain, and be guaranteed for, not less than 90 percent total fatty acids, not more than 2.0 percent unsaponifiable matter, and not more than 1.0 percent insoluble impurities. Maximum free fatty acids and moisture must also be guaranteed. If the product bears a name descriptive of its kind or origin; i.e., "beef", "pork", "poultry", it must correspond thereto. If an antioxidant is used, the common name or names shall be indicated, followed by the words "used as a preservative".
- (c) Fat Product, Feed Grade is any fat product which does not meet the definitions for animal fat, vegetable fat or oil, hydrolyzed fat or fat ester. It shall be sold on its individual specifications which will include the

Page 250 Register 2004, No. 17; 4-23-2004

minimum percentage of total fatty acids, the maximum percentage of unsaponifiable matter, the maximum percentage of insoluble impurities, the maximum percentage of free fatty acids and moisture. The above listed specifications shall be guaranteed on the label. If an antioxidant(s) is used, the common name or names shall be indicated, followed by the words "used as a preservative".

- (d) Vegetable Fat or Oil is the product of vegetable origin obtained by extracting the oil from seeds or fruits which are commonly processed for edible purposes. It consists predominantly of glyceride esters of fatty acids, and contains no additions of free fatty acids, or other materials obtained from fats. It shall contain and be guaranteed for not less than 90 percent total fatty acids, not more than 2.0 percent unsaponifiable matter and not more than 1.0 percent insoluble impurities. Maximum percent free fatty acids, and moisture shall also be guaranteed. If the product bears a name descriptive of its kind or origin, i.e., "soybean oil", "cottonseed oil", it shall correspond thereto. If an antioxidant(s) is used, the common name or names shall be indicated, followed by the words "used as a preservative".
- (e) Hydrolyzed Fat or Oil (feed grade) is a product obtained by the fat processing procedures commonly used in edible fat processing or soap making. It consists predominantly of fatty acids, and shall contain, and be guaranteed for, not less than 85.0 percent total fatty acids, not more than 6.0 percent unsaponifiable matter, and not more than one (1) percent insoluble impurities. Maximum moisture must also be guaranteed. Its source shall be stated in the product name, i.e., "hydrolyzed animal fat," "hydrolyzed vegetable," "hydrolyzed animal and vegetable fat." If an antioxidant(s) is used, the common name or names must be indicated, followed by the words "used as a preservative".
- (f) Ester (feed grade) is the product consisting of methyl, ethyl or other nonglyceride ester of fatty acids derived from animal and/or vegetable fats. It consists predominantly of the ester and shall contain not less than 85.0 percent total fatty acids, not more than 10.0 percent free fatty acids, not more than 6.0 percent unsaponifiable matter, (2.0 percent for methyl esters), and not more than 1.0 percent insoluble matter. Its source shall be stated in the product name, i.e., "methyl ester of animal fatty acids," "ethyl ester of vegetable oil fatty acids." Methyl esters shall contain not more that 150.0 parts per million (0.015 percent) free methyl alcohol. If an antioxidant(s) is used, the common name or names must be indicated, followed by the word "preservative(s)".
- (g) Corn Endosperm Oil is obtained by the extraction of oil from corn gluten. It consists predominantly of free fatty acids and glyceride, and shall contain not less than 85.0 percent total fatty acids, not more than 14.0 percent unsaponifiable matter, and not more than 1.0 percent insoluble matter. if an antioxidant(s) is used, the common name or names shall be indicated followed by the word "preservatives".
- (h) Corn Syrup Refinery Insolubles, Feed Grade is obtained in the refining of a corn syrup. It consists predominantly of the fatty fraction of corn starch together with protein and residual carbohydrate. It may contain water and not more than 7.0 percent ash nor less than 50.0 percent fat on a water–free basis.
- (i) Calcium Salts of Long-Chain Fatty Acids are the reaction products between calcium and long-chain fatty acids of vegetable and/or animal origin. They shall contain a maximum of 20.0 percent lipid not bound in the calcium salt form and percent total fat shall be indicated. The unsaponifiable matter (exclusive of calcium salts) shall not exceed 4.0 percent and moisture shall not exceed 5.0 percent. If an antioxidant(s) is used, its common name(s) must be indicated on the label. Prior to conducting an assay for total fats, hydrolysis of the calcium salts should be performed to liberate the lipid fraction.
- (j) Hydrolyzed Sucrose Polyesters, Feed Grade is the product resulting from the acid hydrolysis of sucrose polyesters, such as olestra, to make them digestible. It shall consist predominately of fatty acids and contain, and be guaranteed for, not less than 85.0 percent total fatty acids, not more than 2.0 percent Sucrose Polyesters (hex ester and above), not more than 2.0 percent unsaponifiable matter, and not more than 2.0 percent insoluble impurities. Maximum moisture shall also be guaranteed. Its

source shall be stated in the product name, i.e., "Hydrolyzed animal sucrose polyesters", "Hydrolyzed vegetable sucrose polyesters", or "Hydrolyzed animal and vegetable sucrose polyesters". If an antioxidant(s) is used, the common name or names shall be indicated, followed by the words "used as a preservative".

(k) Vegetable Oil Refinery Lipid, Feed Grade, is obtained in the alkaline refining of a vegetable oil for edible use. It consists predominantly of the salts of fatty acids, glyceride, and phosphates. It may contain water and not more than 22.0 percent ash on a water—free basis. It may or may not be acidulated before using in commercial feeds, but if acidulated, it shall be neutralized.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Sections 14992 and 15011, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 6–25–74; effective thirtieth day thereafter (Register 74, No. 26).
- 2. Amendment filed 11–4–76; effective thirtieth day thereafter (Register 76, No. 45).
- 3. Editorial correction of NOTE filed 8-17-82 (Register 82, No. 34).
- 4. Amendment filed 1–30–2002; operative 1–30–2002 pursuant to Government Code section 11343.4 (Register 2002, No. 5).

§ 2785. Grape Products.

- (a) Grape Pomace is the residue after the juice has been expressed in the production of wine from grapes. It consists of skins and seeds. When used in a mixed feed the maximum percent present shall be stated.
- (b) Raisin Stem Meal is the ground or chopped product obtained in the grading and stemming of raisins. It consists of stems and may contain raisins. When used in mixed feeds the maximum percent present shall be stated.
- (c) Raisin Seed Meal consists of the ground seed obtained in the manufacture of seeded raisins with or without the extraction of part of the oil. When used in mixed feeds the maximum percent present shall be stated. NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Sections 14992 and 15011, Food and Agricultural Code.

HISTORY

1. Editorial correction of NOTE filed 8-17-82 (Register 82, No. 34).

§ 2787. Flax Products.

- (a) Linseed Meal, Mechanically Extracted, is the product obtained by grinding the cake or chips which remain after removal of most of the oil from flaxseed by a mechanical extraction process and contains not more than 10 percent fiber.
- (b) Linseed Meal, Solvent Extracted, is the product obtained by grinding the flakes which remain after removal of most of the oil from flaxseed by a solvent extraction process and contains not more than 10 percent fiber.
- (c) Flaxseed Screenings Meal, Solvent Extracted, is the ground product obtained after solvent extraction of part of the oil from the smaller imperfect flaxseeds, weedseeds, other oilseeds and other foreign material having feeding value, separated in cleaning flaxseed.
- (d) Flax Plant Product is that portion of the flax plant having feeding value remaining after harvesting the seed and separation of the bast fibers and flax shives. It consists of the leaves, corticle tissues, flax seed bolls, broken and immature flax seeds, and contains a minimum of 9 percent crude protein and a maximum of 35 percent crude fiber.
- (e) Flax Straw By-Product is the ground product remaining after the removal of the longer fiber material from flax straw by mechanical processing and contains not less than 2 percent crude protein and not more than 70 percent crude fiber.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Sections 14992 and 15011, Food and Agricultural Code.

HISTORY

1. Amendment of section heading filed 7–2–82; effective thirtieth day thereafter (Register 82 No. 27).

§ 2788. Marine Products.

(a) Marine products containing more than 3.0 percent sodium must state the percentage. No marine product shall contain more than 7.0 percent sodium.

- (b) Fish Meal is clean, dried, ground tissues of undecomposed whole fish and/or fish cuttings with or without the extraction of part of the oil. It shall contain not more than 10.0 percent moisture. If it contains more than 3.0 percent sodium (Na), the amount of sodium shall constitute a part of the brand name, provided that in no case must the sodium content of this product exceed 7.0 percent.
- (c) Fish Residue Meal is the clean, dried, undecomposed residue from the manufacture of glue from non-oily fish. If it contains more than 3.0 percent sodium (Na), the amount of sodium shall constitute a part of the brand name, provided that in no case shall the sodium content of this product exceed 7.0 percent.
- (d) Fish Market Scrap Meal is the clean, dried, ground tissues and/or viscera of fish and other sea food from fish markets, with or without the extraction of part of the oil.
- (e) Crab Meal is undecomposed dried waste of the crab and contains the shell, viscera, and part or all of the flesh. It shall contain not less than 25.0 percent crude protein. If it contains more than 3.0 percent sodium (Na) the amount of sodium shall constitute a part of the brand name, provided that in no case shall the sodium content of this product exceed 7.0 percent.
- (f) Shrimp Meal is undecomposed dried waste of shrimp and contains the head, hull, and/or the whole shrimp. If it contains more than 3.0 percent sodium (Na), the amount of sodium shall constitute a part of the brand name, provided that in no case shall the sodium content of this product exceed 7.0 percent.
- (g) Anchovy Oil is the product obtained by extraction of part of the oil from the whole Pacific anchovy, or from cannery refuse of this species of fish.
- (h) Tuna Oil is the product obtained by extraction of part of the oil from the cannery refuse of tuna.
- (i) Condensed Fish Solubles are obtained by evaporating excess moisture from the stickwater, aqueous liquids, resulting from the wet rendering of fish into fish meal, with or without removal of part of the oil.
- (j) Fish Glandular and Liver Hydrolysate is the partially dehydrated, ground entire coelomic contents of the fish, digested by the enzymes naturally present in fish, The solids content of this product shall not be less than 40.0 percent.

HISTORY

- 1. Repealer of subsection (g) and relettering of subsections (h)–(p) to subsections (g)–(o) filed 7–2–82; effective thirtieth day thereafter (Register 82, No. 27).
- 2. Editorial correction of Note filed 8-17-82 (Register 82, No. 34).
- 3. Amendment filed 1–30–2002; operative 1–30–2002 pursuant to Government Code section 11343.4 (Register 2002, No. 5).

§ 2789. Milk Products.

- (a) Dried Buttermilk contains 8.0 percent maximum moisture, 13.0 percent maximum ash, and 5.0 percent minimum milk fat using the Roese–Gottlieb method.
- (b) Condensed Buttermilk contains 27.0 percent minimum total solids, 0.055 percent minimum milk fat for each percent of total solids, and 0.14 percent maximum ash for each percent of total solids.
- (c) Dried Skimmed Milk is dried defatted milk containing 8.0 percent maximum moisture.
- (d) Condensed Skimmed Milk is evaporated defatted milk containing 27.0 percent minimum total solids.
- (e) Dried Cultured Skimmed Milk is dried lactic acid bacteria cultured defatted milk containing 8.0 percent maximum moisture.
- (f) Condensed Cultured Skimmed Milk is evaporated lactic acid bacteria cultured defatted milk containing 27.0 percent minimum total solids
- (g) Dried (Dry) Whey is the product obtained by removing water from whey. It contains not less than 11.0 percent protein nor less than 61.0 percent lactose.
- (h) Condensed Whey is evaporated whey. The minimum percent total whey solids shall be stated on the label.

- (i) Dried (Dry) Whey Solubles is the product obtained by drying the whey residue after the removal of whey protein, with or without partial removal of lactose. Minimum percent of crude protein and lactose and maximum percent ash shall be guaranteed on the label.
- (j) Condensed Whey Solubles is evaporated whey residue from the manufacture of lactose after removal of milk albumin and part of the lactose. It shall be labeled to show the minimum percent of total whey product solids, crude protein, fat, lactose and the maximum percent ash.
- (k) Dried Hydrolyzed Whey is dried lactose enzyme hydrolyzed whey containing 30.0 percent minimum total glucose and galactose.
- (1) Condensed Hydrolyzed Whey is evaporated lactose enzyme hydrolyzed whey containing 50.0 percent minimum total solids and 0.3 percent minimum total glucose and galactose for each percent total solids.
- (m) Condensed Whey-Product is the product obtained by partially removing water from whey from which a portion of the lactose, protein and/or minerals been removed. The minimum percent solids, crude protein and lactose and the maximum percent of ash shall be guaranteed on the label. It may also be labeled "condensed reduced minerals whey" or "condensed reduced lactose whey", if appropriate.
- (n) Dried (Dry) Whey-Product is the product obtained by drying whey from which a portion of the lactose, protein and/or minerals have been removed. The minimum percent solids, crude protein, and lactose and the maximum percent ash shall be guaranteed on the label. It may also be labeled "dried reduced minerals whey" or "dried reduced lactose whey", if appropriate.
- (o) Condensed Cultured Whey is evaporated cultured whey. The minimum percent total cultured whey solids shall be guaranteed on the label.
- (p) Whey is the product obtained as a fluid by separating the coagulum from milk, cream or skimmed milk and from which a portion of the milk fat may have been removed.
- (q) Casein is the solid acid or rennet coagulation from defatted milk and contains 80.0 percent minimum crude protein.
- (r) Cheese Rind is cooked cheese trimming devoid of fat other than milk fat.
- (s) Dried Lactalbumin is the dried coagulated protein residue from whey. It contains 80.0 percent minimum crude protein on a moisture-free basis
- (t) Dried Whole Milk is dried milk containing 8 percent maximum moisture and 26.0 percent minimum milk fat using the Roese–Gottlieb method.
- (u) Dried Milk Protein is dried coagulated protein residue resulting from the controlled co-precipitation of casein, lactalbumin, and minor milk proteins from defatted milk.
- (v) Dried Hydrolyzed Casein is the dried watersoluble product resulting from the enzymatic digestion of casein and contains 74.0 percent minimum crude protein.
- (w) Condensed Whey Permeate is the product resulting from the removal of proteins from whey permeate. It shall be labeled to show the minimum percent total whey product solids, crude protein and lactose and the maximum percent ash and equivalent crude protein from nonprotein nitrogen.
- (x) Condensed Delactosed Whey Permeate is the product resulting from the removal of lactose from whey permeate. It shall be labeled to show the minimum percent total whey product solids, lactose, crude protein and crude fat and the maximum percent ash and equivalent crude protein from nonprotein nitrogen.
- (y) Fermented Ammoniated Condensed Whey is the product produced by the Lactobacillus bulgaricus fermentation of whey with the addition of ammonia. It shall contain 35.0 percent to 55.0 percent crude protein and not more than 42.0 percent equivalent crude protein from nonprotein nitrogen. It shall be labeled to show the minimum percent total whey product solids, lactose, crude protein, and fat and the maximum percent ash and equivalent crude protein from nonprotein nitrogen.

The label of the additive and of any feed additive supplement, feed additive concentrate or feed additive premix prepared therefrom shall con-

tain the following information in addition to any other required information:

- (1) The name of the additive.
- (2) The maximum percentage of equivalent crude protein from nonprotein nitrogen.
 - (3) Directions for storage and use as stated below:

"Store in closed vented tank equipped for agitation. Agitate five (5) minutes before using. Do not store at temperatures above $110^{\circ}F$ ($43^{\circ}C$).

Mix with grain, roughage, or grain and roughage prior to feeding.

The maximum equivalent crude protein from fermented ammoniated condensed whey and equivalent crude protein from all other added forms of nonprotein nitrogen should not exceed 30.0 percent of the dietary crude protein" and a prominent statement: "WARNING"—"This feed shall be used only in accordance with the directions furnished on the label."

(z) Dairy Food By-Products are the products resulting from the collection of solids contained in the washwater from the normal processing and packaging of various food manufacturing plants. Dairy products are the primary source but non-dairy products may occasionally constitute a minor amount of the total volume. No sanitary sewer waste may be included. This product is to be fed at levels less than 25.0 percent of the animal's total dry matter intake.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Sections 14992 and 15011, Food and Agricultural Code.

HISTORY

- 1. Amendment of subsection (j) and new subsections (v), (w) and (x) filed 7–2–82; effective thirtieth day thereafter (Register 82, No. 27).
- 2. Amendment filed 1–30–2002; operative 1–30–2002 pursuant to Government Code section 11343.4 (Register 2002, No. 5).

§ 2790. Mineral Feeds.

- (a) Formula feeds containing more than 9.0 percent of Ash require, in addition to the usual label declaration of the chemical feed analysis, a declaration of each ingredient and the guarantees for the following, if present:
 - (1) maximum and minimum percentage of Calcium (Ca);
 - (2) minimum percentage of Phosphorus (P);
 - (3) maximum percentage of Sodium (Na);
- (4) guarantees for crude protein, crude fat and crude fiber are not required when the commercial feed is intended for purposes other than to furnish these substances. Mineral ingredients shall be stated as their official names.
- (b) Shell Marl is ground shells of oysters, clams, or other mollusks with impurities of sand and clay and containing less than 90.0 percent of calcium carbonate. It may bear a name descriptive of its kind. It shall be labeled to state plainly the minimum percentage of calcium carbonate (CaCO₃) and the equivalent amount of calcium (Ca).
- (c) Marl is a natural mixture of chalk, sand, and clay. It may bear a name descriptive of its kind. It shall be labeled to state plainly the minimum percentage of calcium carbonate (CaCO₃) and the equivalent amount of calcium (Ca).
- (d) Trace Mineralized Salty is common salt containing significant amounts of trace minerals which are recognized as essential for animal nutrition. Significant amounts defined are not less than 0.010 percent cobalt, 0.033 percent copper, 0.160 percent iron, 0.007 percent iodine, 0.200 percent manganese, and 0.005 percent zinc.
- (e) Bone Ash is the ash obtained by burning bones with free access to air, and containing a minimum of 15.3 percent phosphorus (P). The label must show a guarantee for calcium (Ca) and phosphorus (P).
- (f) Bone Charcoal is obtained by charring bones in a closed retort and contains a minimum of 14.0 percent phosphorus (P). It must be labeled with guarantees for calcium (Ca) and phosphorus (P). (This product is sometimes referred to as "Bone Black," however, bone charcoal shall be used in all labeling.)
- (g) Calcite is an acceptable source of calcium carbonate. It shall be true to name and contain not less than 33.0 percent calcium (Ca).

- (h) Oyster Shell Flour is an acceptable source of calcium carbonate. It shall be true to name and contain not less than 33.0 percent calcium (Ca)
- (i) Shell Flour is an acceptable source of calcium carbonate. It shall be true to name and contain not less than 33.0 percent calcium (Ca).
- (j) Chalk Rock is an acceptable source of calcium carbonate. It shall be true to name and contain not less than 33.0 percent calcium (Ca).
- (k) Calcium Carbonate, Precipitated, is an acceptable source of calcium carbonate. It shall be true to name and contain not less than 33.0 percent calcium (Ca).
- (*l*) Chalk, Precipitated, is an acceptable source of calcium carbonate. It shall be true to name and contain not less than 33.0 percent calcium (Ca). Precipitated chalk must be used in all labeling.
- (m) Limestone, Ground, is an acceptable source of calcium carbonate. It shall be true to name and contain not less than 33.0 percent calcium (Ca). Ground limestone must be used in all labeling.
- (n) Calcium Carbonate is a product true to name which contains a minimum of 38.0 percent calcium (Ca).
- (o) Limestone, Magnesium, or Dolomitic, is an acceptable source of magnesium and calcium carbonate. The terms are synonymous and designate a native mineral composed of mixtures of magnesium carbonate (MgCO₃), and calcium carbonate (CaCO₃). It contains not less than 10.0 percent magnesium (Mg) and shall be stated as an ingredient as magnesium limestone or dolomitic limestone.
- (p) Phosphate, Defluorinated, includes either calcined, fused, or precipitated calcium phosphate. It contains not more than one part of fluorine (F) to 100 parts of phosphorus (P). The minimum percent of calcium (Ca) and phosphorus (P) and the maximum percent of fluorine (F), and Sodium (Na), shall be stated on the label. The term "defluorinated" shall not be used as a part of the name of any product containing more than one part of fluorine (F) to 100 parts of phosphorus (P). The term "defluorinated phosphate" shall be used in labeling ingredient listings.
- (q) Iodized Salt is salt (NaCl) containing not less than 0.007 percent iodine, uniformly distributed.
- (r) Bone Phosphate is the residue of bones that have been treated first in a caustic solution, then in a hydrochloric acid solution, and thereafter precipitated with lime and dried. It contains a minimum of 17.0 percent phosphorus (P). It shall be labeled with guarantees for calcium (Ca) and phosphorus (P).
- (s) Rock Phosphate, Soft, is the very finely divided by–product (washings) obtained from mining Florida rock phosphate by the hydraulic process. It contains a minimum of 9.0 percent phosphorus (P) and 15.0 percent calcium (Ca), and not more than 30.0 percent clay and 1.5 percent fluorine (F). The term "soft rock phosphate" shall be used in labeling.
- (t) Diammonium Phosphate is the product resulting from the neutralization of phosphoric acid, feed grade, or defluorinated wet–process phosphoric acid which contains not less than 17.0 percent nitrogen (N) and 20.0 percent phosphorus (P). It contains not more than 1 part fluorine (F) to 100 parts phosphorus (P), 75 ppm of arsenic (As), and 30 ppm of heavy metals reported as lead. It does not include diammonium phosphate made from by–product ammonia absorbed from coke–oven gas. It shall be used only in ruminant feeds as a source of phosphorus and nitrogen in an amount that supplies not more than 2.0 percent of equivalent crude protein in the total daily ration. If a premix, concentrate, or supplement contains more than 2.0 percent of equivalent crude protein from diammonium phosphate, the label must contain adequate directions for use and a prominent statement, "Caution: Use only as directed." The caution statement shall be in prominent bold type against a contrasting background.
- (u) Bone Charcoal, Spent, is the product resulting from the repeated charring of bone charcoal after use in clarifying sugar solutions. It contains a minimum of 11.5 percent phosphorus (P). It shall be labeled with guarantees for phosphorus (P) and calcium (Ca). (This product is sometimes referred to as "Spent Bone Black," however, spent bone charcoal shall be used in labeling.)

- (v) Bone Meal, Steamed, is the dried and ground product sterilized by cooking undecomposed bones with steam under pressure. Grease, gelatin, and meat fiber may or may not be removed. It shall be labeled with guarantees for phosphorus (P) and calcium (Ca). "Steamed Bone Meal" shall be used in labeling.
- (w) Phosphoric Acid, Feed Grade ___ percent is a solution of phosphoric acid in water. It contains not more than 100 ppm fluorine (F), 3.2 ppm arsenic (As), and 1.3 ppm of heavy metals reported as lead for each percentage of phosphorus. If manufactured by the electric furnace method, the color is to be white or amber, and turbidity clear to faintly hazy. If manufactured by the wet–process method, the color is dark brown to blackish, with marked turbidity. When this ingredient is used as a constituent in mixed feeds, it must be called phosphoric acid in the ingredient list.
- (x) Rock Phosphate, Ground, is ground phosphate rock. It shall be labeled with guarantees for calcium (Ca) and phosphorus (P) and a maximum guarantee for fluorine (F). "Ground Rock Phosphate" shall be used in labeling.
- (y) Rock Phosphate, Ground, Low Fluorine is ground phosphate rock that contains not more than 0.5 percent fluorine (F). "Low Fluorine Ground Rock Phosphate" shall be used in labeling. It shall be labeled with guarantees for minimum percentages of calcium (Ca) and phosphorus (P) and for a maximum percentage of fluorine (F).
- (z) Ammonium Polyphosphate Solution is the product resulting from the neutralization of superphosphoric acid. It shall contain not less than 9.0 percent nitrogen (N) and 13.0 percent phosphorus (P). It shall contain not more than one part fluorine (F) to 100 parts phosphorus (P). 75 ppm of arsenic (As), and 30 ppm of heavy metals reported as lead. It may be used in ruminant feeds as a source of both phosphorus and nitrogen in an amount that supplies not more than 2.0 percent of equivalent crude protein in the total daily ration.
- (aa) Metal Proteinate is the product resulting from the chelation of a soluable salt with amino acids or partially hydrolyzed protein. It shall be declared as an ingredient as the specific metal proteinate: i.e., "Copper Proteinate," "Zinc Proteinate," etc.
- (bb) Smectite-Vermiculite is a natural occurring magnesium, iron, and potassium layer silicate. It shall be labeled with guarantees for magnesium (Mg), iron (Fe), and potassium (K).
- (cc) Calcium Periodate is a source of iodine produced by reacting calcium iodate with calcium hydroxide or calcium oxide to form a substance consisting of not less than 60.0 percent by weight of penta calcium orthoperiodate containing 28.0 to 31.0 percent by weight of iodine. It may be used in salt for livestock as a source of iodine.
- (dd) Mono-ammonium Phosphate is the product resulting from the neutralization of phosphoric acid, feed grade, or defluorinated wet-process phosphoric acid with ammonia and shall contain not less than 9.0 percent nitrogen (N), and 24.0 percent phosphorus (P). It shall contain not more than one part fluorine (F) to 100 parts phosphorus (P), 75 ppm of arsenic (As), and 30 ppm of heavy metals reported as lead. It shall be used only in ruminant feeds as a source of phosphorus and nitrogen in an amount that supplies not more than 2.0 percent of equivalent crude protein in the total daily ration. If a premix, concentrate or supplement contains more than 2.0 percent of equivalent crude protein from mono-ammonium phosphate, the label must contain adequate directions for use, and a prominent statement, "Caution: Use only as directed." The caution statement shall be in prominent bold type against a contrasting background.
- (ee) Ammonium Sulfate is the product resulting from the neutralization of sulfuric acid with ammonia. It shall contain not less than 21.0 percent nitrogen (N) and not less than 24.0 percent sulfur (S). It shall contain not more than 75 ppm arsenic (As) and 30 ppm heavy metals reported as lead. This does not include ammonium sulfate made from by-product ammonia recovered from coke-oven gas. It shall be used only in ruminant feeds as a source of sulfur and nitrogen in an amount that supplies not more than 2.0 percent of equivalent crude protein from ammonium

sulfate. The label shall have adequate directions for use and a prominent statement, "Caution — This feed shall be used only in accordance with directions furnished on the label".

(ff) Metal Polysaccharide Complex is the product resulting from complexing of a soluble salt with a polysaccharide solution declared as an ingredient as the specific metal complex: i.e., copper polysaccharide complex; zinc polysaccharide complex; iron polysaccharide complex, etc.

(gg) Additional Officially Recognized Mineral Ingredients.

The following inorganic (mineral) chemicals are recognized as suitable ingredients in animal feeds under controlled conditions. They shall be of purity equal to the commonly recognized "commercial grade" for the article and shall be declared as ingredients by the following names:

Calcium Gluconate Magnesium Oxide Calcium Iodate Magnesium Sulfate Manganese Acetate Calcium Iodobehenate Calcium Sulfate (Anhydrous) Manganese Carbonate Calcium Sulfate (Dihydrate) Manganese Chloride Cobalt Acetate Manganese Citrate (Soluble) Cobalt Carbonate Manganese Gluconate Cobalt Chloride Manganese Orthophosphate Cobalt Oxide Manganese Phosphate Cobalt Sulfate (Di-basic) Copper Carbonate Manganese Sulfate Copper Chloride Manganous Oxide Copper Gluconate Monocalcium Phosphate Copper Hydroxide Monosodium Phosphate Copper Orthophosphate Potassium Bicarbonate Copper Oxide Potassium Carbonate Copper Pyrophosphate Potassium Chloride Copper Sulfate Potassium Iodate Potassium Iodide Cuprous Iodide Dicalcium Phosphate Potassium Sulfate

Diiodosalicylic Acid Salt

Iron Ammonium Citrate

Disodium Phosphate Sodium Bicarbonate
Ethylenediamine Dihydriodide Sodium Iodate
Ferrous Fumarate Sodium Iodide
Sodium Selenate

Sodium Selenate Sodium Selenite Sodium Sulfate

Iron Carbonate Sodium Tripolyphosphate

Iron Chloride
Iron Gluconate
Iron Oxide
Iron Oxide
Iron Phosphate
Iron Pyrophosphate
Iron Sulfate

Iron Sulfate Zinc Chloride
Reduced Iron Zinc Oxide
Magnesium Carbonate Zinc Sulfate
(hh) Dicalcium Phosphate is a calcium salt of phosphore

- (hh) Dicalcium Phosphate is a calcium salt of phosphoric acid, generally expressed as CaHPO4, and its hydrated forms. Minimum percent phosphorus (P), minimum percent calcium (Ca) and maximum percent fluorine (F) must be specified. It shall be labeled to show a maximum of 1 part fluorine (F) to 100 parts phosphorus (P).
- (ii) Monocalcium Phosphate is a calcium salt of phosphoric acid, generally expressed as CaH4(PO4)2, and its hydrated forms. Minimum percent phosphorus (P), minimum percent calcium (Ca) and maximum percent fluorine (F) must be specified. It shall be labeled to show a maximum of 1 part fluorine (F) to 100 parts phosphorus (P).

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Sections 14992 and 15011, Food and Agricultural Code.

HISTORY

- 1. Amendment of subsections (p) and (gg) and new subsections (hh) and (ii) filed 7–2–82; effective thirtieth day thereafter (Register 82, No. 27).
- 2. Editorial correction of Note filed 8-17-82 (Register 82, No. 34).
- 3. Amendment of subsection (a), including new subsection (a)(1)–(4) designators, filed 7–17–97; operative 8–16–97 (Register 97, No. 29).

Page 254 Register 2002, No. 5; 2-1-2002

- 4. Editorial correction of subsection (a) (Register 2002, No. 5).
- 5. Amendment filed 1–30–2002; operative 1–30–2002 pursuant to Government Code section 11343.4 (Register 2002, No. 5).

§ 2790.5. Molasses Products.

- (a) General Provisions: All molasses products and liquid mixtures containing molasses products, including special mixes, shall be labeled to show the minimum percentage of total sugars expressed as invert sugar, and the maximum percent of moisture. In addition, liquid mixtures containing molasses products shall be labeled to show minimum percent of crude protein and the maximum percent of ash. All guarantees shall apply to the entire mixture.
- (b) Beet Molasses is a by-product of the manufacture of sucrose from sugar beets. It shall contain not less than 48.0 percent total sugars expressed as invert sugar and its density determined by double dilution shall be not less than 79.5 degrees Brix. The minimum percent of total sugars expressed as invert sugar and the maximum percent of moisture shall be stated.
- (c) Citrus Molasses is the partially dehydrated juices obtained from the manufacture of dried citrus pulp. It shall contain not less than 45.0 percent total sugars expressed as invert sugar and its density determined by double dilution shall be not less than 71.0 degrees Brix. The minimum percent of total sugars expressed as invert sugar and the maximum percent of moisture shall be stated. Any citrus molasses product which does not meet the above specifications shall be called citrus peel liquor and shall be labeled to show maximum moisture, minimum total sugars expressed as invert sugar and minimum Brix.
- (d) Cane Molasses is a by–product of the manufacture or refining of sucrose from sugar cane. It shall contain not less than 43.0 percent total sugars expressed as invert sugar. If its moisture content exceeds 27.0 percent, its density determined by double dilution shall not be less than 79.5 Brix.
- (e) Starch Molasses is a by-product of the manufacture of dextrose from starch derived from corn or grain sorghums in which the starch is hydrolyzed by use of enzymes and/or acid. It contains not less than 43.0 percent reducing sugars expressed as dextrose and not less than 50.0 percent total sugars expressed as dextrose. It shall contain not less than 73.0 percent total solids. The minimum percent of total sugars expressed as dextrose, and the maximum percent of moisture shall be stated.
- (f) Hemicellulose Extract is a by-product of the manufacture of pressed wood. It is the concentrated soluble material obtained from the treatment of wood at elevated temperature and pressure without the use of acids, alkalies, or salts. It contains pentose and hexose sugars, and other carbohydrates. The minimum percent of total sugars expressed as invert sugar and the maximum percent of moisture shall be stated.
- (g) Concentrated Separator By–Product (CSB) is obtained as a by–product of the recovery of sucrose from beet molasses by utilization of molecular exclusion chromatography. The minimum percent of total sugars expressed as invert sugar and the maximum percent of moisture shall be stated.
- (h) Concentrated Steffen Filtrate (CSF) is obtained as a by–product of the recovery of sucrose from beet molasses by utilization of the Steffen process (precipitation with calcium oxide).

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Section 14992 and 15011, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 6–25–74; effective thirtieth day therefor (Register 74, No. 26).
- 2. Amendment filed 11-4-76; effective thirtieth day thereafter (Register 76, No. 45).
- Amendment of subsection (d) filed 7-2-82; effective thirtieth day thereafter (Register 82, No. 27).
- Amendment filed 1–30–2002; operative 1–30–2002 pursuant to Government Code section 11343.4 (Register 2002, No. 5).

§ 2790.7. Non-Protein Nitrogen Products.

(a) Urea may contain other nontoxic nitrogenous compounds which are by-products from commercial synthesis and processing. It shall con-

tain not less than 45 percent nitrogen (N) (equivalent to 281.25 percent crude protein). If it contains less than 45 percent N but 41 percent or more N, it shall be designated as "Urea and Conditioner(s)." If the name of the conditioner(s) does not appear in the product name, the ingredient listing must contain the specific name of the conditioner(s).

- (b) Feed Grade Biuret contains a minimum of 60 percent biuret together with related non-toxic nitrogenous compounds resulting from the cotrolled pyrolysis of urea and subsequent processing. It shall contain not less than 35 percent nitrogen (equivalent to 218.75 percent crude protein) with not more than 7 percent nitrogen (equivalent to 43.75 percent crude protein) from urea. It shall not contain more than 0.5 percent mineral oil.
- (c) Other non-protein nitrogen products (Diammonium Phosphate, Ammonium Polyphosphate, Ammonium Sulfate, and Mono-Ammonium Phosphate) are defined in section 2790.

 $Note: Authority\ cited: Sections\ 407\ and\ 14902, Food\ and\ Agricultural\ Code.\ Reference:\ Sections\ 14992\ and\ 15011,\ Food\ and\ Agricultural\ Code.$

HISTORY

1. Editorial correction of NOTE filed 8-17-82 (Register 82, No. 34).

§ 2791. Oat Products.

- (a) Ground Oats, Pulverized Oats, Crushed Oats and Crimped Oats consist of the entire product made by grinding, cutting, crushing, or crimping whole oats. They shall contain not more than 10 percent of other grains, weed seeds, and other foreign material containing not more than 15 percent crude fiber.
 - (b) Oat Groats are cleaned oats with the hulls removed.
- (c) Oat Hulls consist primarily of the outer covering of oats, obtained in the milling of table cereals or in the groating of oats from clean oats. When used in a mixture the maximum percentage shall be stated.
- (d) Feeding Oat Meal is obtained in the manufacture of rolled oat groats, or rolled oats and consists of broken rolled oat groats, oat groat chips, and floury portions of the oat groats, with only such quantity of finely ground oat hulls resulting from good manufacturing process. It shall not contain more than 4 percent crude fiber.
- (e) Clipped Oat By-Product is obtained in the manufacture of clipped oats. It may contain the light chaffy material broken from the end of the hulls, empty hulls, light immature oats, and dust. When used in a mixture the maximum percentage shall be stated.
- (f) Oats shall contain a minimum of 80 percent sound cultivated oats and not more than 10 percent wild oats; 3 percent heat damaged kernels of oats, other grains, and wild oats; and 5 percent foreign material. It shall contain not more than 15 percent crude fiber. Foreign material includes all matter except cultivated oats, other grains, and wild oats, and includes oat clippings, and detached oat hulls.
- (g) Mixed Feed Oats consists of a mixture of grains containing at least 30 percent cultivated oats; provided that the mixture consists of either (1) not less than 65 percent of cultivated and wild oats combined or (2) not less than 65 percent of wild oats. It shall contain more than 25 percent of other grains, not more than 6 percent heat damaged kernels of oats, wild oats, and other grains, and not more than 10 percent foreign material, which may include 4 percent fine seeds. Foreign material consists of all matter except wild oats and grains for which standards have been established under the United States Grain Standards Act.
- (h) Oat Mill By-Product is the by-product obtained in the manufacture of oat groats, consisting of oat hulls, and particles of the groat, and containing not more than 22 percent crude fiber. When used in a mixture the maximum percentage shall be stated.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Sections 14992 and 15011, Food and Agricultural Code.

HISTORY

1. Editorial correction of NOTE filed 8-17-82 (Register 82, No. 34).

§ 2793. Peanut Products.

(a) Peanut Meal and Hulls, Mechanical Extracted and Solvent Extracted is a product of shelled peanuts, composed principally of the kernels and hulls, with such portion of the oil, as may be left in the ordinary course of manufacture.

- (b) Peanut Skins is the outer covering of the peanut kernel, exclusive of hulls, as obtained in ordinary commercial processing. The product may contain broken peanut kernels.
- (c) Peanut Meal Mechanical Extracted is a ground product of the shelled peanuts, composed principally of the kernels, with such portion of the hull, or fiber, and oil as may be left in the ordinary course of manufacture. It shall contain not more than 7.0 percent crude fiber.
- (d) Peanut Hulls consists of the outer hull or the peanut shell. When used in a mixed feed, the maximum percentage must be stated.

HISTORY

- 1. Amendment filed 6–25–74; effective thirtieth day thereafter (Register 74, No. 26).
- 2. Amendment filed 11–4–76; effective thirtieth day thereafter (Register 76, No. 45).
- 3. Editorial correction of NOTE filed 8-17-82 (Register 82, No. 34).
- 4. Amendment filed 1–30–2002; operative 1–30–2002 pursuant to Government Code section 11343.4 (Register 2002, No. 5).

§ 2794. Rice Products.

- (a) Rice Polish is a by-product of rice obtained in the milling operation of brushing the grain to polish the kernel.
- (b) Rice Bran is the pericarp or bran layer and germ of the rice containing not more than 13.0 percent crude fiber with hull fragments, chipped, broken, or brewers rice, and calcium carbonate as may result from good manufacturing processing. When the calcium carbonate exceeds 3.0 percent (Ca.–1.2 percent), the percentage must be declared in the brand name; i.e., Rice Bran with Calcium Carbonate not exceeding ___percent.
- (c) Rice Bran, Solvent Extracted, is obtained by removing the part of the oil from the rice bran by the use of solvents and shall contain not less than 14.0 percent crude protein, and not more than 14.0 percent crude fiber
- (d) Ground Rough Rice or Ground Paddy Rice is the entire product obtained by grinding the whole rice grain including the hull and contains not more than 10 percent fiber.
- (e) Ground Paddy Rice Screenings is the product resulting from the cleaning of paddy rice and consists of immature rice kernels, water grass seed, rice hulls, straw, dirt and sand. It shall be free of unpalatable or injurious weed seeds. When used in a mixture, the maximum percentage shall be stated.
- (f) Rice Hulls are the outer coverings of the rice kernel. When used in a mixture, the maximum percentage shall be stated.
- (g) Rice Mill By-Product is the total offal obtained in the production of milled rice. It consists of rice hulls, rice bran, rice polishings and broken rice grains. It shall be free of unpalatable and injurious weed seeds, and dirt and straw. It contains not more than 30.0 percent crude fiber and not more than 16.0 percent ash. When used in a mixture, the maximum percentage shall be stated.
- (h) Chipped Rice, Broken Rice, or Brewers Rice is the small fragments of rice kernels that have been separated from the larger kernels of milled rice.
- (i) Ground Brown Rice is the entire product obtained in grinding the rice kernels after the hulls have been removed.
- (j) Parboiled Rice Bran is about 5.0 to 7.0 percent by weight of Parboiled Rough Rice and is a mixture of a combination of several botanical tissues: pericarp, seed coat, nucellus, and the outer most portion of the endosperm (the aleurone layer). It may contain hull fragments, broken grains and traces of added calcium carbonate as is unavoidable in the milling of parboiled rice.
- (k) Stabilized Rice Bran is the bran which has been treated soon after milling by heat or other means that will substantially reduce the lipase activity. Free fatty acid content of the crude fat extracted shall not exceed 4.0 percent.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Sections 14992 and 15011, Food and Agricultural Code.

HISTORY

- 1. Editorial correction of NOTE filed 8-17-82 (Register 82, No. 34).
- 2. Amendment filed 1–30–2002; operative 1–30–2002 pursuant to Government Code section 11343.4 (Register 2002, No. 5).

§ 2795. Rye Products.

- (a) Rye, Mill Run consists of the mill run of the outer covering of the rye kernel and the rye germ with small quantities of rye flour and aleurone and contains not more than 9.5 percent crude fiber.
- (b) Rye Middlings consist of rye feed and rye red dog combined in the proportions obtained in good manufacturing process of milling rye flour and contains not more than 8.5 percent crude fiber.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Sections 14992 and 15011, Food and Agricultural Code.

HISTORY

1. Editorial correction of NOTE filed 8-17-82 (Register 82, No. 34).

§ 2795.5. Safflower Products.

- (a) Safflower Meal is obtained by extraction of oil and hulls from safflower seed and contains not less than 40 percent crude protein. If solvent extracted, it shall be so designated.
- (b) Whole–Pressed Safflower Seed is the ground residue obtained by extraction of oil from whole safflower seed by a mechanical or solvent extraction process and contains not less than 20 percent protein and not more than 40 percent fiber. If solvent extracted, it shall be so designated.
- (c) Safflower Hull consist of the outer covering of safflower seed. When used in a mixture, the percentage shall be stated.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Sections 14992 and 15011, Food and Agricultural Code.

HISTORY

1. Editorial correction of NOTE filed 8-17-82 (Register 82, No. 34).

§ 2796. Screenings.

Screenings is the by-product obtained in the cleaning of crop seed. It may include light and broken grains and other agricultural seeds, weed seeds, hulls, chaff, joints, straw, elevator or mill dust, sand and dirt. It shall be graded and designated according to the following definitions: No grade of screenings shall contain any seeds or other material that is either injurious to animals or will impart an objectionable odor or flavor to their milk or flesh. All screenings must be processed by grinding or otherwise to render the seed of any pest incapable of reproduction.

- (a) Grain Screenings contains 70.0 percent or more grain including light and broken grains. It may contain wild buckwheat and wild oats. The term "Grain Screening" may be used for unspecified kinds of grain, or the predominating kind of grain (if in excess of 50.0 percent) may be declared as the first word or words in the name. It may contain no more than 6.5 percent ash.
- (b) Seed Screenings shall consist of 70.0 percent or more seed, light and broken and contain not more than 6.5 percent ash. The name of the seed shall be a part of the name.
- (c) Mixed Screenings is screenings from grain and seed which does not meet the standards of subsections (a) or (b). It may include hulls, chaff, straw, dust, sweepings, sand, dirt, grains and seeds and contains not more than 27.0 percent crude fiber and not more than 15.0 percent ash. If it contains more than 15.0 percent ash, the words "sand" or "dirt" shall appear on the label as part of the name of the product. When used in a mixture, the maximum percent shall be stated.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Sections 14992 and 15011, Food and Agricultural Code.

HISTORY

- 1. Editorial correction of Note filed 8-17-82 (Register 82, No. 34).
- 2. Amendment filed 10–26–82; effective thirtieth day thereafter (Register 82, No. 44)
- 3. Amendment filed 1–30–2002; operative 1–30–2002 pursuant to Government Code section 11343.4 (Register 2002, No. 5).

§ 2796.5. Sesame Products.

(a) Sesame Oil Cake is the product obtained by removing most of the oil from sesame seed by crushing, cooking, and the use of pressure or solvents. The process used in the production (expeller or solvent) shall be a part of the brand name.

Page 256

(b) Sesame Oil Meal is ground sesame oil cake. The process used in the production (expeller or solvent) shall be a part of the brand name. Note: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Sections 14992 and 15011, Food and Agricultural Code.

HISTORY

Amendment filed 7–2–82; effective thirtieth day thereafter (Register 82, No. 27).

§ 2797. Sorghum Products.

- (a) Ground Grain Sorghum is the entire product made by grinding the grains of grain sorghum.
- (b) Grain Sorghum Gluten Feed is that part of the grain of grain sorghums that remains after the extraction of the larger part of the starch and germ, by the processes employed in the wet milling manufacture of starch or syrup.
- (c) Grain Sorghum Gluten Meal is that part of the grain of grain sorghums that remains after the extraction of the larger part of the starch and germ, and the separation of the bran by the processes employed in the wet milling manufacture of starch or syrup.
- (d) Grain Sorghum Germ Cake or Grain Sorghum Germ Meal consists of the germ of grain sorghum grains from which part of the oil has been pressed and is the product obtained in the wet milling process of manufacture of starch, syrup, and other grain sorghum products.
- (e) Rolled Grain Sorghums is obtained by running whole grain sorghums through rollers. Then it is properly dried and cooled.
- (f) Grain Sorghum Grits consists of the hard flinty portions of grain sorghums containing 5 percent or less bran or germ.
- (g) Gelatinized Sorghum Grain Flour is obtained from the endosperm of sorghum grain which has been gelatinized and reduced to a finely ground meal containing not more than 1 percent crude fiber.
- (h) Partially Aspirated Gelatinized Sorghum Grain Flour is obtained from whole sorghum grain which has been partially aspirated and has been gelatinized and reduced to a finely ground meal containing not more than 2.5 percent crude fiber.
- (i) Grain Sorghum Mill Feed is a mixture of grain sorghum bran, grain sorghum germ, part of the starchy portion of grain sorghum kernels, or mixture thereof as produced in the manufacture of grain sorghum grits and refined meal and flour containing not less than 5 percent crude fat and not more than 6 percent crude fiber.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Sections 14992 and 15011, Food and Agricultural Code.

HISTORY

1. Amendment of subsection (e) filed 7-2-82; effective thirtieth day thereafter (Register 82, No. 27).

§ 2798. Soybean Products.

- (a) Ground Soybean is ground whole soybeans without cooking or removing any of the oil.
- (b) Ground Soybean Hay is the ground soybean plant including the leaves and beans. It must be reasonably free of other crop plants and weeds and shall contain not more than 33.0 percent crude fiber.
- (c) Soybean Hulls consist of the outer covering of the soybean. When used in a mixture, the maximum percentage shall be stated.
- (d) Soybean Feed, Solvent Extracted, is the product remaining after the partial removal of protein and nitrogen free extract from dehulled solvent extracted soybean flakes. When used in a mixture, the maximum percentage shall be stated.
- (e) Soy Flour is the finely powered material resulting from the screened and graded product remaining after removal of most of the oil from selected, sound, cleaned and dehulled soybeans by a mechanical or solvent extraction process. It shall contain not more than 4.0 percent crude fiber.
- (f) Soybean Meal, Mechanically Extracted, is the product obtained by grinding the cake or chips which remain after removal of most of the oil from soybeans by a mechanical extraction process. Heat must be applied during the process. It shall contain not more than 7.0 percent crude fiber. It may contain calcium carbonate or an anti-caking agent not to exceed

- 0.5 percent to reduce caking and improve flowability. The name of the conditioning agent shall be shown as an added ingredient.
- (g) Soybean Meal, Solvent Extracted, is the product obtained by grinding the flakes which remain after removal of most of the oil from soybeans by a solvent extraction process. It shall contain not more than 7.0 percent crude fiber. It may contain calcium carbonate or an anti-caking agent not to exceed 0.5 percent to reduce caking and improve flowability.
- (h) Soybean Meal, Dehulled, Solvent Extracted, is obtained by grinding the flakes remaining after removal of most of the oil from dehulled soybeans by a solvent extraction process. It shall contain not more than 3.5 percent crude fiber. It may contain calcium carbonate or an anti–caking agent not to exceed 0.5 percent to reduce caking and improve flowability. The name of the conditioning agent must be shown as an added ingredient. When listed as an ingredient in a manufactured feed it may be identified as "Dehulled Soybean Meal."
- (i) Soybean Mill Feed is composed of soybean hulls and the offal from the tail of the mill which results from the manufacture of soy grits or flour and contains not less than 13.0 percent crude protein and not more than 32.0 percent crude fiber. When used in a mixture, the maximum percentage shall be stated.
- (j) Soybean Mill Run is composed of soybean hulls and such bean meats that adhere to the hulls which results from normal milling operations in the production of dehulled soybean meal and contains not less than 11.0 percent crude protein and not more than 35.0 percent crude fiber
- (k) Soy Phosphate or Soy Lecithin is the mixed phosphatide product obtained from soybean oil by a degumming process. It contains lecithin, cephalin, and inositol phosphatides, together with glycerides of soybean oil and traces of tocopherols, glucosides, and pigments. It shall be designated and sold according to conventional descriptive grades with respect to consistency and bleaching.
- (1) Heat Processed Soybeans is the product resulting from heating whole soybeans without removing any of the component parts. It may be ground, pelleted, flaked, or powdered. The maximum pH rise using standard urease testing procedure should not exceed 0.10 pH units. It shall be sold according to its crude protein, crude fat and crude fiber content.
- (m) Soy Protein Concentrate is prepared from high quality sound, clean, dehulled soybean seeds by removing most of the oil and water soluble non-protein constituents and contains not less than 65.0 percent protein on a moisture-free basis.
- (n) Kibbled Soybean Meal is the product obtained by cooking ground solvent extracted soybean meal under pressure and extruding from an expeller or other mechanical pressure device. It shall be designated and sold according to its protein content and shall contain not more than 7.0 percent crude fiber.
- (o) Condensed Soybean Solubles is the product resulting from the washing of Soy Flour or Soybean Flakes with water and acid; water, alkali and acid; or water and alcohol. The wash water is then concentrated to a solids content of not less than 50.0 percent.
- (p) Soy Flour is the finely powdered material resulting from the screened and graded product after removal of most of the oil rom the oil from selected, sound, cleaned and dehulled soybeans by a mechanical or solvent extraction process. It shall contain not more than 4.0 percent crude fiber.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Sections 14992 and 15011, Food and Agricultural Code.

HISTORY

- 1. Editorial correction of NOTE filed 8-17-82 (Register 82, No. 34).
- Amendment filed 1–30–2002; operative 1–30–2002 pursuant to Government Code section 11343.4 (Register 2002, No. 5).

§ 2798.5. Sunflower Products.

(a) Sunflower Meal, Dehulled, Mechanically Extracted, is obtained by grinding the residue remaining after the extraction of most of the oil from dehulled sunflower seed by a mechanical extraction process.

- (b) Sunflower Meal, Dehulled, Solvent Extracted, is the ground residue remaining after extraction of most of the oil from dehulled sunflower seed by a solvent extraction process.
- (c) Sunflower Meal, Mechanically Extracted, is the ground residue remaining after extraction of most of the oil from whole sunflower seed by a mechanical extraction process.
- (d) Sunflower Meal, Solvent Extracted, is the ground residue remaining after extraction of most of the oil from whole sunflower seed by a solvent extraction process.
- (e) Sunflower Hulls consist of the outer covering of sunflower seeds. When used in a mixture the maximum percentage shall be stated.

HISTORY

1. Editorial correction of NOTE filed 8-17-82 (Register 82, No. 34).

§ 2799. Other Oilseed Products.

- (a) Canola Meal low erucic acid low glucosinolate consists of the meal obtained after the removal of most of the oil, by a direct solvent or prepress solvent extraction process, from the whole seeds of the species Brassica napus or Brassica campestris the oil component of which seed contains less than 2.0 percent erucic acid and the solid component of which seed contains less than 30 micromoles of any mixture of 3-butenyl glucosinolate, 4 pentenyl glucosinolate, 2-hydroxy-3-butenyl glucosinolate and 2-hydroxy-4-pentenyl glucosinolate per gram of air dry, oil free solid. It must contain a maximum of 12.0 percent crude fiber and a maximum of 30 micromoles of glucosinolates per gram of air dry, oil free solid. It must contain a maximum of 12.0 percent crude fiber and a maximum of 30 micromoles of glucosinolates per gram.
- (b) Rapeseed Meal, Mechanically Extracted, is obtained by grinding the cake which remains after removal of most of the oil by mechanical extraction of the seed from the rapeseed plant (Brassica) and contains a minimum of 32.0 percent protein and a maximum of 12.0 percent crude fiber.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Sections 14992 and 15011, Food and Agricultural Code.

HISTORY

1. New section filed 1–30–2002; operative 1–30–2002 pursuant to Government Code section 11343.4 (Register 2002, No. 5).

§ 2800. Wheat Products.

See Section 2704 for definitions of wheat products containing screenngs.

- (a) Wheat Bran is the coarse outer covering of the wheat kernel separated from cleaned and scoured wheat in good commercial milling practice
- (b) Wheat Feed Flour consists principally of wheat flour together with fine particles of wheat bran, wheat germ, and the offal from the "tail of the mill." This product shall be obtained from good commercial milling process. It shall contain not more than 1.5 percent crude fiber.
- (c) Wheat Germ Meal is wheat germ together with bran and middlings or shorts resulting from good commercial processing. It shall contain not less than 25 percent crude protein and 7 percent crude fat.
- (d) Wheat Mill Run is coarse wheat bran, fine particles of wheat bran, wheat shorts, wheat germ, wheat flour, and the offal from the "tail of the mill." This product shall be obtained in the usual process of commercial milling containing not more than 9.5 percent crude fiber.
- (e) Wheat Middlings consists of fine particles of wheat bran, wheat shorts, wheat germ, wheat flour, and some of the offal from the "tail of the mill." This product shall be obtained in good commercial milling practice and contain not more than 9.5 percent crude fiber.
- (f) Wheat Shorts consists of fine particles of wheat bran, wheat germ, wheat flour, and offal from the "tail of the mill" obtained in good commercial milling practice and contain not more than 7 percent crude fiber.
- (g) Wheat Red Dog consists of offal from the "tail of the mill" together with some fine particles of wheat bran, wheat germ, and wheat flour. This product is obtained in good commercial milling practice and contains not more than 4 percent crude fiber.

(h) Defatted Wheat Germ Meal is wheat germ meal from which part of the oil or fat has been removed and contains not less than 30 percent crude protein.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Sections 14992 and 15011, Food and Agricultural Code.

HISTORY

1. Editorial correction of NOTE filed 8-17-82 (Register 82, No. 34).

§ 2801. Yeast Products.

- (a) Primary Dried Yeast or Dried Yeast is the dried, non-fermentative yeast of the botanical classifications Saccharomyces which has been separated from the medium in which propagated. It shall consist of yeast cells with no fillers and contain not less than 40.0 percent crude protein.
- (b) Irradiated Dried Yeast, is the dried, non-fermentative yeast which has been subjected to ultraviolet rays in order to produce anti-rachitic potency.
- (c) Yeast Culture is the product composed of yeast grown on malt, in a base of cereal meals and capable of producing active fermentation. The ingredients shall be stated on the label. Products resembling Yeast Cultures but not having reproductive activity shall be labeled "Inactivated Yeast Culture" followed by the statement "Will Not Produce Fermentation."
- (d) Active Dry Yeast is yeast which has been dried in such a manner as to preserve a large portion of its fermenting power. It shall consist of yeast cells and contain no added cereal or filler and shall contain not less than 15 billion live yeast cells per gram.
- (e) Brewers Dried Yeast is the dried, non-fermentative, non-extracted yeast of the botanical classification Saccharomyces resulting as a by-product from the brewing of beer and ale. It must not contain less than 35.0 percent crude protein. It must be labeled according to its crude protein content.
- (f) Torula Dried Yeast or Candida Dried Yeast is the dried, non-fermentation yeast of the botanical classification (torulopsis) Candida utilis (formerly Torulopsis utilis) which has been separated from the medium in which propagated. It must contain not less than 40.0 percent crude protein
- (g) Yeast Culture is the dried product composed of yeast and the media on which it was grown, dried in such a manner as to preserve the fermenting activity of the yeast. The media must be stated on the label.
- (h) Molasses Yeast Condensed Solubles is obtained by condensing to a syrup consistency the broth remaining after the removal of baker's yeast cells propagated on molasses.
- (i) Brewers Liquid Yeast is the non-fermentative, non-extracted yeast of the botanical classification Saccharomyces resulting as a by-product from the brewing of beer and ale. It must contain not less than 35.0 percent crude protein on a dry weight basis. The guaranteed analysis shall include the maximum moisture.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Sections 14992 and 15011, Food and Agricultural Code.

HISTORY

- 1. Editorial correction of Note filed 8-17-82 (Register 82, No. 34).
- 2. Amendment of subsections (a) and (b) and new subsections (d)–(i) filed 1–30–2002; operative 1–30–2002 pursuant to Government Code section 11343.4 (Register 2002, No. 5).

§ 2802. Miscellaneous Products.

- (a) Oil Cake is the product obtained after the extraction of part of the oil by crushing, cooking, and pressing, or by crushing, heating, and the use of solvents, from vegetable seeds which have been screened and cleaned of weed seed, hulls, and other foreign materials by a commercial process. A name indicative of the source shall be prefixed to the words "oil cake."
- (b) Oil Meal is oil cake ground to a meal. A name indicative of the source shall be prefixed to the words "oil meal."
- (c) Silage is green fodder that has been preserved with or without additives by ensiling. Normally the material is finely cut and blown into a chamber such as a pit or bag where it is pressed to exclude air and where it undergoes an acid fermentation that retards spoilage. The materials shall be labeled to show the kind of silage, for example, corn silage, oat

Page 256.2 Register 2002, No. 5; 2-1-2002

silage, hay silage. When the product is sold in a formula or mixed feed, all ingredients shall be stated on the label. The label shall state the following guarantees: minimum percent crude protein, minimum percent crude fat, maximum percent crude fiber, maximum percent ash and maximum and minimum percent moisture.

- (d) Ground Bean Screenings or Ground Pea Screenings is the ground, broken and culled beans or peas removed from field run beans or peas in the process of recleaning. They shall be free from dirt, pods, and straw.
- (e) Charcoal (vegetable) is charred hard or soft wood, nut shells, or fruit pits. If it is wood charcoal, it shall bear a designation indicating whether it is hard wood charcoal or soft wood charcoal. Charcoal from nut shells or fruit pits shall be designated as shell charcoal. When used in a mixed feed the maximum percent shall be stated on the label.
- (f) Dried Citrus Pulp, Citrus Meal is the dried, peel and residue of the inside portions, and occasional cull fruits of the citrus family with or without the extraction of part of the juice and part of the oil of the peel. If a neutralizing agent, e.g., calcium oxide, calcium carbonate, or calcium hydrate is added as an aid in processing, the maximum percentage shall be stated. If it bears a name descriptive of its kind, it shall correspond thereto.
- (g) Wet Citrus Pulp, is the peel and residue of the inside portions, and occasional cull fruits of the citrus family with or without the extraction of part of the juice and part of the oil of the peel. If a neutralizing agent, e.g. calcium oxide, calcium carbonate, or calcium hydrate is added as an aid in processing, the maximum percentage shall be stated. If it bears a name descriptive of its kind, it shall correspond thereto.
- (h) Coca Bean Shells or Coca Bean Hulls is the hard outside coating of the coca bean.
- (i) Ground Cull Nut Meats or Ground Nut Meat Screenings is the ground fragments, immature, and culled nut meats obtained in the cleaning and grading of nut meats. They shall be free of shells, hulls, dirt, and other foreign material.
- (j) Feeding Dried Fruits consists of the culled substandard fruit or surplus production of the dried fruit industry. It may contain an artificial color or flavoring matter which has been approved by the secretary. It shall bear a name descriptive of its kind.
- (k) Ground Straw or Chopped Straw is ground or chopped cereal or other straws from which the seeds have been removed. It shall bear a name descriptive of its kind. When used in a mixture, the maximum percentage shall be stated.
- (*l*) Ground Dried Vegetables is dried, ground vegetables. It shall bear a name descriptive of its kind.
- (m) Buckwheat Middlings is that portion of the buckwheat grain immediately under the hull after separation of the flour containing no more hulls than is obtained in good commercial buckwheat milling practice, and containing not more than 10.0 percent crude fiber.
- (n) Dried Kelp is dried seaweed. The maximum percentage of sodium (Na) and the minimum percentage of potassium (K) shall be declared. If the kelp is sold as a source of iodine (I), the minimum percentage of iodine shall be declared. If the product is prepared by artificial drying, it may be called "Dehydrated Kelp."
- (o) Dehydrated Silage Pellets are wholesome silage (ensilage) which has been dried by thermal means and formed into pellets by a mechanical process. The product should bear a name descriptive of the type of silage pelleted, such as "Dehydrated Alfalfa Silage Pellets," etc.
- (p) Paunch Product, Dehydrated, is a product composed of the contents of the rumen of slaughtered cattle, dehydrated at temperatures over 100 degrees centigrade to a moisture content of 12.0 percent or less, and sufficient to destroy all pathogenic organisms. It shall be dehydrated promptly after removal from the rumen to prevent decomposition.
- (q) Bagasse is the portion of the stalk (leaves and tops removed) of sugar cane remaining after extraction of the juice.
- (r) Coastal Bermudagrass Hay is the dried aerial portion of the perennial hybrid grass, Coastal Bermuda (Cynodon dactylion) (L.) (Pers.), free of other crop plants, and weeds which have been cultivated as a crop and harvested during a period of active growth. If it is fully ground, it shall

be designated as "Coastal Bermudagrass Meal." If it is dried by thermal means, it may be designated as "Dehydrated Coastal Bermudagrass Hay" or "Dehydrated Coastal Bermudagrass Meal."

- (s) Dried Tomato Pomace is a dried mixture of tomato skins, pulp, and crushed seeds. If the pomace contains spices used in the production of a tomato product, this shall be shown in the name as "Dried Spiced Tomato Pomace."
- (t) Ground Straw is the ground product remaining after separation of the seed from mature forage plants. The source of the material shall constitute a part of the name of the product; i.e., "Ground Blue Grass Straw," "Ground Alfalfa Straw."
- (u) Ground Grass is obtained by drying and grinding grass which has been cut before formation of the seed. If a specie name is used, the product shall correspond thereto.
- (v) Dehydrated Garbage is artificially dried, undecomposed animal and vegetable table waste, from which crockery, glass, metal, string and similar materials have been removed, processed at a temperature sufficient to destroy pathogenic organisms. If part of the grease and fat is removed, it shall be designated as "Degreased Dehydrated Garbage."
- (w) Cereal Food Fines consists of particles of breakfast cereals obtained as a by-product of their processing.
- (x) Dried Bakery Product is a mixture of bread, cookies, cake, crackers, flours, and doughs which has been mechanically separated from non-edible materials, artificially dried and ground. If the product contains more than 3.5 percent sodium, the maximum percentage of sodium shall be a part of the name; i.e., Dried Bakery Product with __ percent sodium.
- (y) Buckwheat Hulls is the outer covering of the buckwheat obtained in the milling of buckwheat flour.
- (z) Guar Meal is whole guar beans after removal of most of the endosperm. If the product is heat treated, it may be designated as "heat treated" or "toasted."
- (aa) Synthetic Fatty Alcohol is a blend of long chain linear and branched alcohols with carbon numbers ranging from C_{20} through C_{32} and of hydrocarbons ranging from C_{24} through C_{40} . The product is an off white (straw) color, soft solid, with a melting point of approximately $115^{\circ}F$. The product shall contain not less than 95.0 percent long chain alcohols. It shall be labeled to show the minimum percent long chain alcohols, and maximum percent moisture, insoluble and unsaponifiable matter. The statement "For use in ruminant feeds only, not to exceed 5.0 percent of the ration," shall appear on the label. When used in blended fat or other fat products, the percent shall be stated.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Sections 14992 and 15011, Food and Agricultural Code.

HISTORY

- 1. Repealer of subsection (c) filed 11–4–76; effective thirtieth day thereafter (Register 76, No. 45).
- 2. New subsections (c) and (aa) and amendment of subsection (p) filed 7–2–82; effective thirtieth day thereafter (Register 82, No. 27).
- 3. Amendment filed 1–30–2002; operative 1–30–2002 pursuant to Government Code section 11343.4 (Register 2002, No. 5).

§ 2803. Lignin Sulfonate.

- (a) General Provisions: Lignin Sulfonate is ammonium, calcium, magnesium, or sodium salt, or a combination, of spent sulfite liquor derived from the sulfite digestion of wood in either a liquid or dry form. The moisture shall not exceed 6 percent by weight in the dry form, or 50 percent by weight in the liquid form. The label shall state whether the product is the ammonium, sodium, magnesium, or calcium salt or the combination thereof. Where the ammonium is used, the percent of equivalent crude protein from nonprotein nitrogen shall be guaranteed as applicable. The label shall show total sugars expressed as invert sugar, maximum moisture, maximum ash, and maximum sodium for sodium lignin sulfonate, maximum magnesium for magnesium lignin sulfonate, and maximum calcium for calcium lignin sulfonate.
- (b) Spent lignin sulfonate is lignin sulfonate with part or all of the sugar removed by fermentation or other process and shall be labeled with the same guarantee as lignin sulfonate in subsection (a).

(c) When lignin sulfonate is added to a mixed feed, in an amount not exceeding 2 percent of the total mixture, the type of lignin sulfonate need not be stated in the list of ingredients of the mixed feed.

NOTE: Authority cited: Sections 407 and 14902, Food and Agricultural Code. Reference: Sections 14992 and 15011, Food and Agricultural Code.

HISTORY

- 1. New section filed 6–25–74; effective thirtieth day thereafter (Register 74, No. 26).
- 2. Amendment filed 11–4–76; effective thirtieth day thereafter (Register 76, No. 45).
- 3. Editorial correction of NOTE filed 8-17-82 (Register 82, No. 34).

Subchapter 3. Field Crops Standards, Inspection and Certification

Article 1. Standards

§ 2835. Standards.

The uniform standards for field crop products include the standards for grain established by the Secretary of the United States Department of Agriculture under the authority of the United States Grain Standards Act, 7 USC 71 in 7 Code of Federal Regulations, Chapter VIII Parts 800, 801, 802 and 810, and standards for other field crop products and the manufactured products and by–products of such field crops established under the authority of the Agricultural Marketing Act of 1946, 7 USC 1621 in 7 Code of Federal Regulations Parts 57 and 68.

NOTE: Authority cited: Sections 407 and 52002, Food and Agricultural Code. Reference: Sections 52001 and 52002, Food and Agricultural Code.

- 1. Originally published 7-25-45 (Title 3).
- 2. Revision filed 11–16–49 designated to be effective 1–1–50 (Register 18, No. 6).
- Repealer and new section filed 5-27-55; designated effective 7-1-55 (Register 55, No. 8).
- 4. Amendment filed 2-19-65; designated effective 6-1-65 (Register 65, No. 3).
- Amendment filed 11–4–82; effective thirtieth day thereafter (Register 82, No. 45).

§ 2836. Standards for Safflower Seed.

- (a) Terms defined.
- (1) For purposes of the Official Standards of the State of California for Safflower Seed:
- (A) Safflower Seed. Safflower Seed shall be any seed which, before the removal of dockage, consists of 50 percent or more of safflower seed.
- (B) Grades. Grades shall be "Safflower Seed," "Sample grade Safflower Seed," and special grades provided for in the standards.
- (C) Dockage. Dockage shall be weed seeds, weed stems, chaff, straw, grain other than safflower seed, empty hulls, sand, dirt, and other foreign material; also underdeveloped, shriveled, and small pieces of safflower seed kernels removed in properly separating the material other than safflower seed and which cannot be recovered by properly rescreening or recleaning.
- (D) Damaged Kernels. Damaged kernels shall be kernels and pieces of kernels of safflower seed which are damaged by blight and/or mold, or which are heat damaged, sprouted, frosted, badly ground damaged, badly weather damaged, or otherwise materially damaged.
- (E) Heat-damaged Kernels. Heat-damaged kernels shall be kernels and pieces of kernels of safflower seed which have been damaged by heat.
- (F) Stones. Stones shall be concreted earthy or mineral matter and other substances of similar hardness that do not disintegrate readily in water.
- (G) Other Grains. Other grains in safflower seed shall consist of kernels of wheat, barley, oats, corn, sorghum, rye and triticale.
 - (b) Principles Governing the Application of the Standards.
- (1) The following principles shall apply in the determination of the grades of safflower seed:
- (A) Basis of Determination. Each determination of other grains, dockage, moisture, temperature, odor, live weevils or other insects injurious to stored safflower seed, and distinctly low quality shall be upon the basis

- of the seed as a whole. All other determinations shall be upon the basis of the seed when free from dockage.
 - (B) Percentages. All percentages shall be upon the basis of weight.
- (C) Moisture. Moisture shall be ascertained by the air—oven method prescribed by the United States Department of Agriculture as described in Service and Regulatory Announcement No. 147 (1959 revision), issued by the Agricultural Marketing Service and available from the Department of Food and Agriculture, Grain and Commodity Inspection, 1220 N Street, Sacramento, California 95814, or ascertained by any method which gives equivalent results.
 - (c) Grades, Grade Requirements, and Grade Designations.
- (1) The following grades, grade requirements, and grade designations are applicable under these standards:
- (A) Safflower Seed. The grade "Safflower Seed" shall be safflower seed with not more than 3.0 percent damaged kernels, not more than 0.1 percent heat-damaged kernels, not more than 3.0 percent other grains, and not more than 8.0 percent moisture.
- (B) Sample Grade Safflower Seed. The grade "Sample grade Safflower Seed" shall be safflower seed which does not meet the requirements for the grade Safflower Seed; or which contains stones; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor; or which is otherwise of distinctly low quality.
- (C) Grade Designation. The grade designation for safflower seed shall include the words "Safflower Seed" or the words "Sample grade Safflower Seed," as the case may be; the name of each applicable special grade; and the word "dockage" together with the percentage thereof.
- (D) Dockage. The quantity of dockage shall be calculated in terms of percentage based on the total weight of the seed including the dockage. Dockage shall be stated in terms of tenths (1/10) of percent.
 - (d) Special Grades for Safflower Seed
 - (1) Weevily safflower seed.
- (A) Requirements. Weevily safflower seed shall be safflower seed which is infested with live weevils or other insects injurious to stored safflower seed.
- (B) Grade Designation. Weevily safflower seed shall be graded and designated according to the grade requirements of the standards applicable to such safflower seed if it were not weevily, and there shall be added to, and made part of the grade designation, the word "weevily." The specifications of these standards shall not excuse failure to comply with applicable federal and state laws governing the sales of such commodities. Note: Authority cited: Sections 407 and 52002, Food and Agricultural Code. Reference: Sections 52001 and 52002, Food and Agricultural Code.

HISTORY

- 1. New section filed 2-19-65; designated effective 6-1-65 (Register 65, No. 3).
- 2. Amendment filed 5-5-67; effective thirtieth day thereafter (Register 67, No. 18).
- 3. Amendment of subsection (a)(1)(G) filed 7–3–74; effective thirtieth day thereafter (Register 74, No. 27).
- 4. Amendment filed 11–4–82; effective thirtieth day thereafter (Register 82, No. 45).

§ 2837. Standards for Tame Cultivated Mustard Seed.

NOTE: Authority cited: Sections 407 and 52002, Food and Agricultural Code.
HISTORY

- 1. New section filed 3-26-68; effective thirtieth day thereafter (Register 68, No. 13)
- 2. Repealer filed 11-4-82; effective thirtieth day thereafter (Register 82, No. 45).

§ 2838. Standards for Wild Rice.

- (a) Terms Defined.
- (1) For purposes of the Official Standards of the State of California for Wild Rice:
- (A) Wild Rice. Wild Rice shall be whole or broken kernels of wild rice (Zizania pallustris L.) from which the hulls have been removed and which contain not more than ten percent (10.0%) of seeds, unhulled kernels, or foreign material, either singly or combined.
- (B) Grades. Grades shall be numerical, 1 through 4, and Sample Grade, as provided for in the standards.

Page 256.4

- (C) Classes. Wild Rice shall be divided into six classes: Large Class, Medium Class, Thin Class, Short Wild Rice, Broken Wild Rice, and Mixed Wild Rice as provided for in the standards.
- (D) Damaged Kernels. Whole or broken kernels of Wild Rice which are distinctly damaged by water, heat, insects, mold or any other means.
- (E) Distinctly Low Quality. Wild Rice that is obviously of an inferior quality because of an unusual state or condition, and that cannot be graded properly by use of other grading factors provided in the standards.
- (F) Foreign Material. Foreign material shall be all matter other than Wild Rice.
- (G) Related Foreign Material. Related foreign material shall be hulls, germs, and the bran of Wild Rice which have been separated from the Wild Rice.
- (H) Unrelated Foreign Material. Unrelated foreign material shall be foreign material other than related foreign material, seeds, unhulled kernels and damaged kernels.
- (I) Unhulled Kernels. Whole or broken kernels of Wild Rice having a portion or portions of the hull remaining which covers one—eighth (1/8) or more of the total surface area of the kernel.
 - (J) Seeds. Whole or broken seeds of any plant other than Wild Rice.
- (K) 6 Plate. A laminated metal plate 0.142 inch thick, perforated with rows of round holes 6/64 inch in diameter.
- (L) 12 Plate. A laminated metal plate 0.142 inch thick, perforated with rows of round holes 12/64 inch in diameter.
- (M) 20 Plate. A laminated metal plate 0.142 inch thick, perforated with rows of round holes 20/64 inch in diameter.
 - (b) Principles Governing the Application of the Standards.
- (1) The following principles shall apply in determining the grades of Wild Rice:
- (A) Distinctly Low Quality. The determination of distinctly low quality shall be made on the basis of the lot as a whole at the time of sampling, or, for submitted samples, the sample as a whole at the time of grading.
- (B) Certain Quality Determinations. Each determination for rodent pellets, bird droppings, other animal filth, broken glass, castor beans, cockleburs, crotalaria seeds, insect infestation, odor, metal fragments, stones, unknown foreign substances, and any commonly recognized harmful or toxic substances shall be made on the basis of the sample as a whole. When a condition exists that may not appear in the representative sample, the determination may be made on the basis of the lot as a whole at the time of sampling.
- (C) Seeds, Unhulled Kernels, Related or Unrelated Foreign Material shall be on the basis of 500 grams cut from the original sample.
- (D) Moisture shall be made on the basis of 250 grams cut from the original sample.
- (E) Damaged kernels shall be on the basis of not less than 25 grams cut from the original sample.
- (F) Determination for grade shall be based on not less than 25 grams cut from the original sample.
- (G) Percentages. All percentages except for moisture, shall be on the basis of weight. The percentages of all factors shall be recorded to the nearest tenth of a percent.
- (H) Moisture. Water content of Wild Rice shall be determined by a device approved by the Secretary.
- (I) Length Determination. Lengths of kernels shall be determined by use of equipment or by any method which gives equivalent results.
- (J) Width Determination. Widths of kernels shall be determined by use of equipment or by a method which gives equivalent results.
- (K) All other determinations shall be made on the basis of the original sample.
 - (c) Classes.
 - (1) The following classes are applicable under these standards:
- (A) Large Class. Large Class Wild Rice shall be Wild Rice which is equal to or greater than 1.50 mm in width and has ninety percent (90.0%) or more of kernels that are more than 20/64 inch in length and not more than five percent (5.0%) less than or equal to 12/64 inch. Large Class Wild Rice shall contain not more than nine percent (9.0%) of Medium

- Class Wild Rice and not more than one percent (1.0%) of Thin Class Wild Rice.
- (B) Medium Class. Medium Class Wild Rice shall be Wild Rice which is equal to or greater than 1.15 mm and less than 4/64 inch in width and has eighty–five (85.0%) or more of kernels that are more than 20/64 inch in length and not more than five percent (5.0%) of kernels that are less than or equal to 12/64 inch in length. Medium Class Wild Rice shall contain not more than fifteen percent (15.0%) of Large Class Wild Rice and not more than five percent (5.0%) of Thin Class Wild Rice.
- (C) Thin Class. Thin Class Wild Rice shall be Wild Rice which is less than 1.15 mm in width and has eighty (80.0%) or more of kernels that are more than 20/64 inch in length and not more than five percent (5.0%) that are less than or equal to 12/64 inch in length. Thin Wild Rice shall contain not more than ten percent (10.0%) of Medium Class Wild Rice.
- (D) Short Wild Rice. Short Wild Rice shall be whole or pieces of Wild Rice kernels that has eighty percent (80.0%) or more of kernels that are more than 12/64 inch and equal to or less than 20/64 inch in length. The remaining twenty percent (20.0%) of Short Wild Rice shall be any combination of length greater than 6/64 inch.
- (E) Broken Wild Rice. Broken Wild Rice shall be whole or pieces of Wild Rice kernels that have eighty percent (80.0%) or more of kernels that are more than 6/64 inch and equal to or less than 12/64 inch in length and not more than one percent (1.0%) of kernels that are less than 6/64 inch in length.
- (F) Mixed Wild Rice. Mixed Wild Rice shall be Wild Rice that does not meet the requirements for Classes Large, Medium, Thin, Short, or Broken Wild Rice.
 - (d) Grades, Grade Requirements, and Grade Designations.
- (1) The following grades, grade requirements, and grade designations are applicable under these standards:
 - (A) Grades and Grade requirements

Grade	Unhulled Kernels	Seeds	Damaged Kernels	Unrelated Foreign Material	Total (Related & Unrelated Foreign Material
Basis	500 Grams	500 GR.	25 Grams	500 Grams	500 Grams
No. 1	3	2	3	0.1%	0.3%
No. 2	5	4	6	0.1%	0.3%
No. 3	8	6	9	0.1%	0.3%
No. 4	12	8	12	0.1%	0.3%
Sample Grade	>12	>8	>12	>0.1%	>0.3%

(B) Grade Designations. The Grade and Class Designation for Wild Rice shall include in the following order: the letters "CA"; the number of the Grade or the words "Sample Grade", as warranted; the words "or better", when applicable and requested by the applicant prior to inspection; the class of Wild Rice; and the term "Wild Rice".

NOTE: Authority cited: Sections 407, 52001 and 52002, Food and Agricultural Code. Reference: Sections 52001 and 52002, Food and Agricultural Code.

HISTORY

1. New section filed 4-16-97; operative 5-16-97 (Register 97, No. 16).

Article 2. Field Crops Inspection and Certification and Fees

§ 2840. Inspection Services Performed by the Director Under Agreement with Federal Grain Inspection Service.

(a) The Director shall have the authority pursuant to contract with the county involved to designate the county agricultural commissioner and employees of the agricultural commissioner to act as agents of the Director in the performance of services performed by the Director pursuant to cooperative agreements with, and delegations of authority by, the United States Department of Agriculture, Feeral Grain Inspection Service, pur-

suant to the provisions of the United States Grain Standards Act, as amended, 7 U.S.C. 71 et seq., 7 CFR Parts 800, 801, 802 and 810, or under related authority of the U.S. Secretary of Agriculture.

(b) County agricultural commissioners and employees of the agricultural commissioner shall be deemed employees of the Directory of Food and Agriculture when performing services designated in subsection (a) above and shall, when performing such services, be directly responsible to and under control of the Director of Food and Agriculture to the same extent as employees of the Director.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 482, 483, 2281 and 52002, Food and Agricultural Code.

HISTORY

1. New section filed 11-13-87; operative 12-13-87 (Register 87, No. 47).

§ 2841. Fees and Charges.

All fees, as fixed by the director, are for services performed during regular work hours of business at or near inspection offices, and at such other inspection points as may be established from time to time. Additional charges will be made to pay for travel, excessive standby time, overtime, mileage, shipping of samples, reporting by telephone or telegraph, and any other costs which are not of normal occurrence.

The director may collect such fees and charges in advance of performing the services but is not required to do so if in his opinion the benefits of such services would be lessened by such payments.

Invoices for fees and charges shall be rendered monthly and are due and payable within 30 days of the date of the invoice. If the invoice is not paid within the time specified, services may be withheld until the delinquent account has been paid and there has been deposited with the department a cash deposit guaranteeing the payment of future services. The amount to be deposited shall be determined by the director based upon expected charges. Additional deposits may be required for services requested beyond those covered by the initial deposit.

NOTE: Authority cited: Sections 407 and 52002, Food and Agricultural Code. Reference: Section 52002, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 11–29–62; designated effective 1–2–63 (Register 62, No. 24).
- 2. Amendment filed 8–18–71; effective thirtieth day thereafter (Register 71, No. 34).
- 3. Amendment filed 11–4–82; effective thirtieth day thereafter (Register 82, No. 45)

[The next page is 257.]

§ 2842. Payment for Charges.

NOTE: Authority cited: Sections 407 and 52002, Food and Agricultural Code. Reference: Sections 52001–52091, Food and Agricultural Code.

HISTORY

- New section filed 8-18-71; effective thirtieth day thereafter (Register 71, No. 34). For history of former section, see Reg. 62, No. 24.
- 2. Repealer filed 11-4-82; effective thirtieth day thereafter (Register 82, No. 45).

§ 2843. Grain, Soybeans, Safflower, and Flax Inspection Fees.

HISTORY

- 1. Amendment filed 7–29–60; effective thirtieth day thereafter (Register 60, No. 16)
- 2. Repealer filed 11-29-62; designated effective 1-2-63 (Register 62, No. 24).

§ 2844. Hay Inspection Fees.

HISTORY

1. Repealer filed 11-29-62; designated effective 1-2-63 (Register 62, No. 24).

§ 2845. Hop Inspection Fees.

HISTORY

1. Repealer filed 11-29-62; designated effective 1-2-63 (Register 62, No. 24).

§ 2846. Peanuts, Unshelled or Shelled. Inspection Fees.

HISTORY

1. Repealer filed 7–29–60; effective thirtieth day thereafter (Register 60, No. 16).

§ 2847. Rice Inspection Fees.

History

1. Repealer filed 11-29-62; designated effective 1-2-63 (Register 62, No. 24).

§ 2848. Inspection Fees and Charges, Miscellaneous Commodities and Services.

HISTORY

1. Repealer filed 11-29-62; designated effective 1-2-63 (Register 62, No. 24).

Subchapter 4. Grain Warehouses

HISTORY

1. Repealer of Group 4 (Sections 2878–2899, not consecutive) by operation of Chapter 1344, 1969 Statutes (Register 73, No. 12). For prior history, see Register 58, No. 3.

Subchapter 5. Rice Identity Preservation

Article 1. Definitions

§ 2850. Terms and Definitions.

For the purposes of this group:

- (a) "Planted area" means that portion of the field that may be planted to the rice variety specified in that section.
- (b) "Dryer" means a facility where rice is transported to lower its moisture content.
- (c) "Banking out" means the process of transferring rice from the harvester to a trailer.
- (d) "Broadcasting" means the action of spreading rice seeds on the surface of the field by hand or machine.
- (e) "Foundation seed" means seed stock produced from breeder seed by or under the direct control of an agricultural experiment station. Foundation seed is the source of certified seed, either directly or through registered seed organizations.
- (f) "Basic seed" means a class of seed produced under the responsibility of the breeder according to the generally accepted practices for the maintenance of the cultivars that is intended for the production of Certified Seed.

NOTE: Authority cited: Section 55022, Food and Agricultural Code. Reference: Sections 55040 and 55047, Food and Agricultural Code.

HISTORY

1. New subchapter 5 (articles 1–3, sections 2850–2857), article 1 (section 2850) and section filed 1–27–2004; operative 1–27–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 5).

Article 2. Production and Handling Protocols

§ 2851. Production and Handling of Conventionally Bred Specialty Rice.

Except as provided in subsection (b), the protocol specified in this section shall apply to the production and handling of rice varieties A–201, A–301, Calmati 201, Akita Komachi, Calhikari 201, Calmochi 101, Calpearl, Hitomebore, Koshihikari, NFD 108, NFD 109, SP–2, Sasanishiki, Surpass, WRS–4431, Arborio, Calriso, and koganemochi.

- (a) Protocol:
- 1. The producer shall keep any verifiable attribute as evidence of the seed grown in the planted area; such as, but not limited to, the bill of sale indicating the seed variety, seed certification number, etc.
 - 2. Seeding may be by air, ground seeding or broadcasting.
- 3. There shall be a buffer zone with a distance of at least twenty (20) feet between a field planted with rice specified in this section and a field planted with any type of rice not specified in this section. The producer shall keep the buffer zone clear of rice seedlings and rice plants by removing any such rice and avoiding irrigation of the area to prevent germination of the rice. Foundation or basic seed produced in accordance with industry seed production standards shall have a buffer zone of at least ten (10) feet from any other rice not specified in this section.
- 4. Producers shall clean all planting equipment after it is used to plant rice, or require that any person who plants rice for the producer clean the planting equipment. Cleaning may be by air, liquid or other means that removes all rice seed from the planting equipment.
- 5. Producers shall clean all harvesting and transportation equipment after it is used to harvest or transport rice, or require that any person who performs these activities clean the equipment. Cleaning may be by air, liquid or other means that removes all rice seed from the harvesting and transportation equipment.
- 6. The person in physical possession of rice specified in this section shall ensure that the container or conveyance truck holding the rice continually exhibit a tag or mark that is clearly and immediately identifiable. The tag or mark shall specify lot number, variety, field number, and grower name.
- 7. Handlers and warehouse operators shall clean all conveyance and storage equipment to prevent mixing of rice. Cleaning may be by air, liquid or other means that removes all rice seed from the conveyance and storage equipment.
- 8. Rice varieties specified in this section may only be mixed for commercial purposes.
- (b) Any person who proposes to use a protocol more restrictive than subsection (a) shall submit the protocol to the Committee for verification. Any such proposal shall be submitted to the Committee by December 31 of the year preceding the growing season in which the rice will be produced or handled.
- (c) Compliance with protocols used by persons subject to this section may be audited and verified by the Commission. All protocol records shall be retained for two years and shall be submitted for inspection at a reasonable time upon written demand of the Commission or its duly authorized agent.

NOTE: Authority cited: Section 55022, Food and Agricultural Code. Reference: Sections 55040(b)–(c), 55045(a)–(c) and 55047, Food and Agricultural Code.

HISTORY

1. New article 2 (sections 2851–2852) and section filed 1–27–2004; operative 1–27–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 5)

§ 2852. Production and Handling of Colored Bran Rice.

The following protocol specified in this section shall apply to the production and handling of rice varieties LBJ 489 "Black Japonica," LWE

218 "Wehani," HKB 102 "Hong Kong Black," Sun West "Rojito," and Sun West "Black Rice."

- (a) Protocol:
- (1) Planting
- (A) The producer shall keep any verifiable attribute as evidence of the seed grown in the planted area; such as, but not limited to, the bill of sale indicating the seed variety, seed certification number, etc.
 - (B) Aerial application is prohibited.
- (C) Producers shall plant by ground seeder only or require that any person who plants for the producer do so by ground seeder only.
- (D) There shall be a buffer zone with a distance of at least twenty (20) feet between a field planted to rice specified in this section and a field planted with any type of rice not specified in this section. The producer shall keep the buffer zone clear of rice seedlings and rice plants by removing any such rice and avoiding irrigation of the area to prevent germination of the rice. Foundation or basic seed produced in accordance with industry seed production standards shall have a buffer zone of at least ten (10) feet from any other rice not specified in this section.
- (E) Producers shall use a tarp or other material at least six mil thick to cover loads of rice seed to prevent dispersal, or require that any person who performs this activity for the producer prevent dispersal of the rice seed.
- (F) Producers shall require that rice seed is delivered and loaded into the ground seeder at the field being planted.
- (G) Producers shall clean all planting equipment after it is used to plant rice, or require that any person who plants rice for the producer clean the planting equipment. Cleaning may be by compressed air, liquid or other means that removes all rice seed from the planting equipment.
- (H) Producers shall maintain written records known as "clean out logs" that specify the name of the person, time, date, and location that the clean out occurred on all planting equipment, or require that any person who cleans the planting equipment maintains clean out logs.
 - (2) Production
- (A) Producers shall prevent dispersal of rice seed beyond the planted area.
- (B) Producers shall inspect all buffer zones and eliminate rice seedlings and rice plants.
- (C) Producers shall place screens on all drains during field flooding to prevent movement of rice seeds or rice seedlings. Screen mesh diameter shall be no larger than 1/8 inch.
- (D) Fields planted with rice specified in this section shall not be planted with any other rice not subject to this section in the following year. Producers shall inspect such fields for rice volunteers for one year and all rice volunteers shall be removed and destroyed.
 - (3) Harvesting
- (A) Producers shall prevent the dispersal of rice beyond the planted area when operating harvesting equipment, or require that any person who operates the harvesting equipment for the producer prevent the dispersal of rice beyond the planted area.
- (B) Banking out of rice and loading of trailers shall be performed at the field being harvested or at designated areas. Designated areas mean uncultivated land adjacent to the planted area. The route from the field and the designated areas may be located in the buffer zone.
- (C) Producers shall clean all harvesting equipment after it is used to harvest rice, or require that any person who harvests for the producer clean the equipment in the field or designated area. All material resulting from the cleaning must be collected and returned to the field where the crop was grown. Cleaning may be by compressed air, liquid or other means that removes all rice seed from the harvesting equipment.
- (D) Producers shall maintain written records known as "clean out logs" that specify the name of the person, time, date, and location that the clean out occurred on all harvesting equipment, or require that any person who cleans the harvesting equipment maintains clean out logs.

- (E) The owner or operator of equipment that has harvested rice specified in this section shall notify the owner or operator of the next rice field in which the equipment is used, that the equipment has harvested such rice.
 - (4) Transporting
- (A) Producers shall use a tarp or other material at least six mil thick to cover loads of harvested rice to prevent dispersal, or require that any person who performs this activity for the producer prevent dispersal of the harvested rice.
- (B) A harvest delivery receipt specifying the name of the producer, harvest location, rice variety, and weight shall accompany all rice loads to storage.
- (C) The person in physical possession of rice specified in this section shall ensure that the container or conveyance truck holding the rice continually exhibit a tag or mark that is clearly and immediately identifiable. The tag or mark shall specify lot number, variety, field number, and grower name.
- (D) Producers shall clean all transportation equipment after it is used to transport rice, or require that any person who transports for the producer clean the equipment. Cleaning may be by air. liquid or other means that removes all rice seed from the transportation equipment.
- (E) Producers shall maintain written records known as "clean out logs" that specify the name of the person, time, date, and location that the clean out occurred on all transportation equipment, or require that any person who cleans the transportation equipment maintains clean out logs.
- (F) Laboratories that receive samples of rice specified in this section shall not mix the rice for commercial purposes after it is used for testing or analysis.
 - (5) Drying and Storage
- (A) Handlers and warehouse operators shall maintain physical separation of each rice variety received to prevent mixing of rice samples.
- (B) Handlers and warehouse operators shall clean all conveyance and storage equipment to prevent mixing of rice. Cleaning may be by compressed air, liquid or other means that removes all rice seed from the conveyance and storage equipment.
- (C) Handlers and warehouse operators shall maintain written records known as "clean out logs" that specify the name of the person, time, date, and location that the clean out occurred on all conveyance and storage equipment.
- (D) Handlers and warehouse operators shall document product receipt and delivery. Documentation shall include harvest delivery receipt and weight certification matching the field and rice variety being harvested. Final sales records and all other documentation shall be available for audit.
- (b) Compliance with the protocol used by persons subject to this section may be audited and verified by the Commission. All protocol records shall be retained for two years and shall be submitted for inspection at a reasonable time upon written demand of the Commission or its duly authorized agent.

NOTE: Authority cited: Section 55022, Food and Agricultural Code. Reference: Sections 55040(b)–(c), 55045(a)–(c) and 55047, Food and Agricultural Code.

1. New section filed 1–27–2004; operative 1–27–2004 pursuant to Government

Code section 11343.4 (Register 2004, No. 5).

§ 2853. Scope of Coverage.

Any person, or his or her duly authorized representative (respondent), may contest a notice of alleged violation and request an informal hearing as specified in this article.

Article 3. Informal Hearing Procedures

NOTE: Authority cited: Sections 407 and 55022, Food and Agricultural Code. Reference: Sections 55045 and 71131, Food and Agricultural Code; and Sections 11400.20 and 11445.20, Government Code.

HISTOR

1. New article 3 (sections 2853–2857) and section filed 1–27–2004; operative 1–27–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 5).

§ 2854. Filing Deadlines and Procedures.

- (a) The respondent may request an informal hearing in writing and file the request with the California Rice Commission (Commission).
- (b) The request for an informal hearing shall be received by the Commission within 30 days from the date of the notice of alleged violation.
- (c) The request for an informal hearing shall be received by the Commission within 72 hours from the date of the notice of alleged violation if the Commission states in the notice that it intends to take action to enjoin the movement of rice from a specified site.
- (d) Failure to file a timely request for an informal hearing constitutes a waiver of the respondent's right to contest the notice of alleged violation

NOTE: Authority cited: Sections 407 and 55022, Food and Agricultural Code; and Section 11400.20, Government Code. Reference: Sections 55040, 55045 and 71131, Food and Agricultural Code.

HISTORY

1. New section filed 1–27–2004; operative 1–27–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 5).

§ 2855. Informal Hearing Schedule and Notification.

- (a) The Commission shall schedule an informal hearing within 30 days from the receipt of the request for an informal hearing from the respondent.
- (b) The Commission shall schedule the informal hearing to be held within 72 hours from the receipt of the request for an informal hearing if the Commission states in the notice that it intends to take action to enjoin the movement of rice from a specified site.
- (c) Upon scheduling an informal hearing, the Commission shall provide notice of the informal hearing to the respondent, which shall contain the following information:
 - (1) Date, location, and time of the informal hearing;
- (2) Commission telephone and facsimile numbers, and any other relevant contact information;
 - (3) Subject matter of the alleged violation; and,
- (4) Any other information or documentation relative to the alleged violation.

NOTE: Authority cited: Sections 407 and 55022, Food and Agricultural Code; and Section 11400.20, Government Code. Reference: Sections 55045 and 71131, Food and Agricultural Code.

HISTORY

1. New section filed 1–27–2004; operative 1–27–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 5).

§ 2856. Conduct of Informal Hearing.

- (a) Informal hearings shall be conducted as follows:
- (1) The Commission shall designate a person who will preside as the hearing officer.
- (2) The standard of proof to be applied by the hearing officer shall be the preponderance of the evidence. The burden of proof shall be on the respondent.
- (3) Informal hearings may be conducted in person or by telephone at the discretion of the hearing officer.
- (4) The decision of the hearing officer shall be in writing, with a statement of findings and the conclusion, and shall be issued within 14 days of the completion of the informal hearing.
- (5) The decision shall be served on the respondent either by personal service or by facsimile transmission upon issuance of decision.
- (6) The decision shall be effective immediately and shall be final unless appealed pursuant to Section 71131, Food and Agricultural Code.
- (7) The Commission shall provide a copy of the decision to any interested party upon written request.

NOTE: Authority cited: Sections 407 and 55022, Food and Agricultural Code; and Section 11400.20, Government Code. Reference: Section 71131, Food and Agricultural Code; and Sections 11425.50 and 11440.30, Government Code.

HISTORY

1. New section filed 1–27–2004; operative 1–27–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 5).

§ 2857. Injunctive Relief.

Nothing in this article shall prevent the Commission from immediately seeking injunctive relief.

NOTE: Authority cited: Section 55022, Food and Agricultural Code. Reference: Sections 55107(b), 55045(c) and 55046, Food and Agricultural Code.

HISTORY

1. New section filed 1–27–2004; operative 1–27–2004 pursuant to Government Code section 11343.4 (Register 2004, No. 5).

Chapter 3. Entomology and Plant Quarantine

Subchapter 1. Apiaries

Article 1. Apiary Inspection Procedures

§ 2924. Specimens for Laboratory Examination.

The inspector may remove from any apiary specimens of bees or comb for laboratory examination.

NOTE: Authority cited: Sections 407 and 29032, Food and Agricultural Code. Reference: Sections 29151, 29154, 29161 and 29162, Food and Agricultural Code.

HISTORY

- 1. Amendment of Group 1 (Sections 2924–2926 and 2976–2978) filed 1–30–63; effective thirtieth day thereafter (Register 63, No. 2). For prior history, see Register 58, No. 3.
- 2. Editorial correction of NOTE filed 10-21-82 (Register 82, No. 43).

§ 2925. Marking of Diseased Colonies.

Upon finding a colony to be diseased with American foulbrood the inspector shall plainly mark on each hive body, super and cover of such diseased colony the letters AFB preceded by a numeral indicating the total number of hive bodies and supers occupied by the diseased colony, followed by the date and the initials of the inspector.

NOTE: Authority cited: Sections 407 and 29032, Food and Agricultural Code. Reference: Section 29154, Food and Agricultural Code.

HISTORY

1. Editorial correction of NOTE filed 10-21-82 (Register 82, No. 43).

§ 2926. Written Consent for Abatement of Disease.

The inspector may abate the disease in the manner set forth in Sections 29204 and 29207 of the Food and Agricultural Code prior to the expiration of the abatement notice upon consent of the owner or person in charge or in possession of the diseased apiary. Such consent shall contain a release of liability in a form prescribed by the Department.

NOTE: Authority cited: Sections 407 and 29301, Food and Agricultural Code. Reference: Sections 29204 and 29207, Food and Agricultural Code.

HISTORY

- 1. Editorial correction of NOTE filed 10-21-82 (Register 82, No. 43).
- 2. Amendment of section and Note filed 4–24–97; operative 5–24–97 (Register 97, No. 17).

Article 1.1. Bee Colony Assessments

§ 2950. Assessment.

Each beekeeper, apiary owner, apiary operator or the person in possession of any apiary shall pay to the Director an annual fee in the amount stated in section 2951 based upon the largest number of colonies of bees in California under his ownership, possession or control during the preceding 12 month period.

NOTE: Authority cited: Sections 407 and 29032, Food and Agricultural Code. Reference: Section 29301, Food and Agricultural Code.

HISTORY

- 1. New Article 1.1 (Sections 2950–2954) filed 6–29–63 as an emergency; effective upon filing (Register 73, No. 26).
- 2. Certificate of Compliance filed 8-28-73 (Register 73, No. 35).

- 3. Editorial correction (Register 82, No. 1).
- 4. Editorial correction of NOTE filed 10-21-82 (Register 82, No. 43).
- 5. Editorial correction of NOTE (Register 83, No. 48).

§ 2951. Assessment Fee.

The apiary assessment fee is 15 cents (\$0.15) per colony of honey bees.

NOTE: Authority cited: Sections 407 and 29032, Food and Agricultural Code. Reference: Section 29301, Food and Agricultural Code.

HISTORY

- 1. Editorial correction of NOTE filed 10-21-82 (Register 82, No. 43).
- Amendment filed 6–2–83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 23).
- Amendment filed 6-7-84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 23).

§ 2952. Penalties.

A penalty fee of one-half the amount due shall be added to the required fee for all payments which are not paid within 31 days after receipt of notice from the Director, mailed to the business address, that payment is due; or which are delinquent 31 days and due from a person who has failed to file his business address with the Director.

NOTE: Authority cited: Sections 407 and 29032, Food and Agricultural Code. Reference: Section 29302, Food and Agricultural Code.

HISTORY

1. Editorial correction of NOTE filed 10-21-82 (Register 82, No. 43).

§ 2953. Filing of Business Address.

Each beekeeper, apiary owner, apiary operator or person in possession of any apiary who has under his ownership, possession or control any colonies of bees in California during the reporting year shall file with the Director his business address and telephone number and any changes thereto, within 15 days after obtaining such ownership, possession or control.

NOTE: Authority cited: Sections 407 and 29032, Food and Agricultural Code. Reference: Section 29302, Food and Agricultural Code.

HISTORY

1. Editorial correction of NOTE filed 10-21-82 (Register 82, No. 43).

§ 2954. Payment Form.

Each assessment payment shall be accompanied by a duly completed return on a form available from the Director and shall certify under penalty of perjury that the information on the return is true and correct.

NOTE: Authority cited: Sections 407 and 29032, Food and Agricultural Code. Reference: Sections 29301 and 29302, Food and Agricultural Code.

HISTORY

1. Editorial correction of NOTE filed 10-21-82 (Register 82, No. 43).

Article 2. Construction and Operation of Licensed Wax-Salvage Plants

§ 2976. Definitions.

All terms defined in the Food and Agricultural Code, when used in this article, have the meaning therein defined, unless a different meaning is apparent from the context. In addition, as used in this article:

- (a) "Plant" means the structure and equipment employed by a wax-salvage plant licensed under the provisions of Article 7 (commencing with Section 29191) of the Food and Agricultural Code.
- (b) "Enclosure" means the room or building of a plant constructed in accordance with the specifications in this article in which wax-salvage operations are performed.
- (c) "Contaminated" means infected, exposed to infection, or liable to carry infection, with the pathogen causing American foulbroad disease of bees.

 $Note: Authority\ cited: Sections\ 407\ and\ 29032, Food\ and\ Agricultural\ Code.\ Reference: Sections\ 29192\ and\ 29194,\ Food\ and\ Agricultural\ Code.$

HISTORY

1. Editorial correction of NOTE filed 10-21-82 (Register 82, No. 43).

§ 2977. Uniform Specifications for Plant Installations.

Plants which may be licensed in California to salvage wax, hives and appliances from diseased apiaries shall be constructed in accordance with the following uniform specifications:

- (a) Local Restrictions. Plant installations shall comply with all local ordinances, including those regarding building, sanitation, and zoning.
- (b) Floors shall be of smooth finish concrete or other suitable water—tight material and shall be sloped toward an adequate drainage outlet connected directly to a settling tank.
 - (c) A sanitary cove shall be provided at the junction of floor and walls.
- (d) Walls and ceiling may be of any suitable rigid material. All joints, cracks, and openings, including doors, windows and vents, shall be made bee-tight.
- (e) Windows and vents shall be double screened with wire screen not less than 16 mesh to the inch, the screens not less than three inches apart.
- (f) Vestibule. Any entrance to the enclosure shall be provided with a vestibule which shall be not less than six feet in length, either tightly walled or double screened in the same manner as specified for windows and vents, and with a tightly fitted door at each end.
- (g) Doors shall be solid, or double screened in the same manner as specified for windows and vents.
- (h) Vats shall be of durable construction and shall be equipped with an adequate heating device or provided with an adequate source of steam capable of maintaining water or lye water solution at the boiling point continuously for the required period of time. Each vat shall be provided with a drainage outlet connected directly to a settling tank or as may be approved by the Director.
- (i) Drainage from the floor or vats shall flow directly into a settling tank and thence directly into a sewage disposal system or a cesspool, except that the Director may prescribe other suitable means of disposal for the lye water solution.
- (j) Settling tanks for trapping wax and other solids in waste water shall have adequate capacity to contain all drainage water from all source connections during continuous operation of the plant. Settling tanks located outside the enclosure shall be underground and tightly covered or otherwise constructed in a manner that will make their contents inaccessible to bees.
- (k) Cesspools shall have adequate capacity to contain all drainage water from all source connections during continuous operation of the plant and shall be tightly capped or covered.
- (1) Drainage connections located outside of the enclosure shall be watertight pipe and permit no leaks or seepage of waste water accessible to bees.
- (m) An incinerator or other adequate means of completely disposing of contaminated material shall be provided to the satisfaction of the Director.
- (n) Pallets shall be provided in the enclosure for handling of hives, appliances and wax which have undergone treatment.

NOTE: Authority cited: Sections 407, 29032, 29192 and 29193, Food and Agricultural Code. Reference: Sections 29192 and 29193, Food and Agricultural Code.

1. Editorial correction of NOTE filed 10–21–82 (Register 82, No. 43).

§ 2978. Operation of Licensed Wax-Salvage Plants.

All licensed wax–salvage plants in California shall be operated in accordance with the following:

- (a) A record shall be kept at the plant itemizing all diseased hives, appliances and comb received for treatment and showing the name and address of the owner of such diseased material. Such records shall be made available to the inspector upon request.
- (b) Contaminated material received at a plant shall at no time be exposed to robbing by bees.
- (c) All diseased hives, appliances and comb awaiting treatment at the plant shall be stored within the enclosure.
- (d) All salvage operations shall be performed within the enclosure, except as provided in Subsection (j).

Page 258.2

- (e) Doors into the vestibule shall remain closed except during entry or exit.
- (f) No bees shall be permitted to escape from the enclosure or vestibule.
- (g) All comb and the contents of all frames shall be held not less than 30 minutes in boiling water in a vat.
 - (h) Honey shall not be salvaged.
- (i) The frames, after removal of their contents, shall be boiled not less than 20 minutes in a solution of lye water in a vat.
- (j) The hive bodies, supers, covers and bottom boards shall be boiled not less than 20 minutes in a solution of lye water in a vat or shall be disinfected by scorching. Such articles may be removed from the enclosure for immediate scorching at the premises provided they are free of bees, honey and adhering comb.
- (k) Hives and appliances having surfaces which cannot be disinfected by scorching shall be boiled not less than 20 minutes in a solution of lye water in a vat.
 - (1) The lye water solution shall be prepared using not less than one

- pound of lye to each 10 gallons of water. Before treated articles are removed from the lye water solution, all scum and other floating waste shall be skimmed or otherwise removed from the surface of the solution. After removal of treated articles, the vat shall be drained and new solution prepared or sufficient lye shall be added to restore the solution to its original strength.
- (m) Hives, appliances and wax, which have undergone treatment as herein prescribed, may be removed from the enclosure providing such treated articles are immediately placed on clean pallets to prevent contact with the floor and are otherwise handled within the enclosure in a manner to prevent contact with any contaminated object or material.
- (n) All solid refuse, including press cake, awaiting disposal, treatment or processing shall be kept within the enclosure.
- (o) Solid refuse which has been boiled 20 minutes in the lye water solution or press cake may be removed from the enclosure and buried at a site which has been approved by the Agricultural Commissioner of the county in which the plant is located.

[The next page is 259.]

- (p) All solid refuse which has not been boiled 20 minutes in the lye water solution shall be burned to ash in an incinerator at the premises, except that dry press cake may be delivered to a solvent extraction plant for further processing.
- (q) If the incinerator is detached from the enclosure, no contaminated material or material from within the enclosure shall be placed in the incinerator except during the actual process of burning, and no unburned combustible material shall be left in the incinerator.
 - (r) Floors shall be cleaned at the end of each day's operation.
- (s) Settling tanks located outside the enclosure shall at no time be open when bees are flying.
- (t) The contents of a cesspool containing waste from an enclosure may be emptied only with the approval of the Agricultural Commissioner of the county in which the plant is located, under such safeguards as the Commissioner may prescribe to prevent exposure of contaminated waste to bees at any time during the removal, transportation and ultimate disposal of such waste.

NOTE: Authority cited: Sections 407, 29032, 29192 and 29193, Food and Agricultural Code. Reference: Sections 29192 and 29193, Food and Agricultural Code.

HISTORY

1. Editorial correction of NOTE filed 10-21-82 (Register 82, No. 43).

Article 3. Bee Disease Quarantine

§ 2990. Acarine Mite Quarantine.

NOTE: Authority cited: Sections 407, 29032 and 29061, Food and Agricultural Code. Reference: Sections 29003, 29006, 29007, 29009, 29061 and 29063, Food and Agricultural Code.

HISTORY

- New Article 3 (Section 2990) filed 9-12-84 as an emergency; effective upon filing (Register 84, No. 38). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 1-10-85.
- 2. Order of Repeal of 9-12-84 emergency order filed 1-22-85 by OAL pursuant to Government Code Section 11349.6(b) (Register 85, No. 5).
- 3. New Article 3 (Section 2990) filed 1–22–85 as an emergency; effective upon filing (Register 85, No. 5). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 5–22–85.
- 4. Certificate of Compliance filed 4-17-85 (Register 85, No. 16).
- 5. Repealer filed 2-5-88, operative 3-6-88 (Register 88, No.7).

§ 2991. African Honey Bee Quarantine.

NOTE: Authority cited: Sections 407, 5322, 29032 and 29061, Food and Agricultural Code. Reference: Sections 5006, 29003, 29006, 29007, 29061 and 29063, Food and Agricultural Code.

HISTORY

- 1. New section filed 8-1-85 as an emergency; effective upon filing (Register 85, No. 32). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 11-29-85.
- Repealed by operation of Government Code Section 11346.1(g) (Register 87, No. 2).

§ 2992. Honey Bee Tracheal Mite Control.

NOTE: Authority cited: Sections 407, 29110 and 29301, Food and Agricultural Code. Reference: Sections 29009, 29070, 29072, 29073, 29110 and 29111, Food and Agricultural Code.

HISTORY

- 1. New section filed 7-13-88; operative 8-12-88 (Register 88, No. 29).
- 2. Repealer filed 3-5-97; operative 4-4-97 (Register 97, No. 10).

§ 2993. Varroa Mite Exterior Quarantine.

NOTE: Authority cited: Sections 407, 29110, and 29301, Food and Agriculture Code. Reference: Sections 29110 and 29111, Food and Agriculture Code.

HISTORY

- New section filed 6-10-88 as an emergency; operative 6-10-88 (Register 88, No. 25). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 10-10-88.
- Certificate of Compliance including amendment of subsection (d) transmitted to OAL 10-11-88 and filed 11-10-88 (Register 88, No. 47).
- 3. Repealer filed 3-5-97; operative 4-4-97 (Register 97, No. 10).

Subchapter 2. Nursery Stock

(Originally Printed 7-25-45)

Article 1. Registration and Certification of Citrus Trees

§ 3000. Disclaimer of Warranties and Financial Responsibility.

The provisions of Section 3069 shall apply to this article.

NOTE: Authority cited: Sections 407 and 5823, Food and Agricultural Code. Reference: Sections 5821 and 5822, Food and Agricultural Code.

HISTORY

- 1. New Article 1 (Sections 3000 through 3003) filed 7–9–62; effective thirtieth day thereafter (Register 62, No. 14).
- 2. Amended Article 1 filed 6–18–71; effective thirtieth day thereafter (Register 71, No. 25).
- 3. Amendment filed 12–13–73; effective thirtieth day thereafter (Register 73, No. 50).
- 4. Renumbering and amendment of former Section 3000 to Section 3001 and new Section 3000 filed 12–30–83; effective thirtieth day thereafter (Register 84, No. 1).

§ 3001. Definitions.

- (a) "Virus-infected" means infected by any of the virus or virus-like diseases listed in this article.
- (b) "Index" means testing a plant for infection of a specific virus disease by grafting with tissue from it to an indicator plant or by other means approved by the director. Information regarding such other means may be obtained from the Department's Pest Exclusion Unit.
- (c) "Virus-tested" means tested for specific virus or virus-like diseases listed in this article using procedures as outlined in this article.
- (d) "Off-type" means different from the variety for which registration or certification had been applied.
- (e) "Selected tree" means a seed or scion tree for which registration is requested.
- (f) "Registered" means a registration number has been assigned by the Department to a seed or scion tree that has been inspected and tested in accordance with the provisions of this article to serve as a source of propagating material for certified nursery stock.
- (g) "Foundation block" means an outdoor planting of citrus trees, maintained by the University of California, in which trees may be registered to serve as a primary source of propagating material.
- (h) "Protected foundation block" means an indoor planting, maintained by state or federal agencies, in which trees may be registered to serve as a primary source of propagating material.
- (i) "Nursery increase block" means a planting of citrus nursery stock, propagated directly from registered trees.
- (j) "Certified block" means a planting of citrus nursery stock for the production of certified nursery stock.
- (k) "Foundation stock" means propagating material produced from a registered tree in any foundation block or from properly indexed material propagated and grown in an approved state, federal, or university glasshouse or screenhouse.
- (l) "Registered stock" means propagating material from a registered tree.
- (m) "Registered increase stock" means propagating material from a nursery increase block.
- (n) "Certified citrus nursery stock" means trees propagated by using scions from registered stock, and certified in accordance with the provisions of this article.

NOTE: Authority cited: Sections 407 and 5823, Food and Agricultural Code. Reference: Sections 5821 and 5822, Food and Agricultural Code.

HISTORY

1. Renumbering and amendment of former Section 3001 to Section 3002 and renumbering and amendment of former Section 3000 to Section 3001 filed 12–30–83; effective thirtieth day thereafter. (Register 84, No. 1). For prior history, see Register 73, No. 50.

§ 3002. General Provisions.

Participation in this program is voluntary and may be withdrawn at the option of the applicant. Except as otherwise specified, certification, registration, approvals, determinations, inspections, index tests and supervision shall be conducted by the Department.

- (a) Except as otherwise provided, certification is based solely on visual inspections of sample plants from each variety in a planting which are found not to exceed the percentages stated in Section 3003(g)(7).
- (b) Responsibility of Applicant: The applicant shall be responsible for the:
 - (1) Selection of the tree for testing.
- (2) Selection of the location and of the proper maintenance of any plants being grown under the provisions of this article.
- (3) Application for the registry or re–registry of plants being grown under the provisions of this article.
 - (4) Maintaining the identity of all plants entered in this program.
 - (5) Farming and sanitation practices.
- (6) Notifying the Department of the date and material of all pest control treatments applied in the plantings for which inspections must be made.
- (7) Notifying the Department at least one week in advance of the harvesting as to when it will commence.
- (8) Placing the information required on each certification tag furnished by the Department including the participant's name and the block number.
- (c) Location of Plantings: Each planting location shall be subject to approval and shall be in an area having minimal risks for spread of infectious pests by drainage, flooding, irrigation, or by other means.

A nursery increase block and certified block shall be located not less than 50 feet distant from any established citrus tree. Each nursery increase block and certified block shall be a separate planting sufficiently apart from any other planting to maintain its identity.

Selected seed or scion trees for registration may be selected from any location with the approval of the Department.

(d) Maintenance of Plants: All plants entered in this program shall be kept in a thrifty growing condition and pests shall be effectively controlled. Suitable precautions shall be taken in cultivation, irrigation, movement and use of equipment, and in other farming and nursery practices to guard against spread of pests to plants entered in this program.

To assure that inspections may be made properly and to provide close working knowledge of field operations, the applicant shall notify the Department in advance of any planting, propagating or pruning operation or removal of nursery stock or trees in any planting entered in this program.

All pruning shears, saws or other implements shall be disinfected in an approved manner prior to any fruit picking or cutting of any selected or registered tree, or any clonal selection within an increase block or certified block.

Any plant found to be off-type, showing symptoms characteristic of stubborn disease, or infected with a virus, may be required to be removed immediately from any planting. Approval may be given to remove off-type parts of a registered tree without revoking registration of the tree.

Labeling of each selected or registered tree and of nursery stock growing in plantings entered in the program to identify it as to rootstock and as to its scion source shall be done in an approved manner.

- (e) Eligibility and Planting Requirements:
- (1) Rootstock Propagation: The rootstock of any plant entered in the program may be grown from registered seed or it may be vegetatively propagated providing the propagating wood meets the same requirements as the scion to be used for the plant.
- (2) Foundation Block: A selected tree may be planted in a foundation block when propagated with a scion from a registered tree in a foundation block or when propagated from a greenhouse—or screenhouse—grown scion that has passed the short–term inspection and testing procedures required in Section 3003 and has completed or is under the cachexia–xyloporosis index. The tree may be registered when inspection and testing

procedures prescribed in Section 3003 have been completed with satisfactory results and when the tree has produced sufficient fruit to give acceptable evidence that it is not off-type. A selected tree found to be ineligible for registration shall be removed from a foundation block.

- (3) Selected Trees: Any individual orchard, yard, or container seed or scion tree may be selected for inspection and indexing for registration under the terms of this article.
- (4) Nursery Increase Block: Scions used to propagate the nursery stock in a nursery increase block shall be from registered trees. Within 18 months of propagation, scions may be taken from the block for use in growing certified nursery stock. Trees in a nursery increase block also may be certified.
- (5) Certified Block: Scions used to propagate the nursery stock in a certified block for certification shall be from registered trees or from a nursery increase block.

NOTE: Authority cited: Sections 407 and 5823, Food and Agricultural Code. Reference: Sections 5821 and 5822, Food and Agricultural Code.

HISTORY

1. Renumbering and amendment of former Section 3002 to Section 3003 and renumbering and amendment of former Section 3001 to Section 3002 filed 12–30–83; effective thirtieth day thereafter (Register 84, No. 1). For prior history, see Registers 77, No. 31 and 73, No. 50.

§ 3003. Inspection and Testing Procedures.

Inspection and indexing procedures prescribed in this article may be made by the University of California, the United States Department of Agriculture, or the Department and shall be conducted in an approved manner at times determined as suitable by the Department. In the indexing procedures required in this section, the Department may approve the substitution of other indicator plants, if equally suitable, or may approve indexing on a fewer number of indicator plants, or may approve other procedures for testing for virus infection if determined equally suitable.

Additional inspections or indexing other than provided in this section may be required by the Department if seasonal conditions or other factors tend to obscure virus symptoms or make adequate inspection impossible, or when virus infection is suspected, or when virus symptoms may be masked in a particular variety.

The Department shall assign an identification numbered tag to a selected seed or scion tree pending registration.

(a) Trees in a Foundation Block: The scion parent of any tree planted in a foundation block shall have been indexed for and not found to be infected with the specific viruses listed by using the specific indicator plants listed in the following table:

Indicator Plant Disease
Citrus excelsa
Dweet tangor psorosis, concave gum
Etrog citron Exocortis
Mexican lime Tristeza, vein enation
seedling yellows, yellowveir
Sour orange seedling yellows
Sweet orange psorosis, concave gun
Rusk citrange citrange stun
Parson's special mandarin cachexia–xyloporosis

Only the tristeza and exocortis indexes shall be required if the scion parent of the selected tree is a registered tree in a foundation block. Trees to be planted in a foundation block must be grown in an approved glasshouse or screenhouse.

Following planting in a foundation block, a tree shall be indexed for tristeza, vein enation, psorosis and exocortis viruses within the 12-month period before registration. In subsequent years after registration, tristeza indexing shall be repeated within one year prior to budwood collection from a registered tree. Each registered tree shall be reindexed for exocortis virus every third year and for psorosis virus every sixth year. Each foundation block tree shall receive one or more visual inspections each year. The fruit of bearing trees, except lemons, shall also be inspected each year after color break.

(b) Testing for virus or viroid infection of scion trees other than those in a foundation block planting shall be by use of specific methods or indi-

Page 260 Register 97, No. 17; 4-25-97

cator plants for specific virus or virus-like diseases as stated below and in the following table:

 Indicator Plant
 Disease

 Mexican lime
 Tristeza

 Sweet orange
 Psorosis, concave gum

 Etrog citron
 Exocortis

For the production of increase and certified block plantings propagated from registered trees, indexing for tristeza virus is required each year in which approval for cutting budwood is requested; indexing for psorosis and exocortis is required every third year.

Each tree shall be given one visual inspection each year in which testing is requested.

- (c) A selected seed tree and trees adjacent to it shall be given at least one visual inspection by the Department prior to registration. The selected seed tree shall be index-tested for the psorosis disease using the sweet orange indicator plant or other means of detection approved by the director. Information regarding such other means may be obtained from the Department's Pest Exclusion Unit.
- (d) Order of Indexing: Indexing shall be made in the order in which applications are received and as indicator host plants are available.
- (e) Registration Period: Registration for a scion tree is for a three—year period and six years for a seed source tree.

Registration may be continuous provided application for inspection and testing is filed with the Department prior to the expiration date of registration.

- (f) Nursery Increase Block, Certified Block: One visual inspection shall be made each year of plants in a certified block. In a nursery increase block the inspection shall be made before buds are cut.
- (g) Refusal or Cancellation of Registration or Certification: Registration or certification may be refused or canceled for any plants in part or all of a planting if:
 - (1) The requirements of this article have not been met.
 - (2) A selected or registered plant is found to be off-type.
- (3) A tree is found to be within the range of possible root graft of another tree found to be virus—infected.
- (4) The pest cleanliness requirements for nursery stock, Section 3060.2 of the nursery inspection regulations, have not been met.
- (5) For any reason the identity of a plant becomes uncertain or has not been properly maintained.
 - (6) A registration number is misused or misrepresented.
- (7) An accumulated percentage of more than one-half percent of the trees of the same variety on the same kind of rootstock are found virus-infected in a nursery increase block or more than two percent virus-infected or stubborn affected trees in a certified block. Either visual inspections or the results of indexing or both may be used as a basis for calculating the number of trees that may be infected.
 - (8) A tree is found to be in a high risk area for tristeza.
- (9) A tree is found, by current procedures, to be infected with any of the virus or virus—like diseases listed in subsections (a) or (b).
- (10) At the discretion of the Department, a seed tree determined to be or likely to be virus—infected with a virus other than psorosis may be reistered when it is growing in an area where such virus is known to be prevalent and is not being subjected to eradication or control by the Department

NOTE: Authority cited: Sections 407 and 5823, Food and Agricultural Code. Reference: Sections 5821 and 5822, Food and Agricultural Code.

HISTORY

Renumbering and amendment of former Section 3003 to Section 3004 and renumbering and amendment of former Section 3002 to Section 3003 filed 12–30–83; effective thirtieth day thereafter (Register 84, No. 1). For prior history, see Register 77, No. 31.

§ 3004. Application and Fees.

(a) Application. The applicant shall furnish information requested and shall give consent to the Department to take plant materials from any planting for reinspection or indexing purposes. An application shall be submitted for the acceptance of any plant or planting and for subsequent inspections, approvals, registration or certification, and may be refused

unless made sufficiently in advance of time of planting to permit the Department to establish the origin of the stock, to determine the suitability of the location, and to supervise any treatment that may be required.

(b) Fees. Fees established in this article are payable in advance of the work to be done and are for the sole purpose of defraying expenses incurred in the inspection, indexing, approval, registration and certification procedures herein provided and are not to obtain any right or privilege.

Fees shall not be charged the University of California or the United States Department of Agriculture for registration or for the inspection and testing of trees providing there shall be no expense to the Department other than for observation of the inspection and indexing required in this article and for the keeping of records. When the procedures are conducted by the University of California or by the United States Department of Agriculture, they shall not be less than provided in this article and the Department shall be notified each year of the trees to be entered or continued in the program.

- (1) Fees. The Department shall establish a schedule of fees for services provided in this article. The fee shall be based upon the approximate cost of the services rendered.
- (2) Refunds. Fees paid for services that are not rendered shall be refunded to the applicant.

NOTE: Authority cited: Sections 407 and 5823, Food and Agricultural Code. Reference: Section 5822, Food and Agricultural Code.

HISTORY

1. Renumbering of former Section 3003 to Section 3004 filed 12–30–83; effective thirtieth day thereafter (Register84, No. 1). For prior history, see Register 77, No. 31.

Article 1-A. Registration of Citrus Trees Found Free from Psorosis Symptoms

NOTE: Authority cited: Sections 407, 5821–5823, Food and Agricultural Code. HISTORY

- 1. Repealer filed 12–13–73; effective thirtieth day thereafter (Register 73, No. 50). For prior history of 1–A sections, see Register 63, No. 26.
- 2. Repealer of Article 1–A (Sections 3007–3010) filed 7–25–77; effective thirtieth day thereafter (Register 77, No. 31).

Article 1-B. Registration and Certification of Improved Meyer Lemon Trees

§ 3010. Disclaimer of Warranties and Financial Responsibility.

NOTE: Authority cited: Sections 407 and 5823, Food and Agricultural Code. Reference: Sections 5821 and 5822, Food and Agricultural Code.

HISTORY

- 1. New section filed 12–30–83; effective thirtieth day thereafter (Register 84, No. 1).
- 2. Repealer of article 1–B (sections 3010–3010.4) and section filed 4–24–97; operative 5–24–97 (Register 97, No. 17).

§ 3010.1. Definitions.

NOTE: Authority cited: Sections 407, and 5823, Food and Agricultural Code. Reference: Sections 5821 and 5822, Food and Agricultural Code.

HISTORY

- 1. New Article 1–B (Sections 3010.1–3010.4) filed 11–7–74 as an emergency; effective upon filing. Certificate of Compliance included (Register 74, No. 45).
- 2. Amendment of subsection (j) filed 10–29–75 as an emergency; effective upon filing. Certificate of Compliance included (Register 75, No. 44).
- 3. Amendment filed 12–30–83; effective thirtieth day thereafter (Register 84, No. 1)
- 4. Repealer filed 4-24-97; operative 5-24-97 (Register 97, No. 17).

§ 3010.2. General Provisions.

NOTE: Authority cited: Sections 407 and 5823, Food and Agricultural Code. Reference: Sections 5821 and 5822, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 10–29–75 as an emergency; effective upon filing. Certificate of Compliance included (Register 75, No. 44).
- 2. Amendment filed 12–30–83; effective thirtieth day thereafter (Register 84, No. 1)

3. Repealer filed 4-24-97; operative 5-24-97 (Register 97, No. 17).

§ 3010.3. Inspection and Testing Procedures.

NOTE: Authority cited: Sections 407 and 5823, Food and Agricultural Code. Reference: Sections 5821 and 5822, Food and Agricultural Code.

HISTORY

- Amendment of subsections (a), (b), (d), (g), and (h) filed 10–29–75 as an emergency; effective upon filing. Certificate of Compliance included (Register 75, No. 44).
- Amendment filed 12–30–83; effective thirtieth day thereafter (Register 84, No. 1).
- 3. Repealer filed 4-24-97; operative 5-24-97 (Register 97, No. 17).

§ 3010.4. Application and Fees.

NOTE: Authority cited: Sections 407 and 5823, Food and Agricultural Code. Reference: Section 5822, Food and Agricultural Code.

HISTORY

- 1. Amendment of subsection (a) filed 7–28–77 as organizational and procedural; effective upon filing (Register 77, No. 31).
- 2. Amendment of NOTE filed 12–30–83; effective thirtieth day thereafter (Register 84, No. 1).
- 3. Repealer filed 4-24-97; operative 5-24-97 (Register 97, No. 17).

Article 2. Registration of Citrus Seed Trees

NOTE: Authority cited: Sections 407 and 5823, Food and Agricultural Code. Reference: Sections 5821 and 5822, Food and Agricultural Code.

HISTORY

- 1. New Article 2 (§§ 3011, 3011.1 through 3011.3) filed 5–14–72; effective thirtieth day thereafter (Register 72, No. 19).
- 2. Repealer of Article 2 (Sections 3011, 3011.1–3011.3) filed 12–30–83; effective thirtieth day thereafter (Register 84, No. 1).

Article 2-A. Registration and Certification of Caneberry Plants

§ 3012. Disclaimer of Warranties and Financial Responsibility.

NOTE: Authority cited: Sections 407 and 5823, Food and Agricultural Code. Reference: Sections 5821 and 5822, Food and Agricultural Code.

HISTORY

- 1. Renumbering and amendment of former Section 3012 to Section 3012.1 and new Section 3012 filed 12–30–83; effective thirtieth day thereafter (Register 84, No. 1). For prior history, see Register 73, No. 29.
- 2. Repealer of article 2–A (sections 3012–3012.6) and section filed 4–24–97; operative 5–24–97 (Register 97, No. 17).

§ 3012.1. Definitions.

NOTE: Authority cited: Sections 407 and 5823, Food and Agricultural Code. Reference: Sections 5821 and 5822, Food and Agricultural Code.

HISTORY

- 1. New Article 2–A (Sections 3012 through 3012.5) filed 5–11–73 as an emergency; effective upon filing (Register 73, No. 19).
- 2. Certificate of Compliance filed 7-20-73 (Register 73, No. 29).
- 3. Renumbering and amendment of former Section 3012.1 to Section 3012.2 and renumbering and amendment of former Section 3012 to Section 3012.1 filed 12–30–83; effective thirtieth day thereafter (Register 84, No. 1).
- 4. Repealer filed 4-24-97; operative 5-24-97 (Register 97, No. 17)

§ 3012.2. General Provisions.

NOTE: Authority cited: Sections 407 and 5823, Food and Agricultural Code. Reference: Sections 5821 and 5822, Food and Agricultural Code.

HISTORY

- 1. Amendment of subsection (a) filed 7–28–77 as organizational and procedural; effective upon filing (Register 77, No. 31).
- 2. Renumbering and amendment of former Section 3012.2 to Section 3012.3 and renumbering and amendment of former Section 3012.1 to Section 3012.2 filed 12–30–83; effective thirtieth day thereafter (Register 84, No. 1).
- 3. Repealer filed 4–24–97; operative 5–24–97 (Register 97, No. 17).

§ 3012.3. Testing and Inspection Procedures.

NOTE: Authority cited: Sections 407 and 5823, Food and Agricultural Code. Reference: Sections 5821 and 5822, Food and Agricultural Code.

HISTORY

- 1. Renumbering and amendment of former Section 3012.3 to Section 3012.4 and renumbering and amendment of former Section 3012.2 to Section 3012.3 filed 12–30–83; effective thirtieth day thereafter (Register 84, No. 1).
- 2. Repealer filed 4-24-97; operative 5-24-97 (Register 97, No. 17).

§ 3012.4. Refusal or Cancellation.

NOTE: Authority cited: Sections 407 and 5823, Food and Agricultural Code. Reference: Sections 5821 and 5822, Food and Agricultural Code.

HISTORY

- 1. Renumbering and amendment of former Section 3012.4 to Section 3012.5 and renumbering and amendment of former Section 3012.3 to Section 3012.4 filed 12–30–83; effective thirtieth day thereafter (Register 84, No. 1).
- 2. Repealer filed 4-24-97; operative 5-24-97 (Register 97, No. 17).

§ 3012.5. Stock Identification.

NOTE: Authority cited: Sections 407 and 5823, Food and Agricultural Code. Reference: Sections 5821 and 5822, Food and Agricultural Code.

HISTORY

- 1. Renumbering of former Section 3012.5 to Section 3012.6 and renumbering of former Section 3012.4 to Section 3012.5 filed 12–30–83; effective thirtieth day thereafter (Register 84, No. 1). For prior history, see Register 77, No. 31.
- 2. Repealer filed 4-24-97; operative 5-24-97 (Register 97, No. 17).

§ 3012.6. Application and Fees.

NOTE: Authority cited: Sections 407 and 5823, Food and Agricultural Code. Reference: Section 5822, Food and Agricultural Code.

HISTORY

- 1. Amendment of subsection (a) filed 7–28–77 as organizational and procedural; effective upon filing (Register 77, No. 31).
- 2. Renumbering of former Section 3012.5 to Section 3012.6 and new NOTE filed 12–30–83; effective thirtieth day thereafter (Register 84, No. 1).
- 3. Repealer filed 4-24-97; operative 5-24-97 (Register 97, No. 17).

Article 3. Registration and Certification of Deciduous Fruit and Nut Trees

§ 3015. Disclaimer of Warranties and Financial Responsibility.

The provisions of Section 3069 shall apply to this article.

NOTE: Authority cited: Sections 407 and 5823, Food and Agricultural Code. Reference: Sections 5821 and 5822, Food and Agricultural Code.

HISTORY

1. Renumbering and amendment of former Section 3015 to Section 3015.1 and new Section 3015 filed 12–30–83; effective thirtieth day thereafter (Register 84, No. 1). For prior history, see Register 79, No. 3.

§ 3015.1. Definitions.

- (a) "Virus-infected" means infected by a virus or having symptoms or behavior characteristic of a virus disease listed in this article.
- (b) "Index" means testing a plant for specific virus infection using specific indicator plants listed in Sections 3015.3 and 3015.4.
- (c) "Off-type" means different from the variety or selection listed on the application for registration or certification.
- (d) "Registered" means that a registration number has been assigned by the Department to a tree that has been inspected and tested in accordance with the provisions of this article to serve as a source of propagating material for certified nursery stock.
- (e) "Foundation block" means a planting of trees, maintained by the University of California, which are to serve as a primary source of propagating material.
- (f) "Mother block" means a planting of trees to be registered and maintained by an applicant as a source for growing certified nursery stock.
- (g) "Nursery increase block" means a planting of nursery stock which may be used as a propagating source to produce registered stock for the growing of certified nursery stock, or which may be used for growing trees which may be planted in a scion orchard.
- (h) "Scion orchard" means an orchard planting of trees which may be registered to serve as a source of registered scion wood for the growing of certified nursery stock.
- (i) "Certified block" means a planting of nursery stock for the production of certified nursery stock.

Page 262 Register 97, No. 17; 4-25-97

- (j) "Foundation stock" means propagative material from the foundation block.
- (k) "Registered stock" means propagating material produced in a mother block, in a nursery increase block, from registered trees in a scion orchard, and/or seed or liners grown from seed from registered seed source trees.
- (1) "Certified nursery stock" means yearling or younger trees propagated from registered stock and certified in accordance with the provisions of this article.
- (m) "Virus-tested" means tested for virus or other graft-transmissible disease listed in and using procedures outlined in this article.
- (n) "Seed source tree" means a tree which may be tested and registered to produce registered seed.

HISTORY

- 1. Amendment of Article 3 (§§ 3015–3018) filed 11–8–68; effective thirtieth day thereafter (Register 68, No. 42). For history of former article, see Registers 62, No. 8, and 63, No. 6.
- 2. Amendment of subsection (m) and new subsections (o) and (p) filed 1–19–79; effective thirtieth day thereafter (Register 79, No. 3).
- 3. Renumbering and amendment of former Section 3015 to Section 3015.1 filed 12–30–83; effective thirtieth day thereafter (Register 84, No. 1).

§ 3015.2. Requirements for Participants' Plantings and Stock.

(a) Generally. Participation in this program is voluntary and may be

withdrawn at the option of the applicant.

Registration, certification, approvals and supervision shall be conducted by the Department. Except as otherwise provided, certification is based solely on visual inspections of sample plants from each variety in a planting which are found not to exceed the percentages stated in Section 3015.3(c)(6).

- (b) Responsibility of Applicant. The applicant shall be responsible for:
- (1) The selection of the location and the proper maintenance of a planting being grown under the provisions of this article.
 - (2) Maintaining the identity of all plants entered in the program.
- (3) Application for registry or re–registry of plants being grown under the provisions of this article.
- (4) Selection of the trees for index-testing for the Prunes ring-spot virus and prune dwarf virus.
 - (5) Farming and sanitation practices.
- (6) Notifying the Department at least one week in advance of the harvesting as to when harvesting will commence.
- (7) Placing the information required on each certification tag furnished by the Department.
 - (c) Location of Plantings.
- (1) Each planting location shall be subject to approval and shall be in an area having minimal risks for spread of infectious pests by drainage, flooding, irrigation, or by other means.

[The next page is 267.]

- (2) A mother block shall be located not less than 300 feet from any other plant of the same genus not entered in this program and not less than 1/2 mile from any commercial planting of the same genus and the ground in such planting and a distance of 25 feet surrounding the planting shall be kept free of other vegetation. Trees in a mother block shall be planted in rows which are at least 10 feet apart, and trees in each row shall be at least five feet apart.
- (3) A scion orchard, a nursery increase block or a certified block shall be a separate planting sufficiently apart from other nursery stock to maintain its identity and shall be located at least 300 feet from any commercial orchard planting of peach and nectarine.
- (4) No restrictions are placed on the location for a registered seed source tree.
 - (d) Maintenance of Plantings.
- (1) Plantings entered in this program shall be kept in a thrifty growing condition and pests shall be effectively controlled. Suitable precautions shall be taken in cultivation, irrigation, movement and use of equipment, and in other farming practices to guard against spread of soil—borne pests to plantings entered in this program.
- (2) To assure that inspections may be made properly and to provide close working knowledge of field operations, the applicant shall notify the Department in advance of any planting, propagating or pruning operation or removal of nursery stock or trees in any planting entered in this program so that approval can be granted before the work is done.
- (3) Any plant found to be off-type or virus infected may be required to be removed immediately from any planting. Approval may be given to remove off-type parts of a registered tree without revoking registration of the tree.
- (4) Identification of each registered tree and of nursery stock growing in plantings entered in the program to identify it as to rootstock and scion sources shall be done in an approved manner.
- (e) Eligibility and Planting Requirements. Any variety of deciduous fruit and nut tree when approved by the Department is eligible for entry in this program as provided in this article.
- (1) Eligibility of Stock. To be acceptable for registration or certification or to be eligible for any planting entered in this program, a plant shall have been inspected and tested, and not found to be virus—infected or off—type, as provided in Sections 3015.3 and 3015.4, or the plant shall have an equivalent known history which has been approved. In addition:
- (A) Registered stock scion wood shall be taken from a nursery increase block within four years from the time the scions were initially placed in the nursery increase block.
- (B) For planting and registration of a tree in a scion orchard, the Department shall be notified at the time of planting of the applicant's intention to seek registration and application for registration shall be filed within six years of the time of the original planting of the scion orchard. Verification of trueness of the fruit shall be the responsibility of the applicant. Prior to registration of a tree in a scion orchard it shall be tested by indexing in a Shirofugen cherry or by other methods approved by the director for the detection of Prunes ring–spot virus and prune dwarf virus and shall be given a visual inspection. Information regarding such other methods may be obtained from the Department's Pest Exclusion Unit.
 - (2) Plants eligible for planting shall be as follows:
- (A) In a Mother Block—Foundation stock. Only mahaleb rootstock shall be used for cherries.
- (B) In a Nursery Increase Block—Foundation stock or registered stock scions directly from a registered mother block tree.
 - (C) In a Certified Block—Foundation stock or registered stock.
- (D) In a Scion Orchard—Foundation stock produced in a nursery increase block.

HISTORY

1. Amendment of subsection (b) filed 7–28–77 as organizational and procedural; effective upon filing (Register 77, No. 31).

- 2. Amendment of subsection (e)(1)(E) filed 1–19–79; effective thirtieth day thereafter (Register 79, No. 3).
- 3. Renumbering and amendment of former Section 3016 to Section 3015.2 filed 12–30–83; effective thirtieth day thereafter (Register 84, No. 1.)

§ 3015.3. Inspection and Testing Procedures for Prunus Species.

- (a) Generally. Inspection and testing procedures prescribed in this article for an applicant's plantings will be made by the Department and shall be conducted at times determined as suitable by the Department. In the indexing procedures required in this section, the Department may approve the substitution of other indicator plants, if equally suitable, or may approve other procedures for testing for virus infection if determined equally suitable. Additional inspections or tests other than provided in this section may be required by the Department if seasonal conditions or other factors tend to obscure virus symptoms or make adequate inspection impossible, or when virus infection is suspected, or when virus symptoms may be masked in a particular variety.
- (1) At the Department's discretion and under its close supervision, the applicant may provide the Shiro-fugen cherry indicator trees and the labor to collect budwood from selected trees and to perform the budding and related testing tasks. However, the Department shall make all of the disease readings and determinations.
 - (b) Qualification of Stock.
- (1) Registered Trees—Mother Block. Each registered tree in the mother block shall be tested each year by indexing in Shiro-fugen cherry or by other methods approved by the director for the detection of Prunes ring-spot virus and prune dwarf virus and shall be visually inspected prior to stock distribution.
- (2) Registered Trees—Scion Orchard. Registered trees in a scion orchard shall be indexed in Shiro-fugen cherry or by other methods approved by the director for the detection of Prunes ring-spot virus and prune dwarf virus and visually inspected each year in which scion wood is harvested.
- (3) Seed Source Trees. A Prunes species tree may be registered as a seed source tree after being tested by indexing in Shiro-fugen cherry or by other methods approved by the director for the detection of Prunes ring-spot virus and prune dwarf virus and at least one visual inspection.
- (4) Nursery Increase Block, Certified Block. At least one visual inspection shall be made each year of plants in a nursery increase block or in a certified block.
- (5) Information regarding other methods approved by the director in (1), (2) and (3) may be obtained from the Department's Pest Exclusion Unit.
- (c) Refusal, Suspension or Cancellation of Registration or Certification. Registration or certification may be refused, suspended or canceled for any plants in part or all of a planting if:
 - (1) The requirements of this article have not been met.
 - (2) The plant is found to be virus-infected or off-type.
- (3) A registered tree is found virus—infected and it is determined that plants propagated from it also are liable to be infected.
 - (4) Yellow leaf roll virus disease of peach is found within 300 feet.
- (5) The pest cleanliness requirements for nursery stock in the nursery inspection regulations, Section 3060.2, have not been met.
- (6) An accumulated percentage of more than 1/2 percent of the trees of the same variety on the same kind of rootstock are found virus—infected in an increase block or more than 2 percent in a certified block unless all such virus—infected trees are removed under the supervision of the Department. Either visual inspections or the results of indexing or both may be used as a basis for calculating the number of trees that may be infected.
- (7) For any reason the identity of a plant becomes uncertain or has not been properly maintained.
 - (8) A registration number is misused or misrepresented.

(9) Registered stock is not used primarily to produce certified nursery stock.

NOTE: Authority cited: Sections 407 and 5823, Food and Agricultural Code. Reference: Sections 5821 and 5822, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 1-19-79; effective thirtieth day thereafter (Register 79, No.
- 2. Renumbering and amendment of former Section 3017 to Section 3015.3 filed 12-30-83; effective thirtieth day thereafter (Register 84, No. 1).

§ 3015.4. Foundation Stock Requirements.

The University of California is responsible for the selection, propagation, trueness to variety, identification, index-testing and pest cleanliness of all plants in the foundation block.

An inventory of eligible trees in the foundation block shall be provided to the Department annually. A record of foundation stock distributed shall be provided to the Department within 60 days following distribution and shall include the names and addresses of the program participants to whom the stock was distributed.

To be eligible for foundation stock, the plant, including the rootstock if used, shall have been index-tested and found free of specific virus diseases by using the specific indicator plants listed in the following table:

Indicator Plant Disease

Peach yellows, little peach, peach rosette, rosette Elberta Peach mosaic, phony peach mosaic, x-disease complex,

yellow bud mosaic, wart, peach mottle, prunes stem

pitting and astroid spot.

Bing Cherry Western-x, rusty mottle, mottle leaf, rasp leaf. twisted leaf, tatter leaf, small bitter cherry, and peach

mottle.

Kwanzan Cherry Green ring mottle.

Shiro-fugen Cherry Prunes ring-spot complex and prune dwarf virus. Tilton Apricot

Ring pox Shiro Plum Line Pattern

The indicator plants shall be observed for two successive growing seasons, except Shiro-fugen cherry which shall be observed for a minimum of 30 days.

Each tree in a foundation block shall be tested for the Prunes ring-spot virus complex and prune dwarf virus by approved detection methods

Other procedures for virus detection approved by the Department may be used if determined to be equally suitable.

The foundation block shall be located at least 300 feet from any other plant of the same genus not entered in the program and at least one-half mile from any commercial planting of the same genus.

Trees in a foundation block shall not be registered until variety identification is confirmed

NOTE: Authority cited: Sections 407 and 5823, Food and Agricultural Code. Reference: Sections 5821 and 5822, Food and Agricultural Code.

HISTORY

1. New section filed 12-30-83; effective thirtieth day thereafter (Register 84, No. 1).

§ 3015.5. Application and Fees.

- (a) Application. The applicant shall furnish any information requested and shall give consent to the Department to take plants from any planting for inspection or testing purposes. An application shall be submitted for the acceptance of any planting and for subsequent inspections, approvals, registration or certification therein and it may be refused unless made sufficiently in advance of time of planting to permit the department to establish the origin of the stock, to determine the suitability of the location and to supervise any treatment that may be required.
- (b) Fees. The Department shall establish a schedule of fees for services provided in this article. Fees are payable in advance of the work to be done and are for the sole purpose of defraying expenses incurred in the inspection, approval, registration and certification procedures herein provided and are not to obtain any right or privilege.
- (c) Exemption from Fees. No fees shall be charged the University of California or the United States Department of Agriculture for registration or for the inspection and testing of trees provided there is no additional

expense to the Department other than for observation of the inspection and testing required in this article and for the keeping of records. When the procedures are conducted by the University of California or by the United States Department of Agriculture, they shall not be less than are provided in this article and the Department shall be notified each year of the trees to be entered or continued in the program.

(d) Refund. Fees paid for services that are not rendered shall be refunded to the applicant.

NOTE: Authority cited: Sections 407 and 5823, Food and Agricultural Code. Reference: Section 5822, Food and Agricultural Code.

HISTORY

- 1. Amendment of subsection (a) filed 7–28–77 as procedural and organizational; effective upon filing (Register 77, No. 31).
- 2. Amendment filed 1-19-79; effective thirtieth day thereafter (Register 79, No. 3).
- 3. Renumbering of former Section 3018 to Section 3015.5 and amendment of NOTE filed 12-30-83; effective thirtieth day thereafter (Register 84, No. 1).

Article 4. Registration and Certification of **Pome Fruit Tree Nursery Stock**

Pome fruit trees, for which provisions have been included in this article, may be registered for the purpose of providing rootstock and scion sources for the propagation of certified nursery stock when inspected and tested for virus diseases and other pests by procedures outlined in this article. Registration and certification are limited to varieties or clones that are considered to be the best available in the industry from a pest cleanliness standpoint.

§ 3020. Disclaimer of Warranties and Financial Responsibility.

The provisions of Section 3069 shall apply to this article.

NOTE: Authority cited: Sections 407 and 5823, Food and Agricultural Code. Reference: Sections 5821 and 5822, Food and Agricultural Code.

HISTORY

1. Renumbering of former Section 3020 to Section 3020.1 and new Section 3020.1 filed 12-30-83; effective thirtieth day thereafter (Register 84, No. 1). For prior history, see Register 77, No. 31.

§ 3020.1. Definitions.

- (a) "Certified block" means a planting of nursery stock for the production of certified nursery stock.
- (b) "Certified nursery stock" means yearling or younger trees propagated from registered stock and certified in accordance with the provisions of this article.
- (c) "Foundation block" means a planting of trees, maintained by federal or state agencies, which are registered or are to be registered to serve as a primary source of propagating material.
- (d) "Foundation stock" means propagative material from the foundation block.
- (e) "Index" means testing a plant for virus infection by grafting with tissue from the plant to an indicator plant or by other approved means.
- (f) "Mother block" means a planting of trees to be registered and maintained by an applicant as a source for establishing an increase block and as a propagative source for growing certified nursery stock.
- (g) "Nuclear stock" means plants which were propagated from indexed sources and which have been regularly re-indexed and protected continuously from virus infection by federal or state agencies.
- (h) "Nursery increase block" means a planting of nursery stock, maintained by the applicant, which may be used as a propagating source to produce registered stock for growing of certified nursery stock, or which may be used for growing trees which may be planted in a mother block.
- (i) "Off-type" means different from the variety or selection listed on the application for registration or certification.
- (j) "Registered" means that a registration number has been assigned by the Department to a tree that has been inspected and tested in accordance with the provisions of this article to serve as a source of propagating material to produce certified nursery stock.

Page 268 (4-1-90)

- (k) "Registered stock" means propagating material produced in a mother, nursery increase, or from registered rootstock stool blocks.
- (*l*) "Registered rootstock stool block" means a planting of vegetatively propagated rootstocks, maintained by the applicant, propagated from foundation stock.
- (m) "Virus-infected" means infected by a virus or having symptoms or behavior characteristics of a virus disease.

HISTORY

- 1. New Article 4 (Sections 3020–3023) filed 7–25–77; effective thirtieth day thereafter (Register 77, No. 31).
- 2. Renumbering and amendment of former Section 3020 to Section 3020.1 filed 12–30–83; effective thirtieth day thereafter (Register 84, No. 1).

§ 3020.2. Requirements for Plantings and Stock.

(a) Generally. Participation in this program is voluntary and may be cancelled at the option of the applicant.

Registration, certification, approvals, and supervision shall be conducted by the Department.

Except as otherwise provided, certification is based solely on visual inspections of sample plants from each variety in a planting.

- (b) Responsibility of the Applicant: The applicant shall be responsible for:
- (1) The selection of the location and the proper maintenance of the plantings being grown under the provisions of this article.
 - (2) Maintaining the identity of all plants entered in the program.
- (3) Notifying the Department in advance of any planting, propagating, or pruning operation or removal of nursery stock or trees in any planting entered in this program so that approval can be granted before the work is done.
- (4) The application for registry or re–registry of the plants being grown under the provisions of this article.
 - (5) Farming and sanitation practices.
- (6) Notifying the Department of the date of and material used for all pest control treatments in the plantings for which inspections must be made.
- (7) Notifying the Department at least one week in advance of the harvesting as to when it will commence.
- (8) Placing the information required on each certification tag furnished by the Department including the participant's name and the block number.
 - (c) Location of Plantings:
- (1) Each planting location shall be subject to approval and shall be in an area having minimal risks for spread of infectious pests by drainage, flooding, irrigation, or by other means.
- (2) A mother block or a planting of nursery stock being grown for planting in a mother block shall be located at least 100 feet from any other plant of the same genus not entered in this program to maintain plant identity and at least 300 feet from any commercial planting of the same genus to minimize disease infection. The ground in such planting and a distance of 25 feet surrounding the planting shall be kept free of other vegetation. Trees in a mother block shall be planted in rows which are at least ten feet apart and trees in each row shall be no less than five feet apart to maintain plant identity.
- (3) A nursery increase, certified, seed bed, or a rootstock stool block shall be a separate planting 12 feet apart from other nursery stock to maintain its identity and shall be located at least 300 feet from any commercial planting of the same genera to minimize disease infection.
 - (d) Maintenance of Plantings:
- (1) Plantings entered in this program shall be kept in a thrifty growing condition and pests shall be effectively controlled. Suitable precautions shall be taken in cultivation, irrigation, movement and use of equipment, and in other farming practices to guard against spread of soil–borne pests to plantings entered in this program.
- (2) Identification of each registered tree, increase, certified, or stool block entered in the program shall be done in an approved manner.

- (3) Any plant found to be off-type or virus-infected may be required to be removed immediately from any planting. Approval may be given to remove off-type parts of a registered tree without revoking registration of the tree.
- (e) Eligibility and Planting Requirements. Any kind or variety of pome fruit tree, when approved by the Department, is eligible for entry in this program.
- (1) Eligibility of Stock. To be acceptable for registration and/or certification or to be eligible for any planting entered in this program, a plant shall have been inspected and tested, and not found to be virus—infected or off–type, as provided in Section 3020.3 or the plant shall have an equivalent known history which has been approved by the Department. In addition:
- (A) Mother block trees shall be propagated by using nuclear or foundation stock scions and eligible rootstocks.
- (B) Increase block trees shall be propagated by using nuclear, foundation, or mother stock scion and eligible rootstocks. The rootstock may be seedlings.
- (C) Certified block trees shall be propagated by using nuclear foundation, mother, or increase scion wood. The rootstock may be seedlings or stock produced in a registered stool block.
- (D) Registered rootstock stool blocks shall be propagated by using either nuclear or foundation rootstocks.
- (2) Planting Requirements. Plants eligible for planting and requirements for plantings shall be as follows:
- (A) Mother Block. Application for the registration of trees in a mother block shall be filed prior to the planting of the tree in an approved location. Trees in a mother block may be required to be index—tested ten years after planting in the block.
- (B) Increase Block. To be eligible as registered stock, scion wood shall be taken from a nursery increase block within five years from the time the scions were initially placed in the nursery increase block.
- (C) Certified Block. Any seed source to produce seedling understock may be used as well as understock from a registered stool block.
- (D) Registered Rootstock Stool Block. Furnigation of the stool block location is required. The furnigant dosages shall be those prescribed in Schedule "A" of the "Approved Treatments," Item #12 in the Department's Nursery Inspection Procedure Manual. Registration of the block will be for a 10-year period.

NOTE: Authority cited: Sections 407 and 5823, Food and Agricultural Code. Reference: Sections 5821 and 5822, Food and Agricultural Code.

HISTORY

1. Renumbering and amendment of former Section 3021 to Section 3020.2 filed 12-30-83; effective thirtieth day thereafter (Register 84, No. 1).

§ 3020.3. Inspection and Testing Procedures for Pome Fruit Trees.

- (a) Generally. Inspection and testing procedures prescribed in this article may be made by the University of California, the United States Department of Agriculture, other state agencies with comparable indexing programs, or the Department, and shall be conducted in an approved manner at times determined as suitable by the Department. In the indexing procedures required in this section, the Department may approve the substitution of other indicator plants, if equally suitable, or may approve indexing on a fewer number of indicator plants if the plant being tested is itself a good indicator for a particular disease, or may approve other procedures for testing for virus infection if determined equally suitable. Additional inspections or tests other than provided in this section may be required by the Department if seasonal conditions or other factors tend to obscure virus symptoms or make adequate inspection impossible or when virus infection is suspected, or when virus symptoms may be masked in a particular variety.
 - (b) Qualification of Stock.
- (1) Registered Trees in a Mother Block. Each registered tree may be given a visual inspection annually. Index testing may be required for registered trees in a mother block ten years from the planting date of the trees or sooner if virus infection is suspected.

Page 269 (4-1-90)

- (2) Nursery Increase Block, Certified Block, Registered Rootstock Stool Block. At least one visual inspection shall be made each year of plants in a nursery increase block, a certified block, and a registered rootstock stool block. A registered rootstock stool block is required to be root sampled for the detection of harmful nematodes each year after the second growing season of the block.
- (3) Other Qualified Stock. Pome fruit propagative stock from other state agencies, USDA, and other countries, which were produced under a program with the same requirements as provided in this regulation, will be accepted into this program.
- (c) Refusal, Suspension, or Cancellation of Registration or Certification. Registration or certification may be refused, suspended, or cancelled for any plants in part or all of a planting for any of the following reasons:
 - (1) The requirements of this article have not been met;
 - (2) The plant is found to be virus-infected or off-type;
- (3) A registered tree is found virus–infected and it is determined that plants propagated from it also are liable to be infected;
- (4) The pest cleanliness requirements for nursery stock in Section 3060.2 of the nursery inspection regulations have not been met;
- (5) For any reason the identity of a plant becomes uncertain or has not been properly maintained; or
- (6) A registration number is misused or misrepresented.

HISTORY

1. Renumbering and amendment of former Section 3022 to Section 3020.3 filed 12–30–83; effective thirtieth day thereafter (Register 84, No. 1).

§ 3020.4. Foundation Stock Requirements.

The University of California or other government agencies supplying foundation or nuclear stock are responsible for the selection, propagation, trueness to variety, identification, index-testing and pest cleanliness of the plants.

An inventory of eligible trees in the foundation or nuclear blocks shall be provided to the Department annually. A record of stock distributed shall be provided to the Department within 60 days of the distribution and shall include the names and addresses of the persons to whom the stock was distributed.

To be eligible for foundation or nuclear stock, the plant, including the rootstock if used, shall have been index-tested for and found free of virus infection using the following indicator plants: Virginia crabapple; Spy 27, Russian seedling R12740–7A, Golden Delicious, Lord Lambourne, Gravenstein, and Sparten apples; Quince C7/1; *Pyrus veichii*; and Hardy, Bartlett, and Bosc pears. A procedure determined equally suitable to detect virus infection may be used instead of index-testing provided the procedure has been approved by the Department.

The following are the location and planting requirements for founda-

The foundation block planting shall be located at least 300 feet from any commercial planting of the same genus to minimize disease infection. The ground in such planting and a distance of 25 feet surrounding the planting shall be kept free of other vegetation.

The foundation block planting shall be located in an area having minimal risks for spread of infectious pests by drainage, flooding, irrigation, or other means.

Trees in a foundation block shall be planted in rows which are at least ten feet apart and trees in each row shall be at least five feet apart to maintain plant identity.

Each tree planted in a foundation block shall be labeled as to variety and source.

NOTE: Authority cited: Sections 407 and 5823, Food and Agricultural Code. Reference: Sections 5821 and 5822, Food and Agricultural Code.

HISTORY

1. New section filed 12–30–83; effective thirtieth day thereafter (Register 84, No. 1).

§ 3020.5. Application and Fees.

- (a) Application. The applicant shall furnish any information requested and shall give consent to the Department to take plants from any planting for inspection or testing purposes. An application shall be submitted for the acceptance of any planting and for subsequent inspections, approvals, registration or certification therein and it may be refused unless made sufficiently in advance of time of planting to permit the Department to establish the origin of the stock, to determine the suitability of the location, and to supervise any treatment that may be required.
 - (b) Fees.
- (1) The Department shall establish a schedule of fees for the services provided in this article.
- (2) Fees shall be paid in advance of the work done. Fees paid by participants are for the sole purpose of defraying expenses incurred in the inspection, approval, registration, and certification services provided and are not to obtain any right or privilege.
- (c) Exemption from Fees. No fees shall be charged the University of California or the United States Department of Agriculture for registration or for the inspection and testing of trees provided there is no additional expense to the Department other than for observation of the inspection and testing required in this Article and for record keeping.

NOTE: Authority cited: Sections 407 and 5823, Food and Agricultural Code. Reference: Section 5822, Food and Agricultural Code.

HISTORY

1. Renumbering and amendment of former Section 3023 to Section 3020.5 filed 12–30–83; effective thirtieth day thereafter (Register 84, No. 1).

Article 5. Registration and Certification of Grapevines

§ 3024. Disclaimer of Warranties and Financial Responsibility.

The provisions of Section 3069 shall apply to this article.

NOTE: Authority cited: Sections 407 and 5823, Food and Agricultural Code. Reference: Sections 5821 and 5822, Food and Agricultural Code.

HISTORY

1. Renumbering and amendment of former Section 3024 to Section 3024.1 and new Section 3024 filed 12–30–83; effective thirtieth day thereafter (Register 84, No. 1). For prior history, see Register 71, No. 25.

§ 3024.1. Definitions.

- (a) "Virus-infected" means infected by a graft-transmissible disease listed in Section 3024.3(a).
- (b) "Index-tested" means tested for specific graft-transmissible diseases using indicator plants as specified in Section 3024.3(a).
- (c) "Off-type" means different from the variety which is registered in the foundation block.
- (d) "Registered" means that a grapevine in a foundation block or in an increase block has qualified as a propagative source by meeting the inspection and testing required in this article.
- (e) "Foundation block" means a planting of grapevines propagated from indexed sources and maintained by the University of California in which each vine has been registered to serve as a source of foundation stock.
- (f) "Increase block" means a planting of grapevines, established with stock from a foundation block, which serves as a propagation source for the production of California Certified Grape Nursery Stock.
- (g) "Foundation stock" means plants which have been produced in a foundation block.
- (h) "Registered stock" means plants which have been produced in an increase block.
- (i) "Progeny vine" means a vine propagated from a rootstock and/or a top-stock source that is indexed and is intended for planting in a foundation block
- (j) "California Certified Grape Nursery Stock" means vines, rootings, cuttings, grafts or buds taken or propagated from foundation or registered stock and certified in accordance with the provisions of this article.

Page 270 (4-1-90)

HISTORY

- 1. Amendment of Article 5 (§§ 3024–3027) filed 4–30–64; effective thirtieth day thereafter (Register 64, No. 9). For prior history of Article, see Register 61, No. 8 and Register 62, No. 8.
- 2. Amendment of Sections 3024 through 3027 filed 5–14–70; effective thirtieth day thereafter (Register 70, No. 20).
- 3. Amendment filed 6–18–71; effective thirtieth day thereafter (Register 71, No. 25).
- 4. Renumbering and amendment of former Section 3024 to Section 3024.1 filed 12–30–83; effective thirtieth day thereafter (Register 84, No. 1).

§ 3024.2. General Provisions.

Participation in this program is voluntary and may be withdrawn at the option of the applicant. With the exception of the foundation block, registration, certification, approvals, and supervision shall be conducted by the Department.

Indexing tests and inspections performed by the University of California on original source vines followed by visual inspections of vines from each subsequent planting in the participant's approved planting sites form the basis for certification by the Department.

(a) Responsibility of the University of California. The University of California shall be responsible for the selection of source vines, indextesting, trueness to varietal identity, and disease status of the foundation stock.

The University shall notify all current participants in the registration and certification program when foundation stock which participants are using is found to be disease infected.

- (b) Responsibility of Applicant. The applicant shall be responsible for:
- (1) The selection of the location and the proper maintenance of a planting being grown under the provisions of this article.
- (2) Maintaining the identity of all nursery stock entered in the program.
 - (3) Submitting the application for certification.
 - (4) Farming and sanitation practices.
- (5) Notifying the Department at least one week in advance of the harvesting as to when it will commence.
- (6) Placing the information required on each certification tag furnished by the Department.
- (7) Maintaining records, on an inventory sheet provided by the Department, of the certification tags used and the stock produced and sold.
- (c) Location of Plantings. Each planting shall be located in an area where contamination by soil-borne virus diseases of grapes from drainage, flooding, irrigation or other means is not likely to occur.

Each planting shall be located at least 100 feet from any land on which grapevines have grown within the past ten years, and shall be in a location approved by the Department. The 100–foot distance may be waived provided stock planted within the 100–foot area is foundation, registered, or certified stock.

Treatment to eliminate soil-borne pests in a manner approved by and under supervision of the Department may be required.

(d) Maintenance of Plantings. Any planting entered in this program shall be kept in a thrifty growing condition, and pests shall be kept under intensive control. Suitable precautions shall be taken in cultivation, irrigation, movement, and use of equipment and in other farming practices to guard against spread of soil-borne pests to plantings entered in this program.

The Department shall be notified in advance of the planting, replanting, grafting, budding, rebudding, pruning, removal of nursery stock, or removal of vines in any planting entered in this program in order that necessary inspections may be made or approval granted before the work is done.

Any plant found to be off-type shall be removed from any planting. Nursery stock, including cuttings, produced under the provisions of this article shall be stored, heeled-in, or calloused in media, beds, or storage areas approved by the Department. The Department may require such treatment as may be necessary to protect against infection or infestation with pests.

- (e) Eligibility for Planting.
- (1) In a Foundation Block. To be acceptable for planting in a foundation block, a plant shall be foundation stock, or its rootstock and top—stock sources and the plant itself shall have been inspected and tested and not found to be virus—infected or off—type, as provided in Sections 3024.3(a) and (f). The index readings shall have been completed within 24 months, or the plant shall have an equivalent known history approved by the Department.

The plant shall have been protected from possible virus infection in an approved manner from the time it was originally propagated until it is planted in a foundation block.

- (2) In an Increase Block. Foundation stock shall be acceptable for planting in an increase block. When approved by the Department, propagating wood from a field planted permanent increase block may be planted in the same increase block to increase its size or as replacements.
- (3) In a Nursery Planting. Foundation or registered stock shall be acceptable for planting or propagation in a nursery planting for certification. Vines in a field nursery planting for certification which are 12 months old or less from time of propagation may be used as a supplemental source of cuttings for production of additional certified stock after inspection and approval by the Department.

NOTE: Authority cited: Sections 407 and 5823, Food and Agricultural Code. Reference: Sections 5821 and 5822, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 6–18–71; effective thirtieth day thereafter (Register 71, No. 25).
- 2. Amendment filed 7–28–77 as organizational and procedural; effective upon filing (Register 77, No. 31).
- 3. Renumbering and amendment of former Section 3025 to Section 3024.2 filed 12–30–83; effective thirtieth day thereafter (Register 84, No. 1).

§ 3024.3. Inspection and Testing Procedures.

Inspection and testing procedures prescribed in this article may be made by the University of California, the United States Department of Agriculture, or the Department, and shall be conducted in a manner and at times determined by the Department as suitable.

- (a) Testing Progeny Vines.
- (1) The rootstock and top-stock sources of a progeny vine for which registration is planned and registered foundation vines for retesting shall be index-tested by using the specific indicator plants for the diseases as stated in the following table:

Indicator Plant St. George grapevine

Disease Fan leaf degeneration, fleck, asteroid mosaic,

and corky bark

Cabernet franc, LN-33, or Mission grapevine LN-33 grapevine Chenopodium sp.

Leafroll Corky bark and leafroll Grape decline (yellow vein) and/or fanleaf degeneration

- (2) Propagating wood to produce the progeny vines for a foundation block shall be taken from the parent rootstock and top-stock sources in the same growing season that tissue is taken from the parent sources for indexing. The progeny vines shall be visually inspected at least twice each growing season prior to planting in a foundation block.
 - (b) Inspection.
- (1) In a Foundation Block. At least two visual inspections of each vine shall be made by University personnel each growing season.
- (2) In an Increase Block. At least one visual inspection shall be made each year prior to the removal of fruit, if any, from the vines.
- (3) In a Nursery Planting. At least one visual inspection shall be made of grapevines in the nursery row. In addition, nursery stock shall be inspected at the time of digging.

To be eligible for certification or for approval as registered stock, nursery stock shall not remain in the nursery row more than two growing seasons.

- (4) Additional inspections or tests may be required if seasonal conditions or other factors tend to obscure disease symptoms or make adequate inspection impossible, or when virus infection is suspected or disease symptoms may be masked in a particular variety. When index—testing is required, the indicator plants in subsection (a)(1) shall be used to test for the diseases indicated therein.
- (c) Registration or certification of grapevines entered in this program is based on index–testing to detect specific diseases as stated in subsection (a)(1).

In the event a graft-transmissible disease is detected in the registered foundation vines by index-testing, registration shall be suspended on all vines, including foundation, registered increase blocks and certified plantings. In addition, the participant shall notify in writing all recipients of the nursery stock from suspended vines that a graft-transmissible disease has been detected and reported by the University of California. The registration or certification of the nursery stock of the suspended vines will be reinstated upon receipt of an agreement by each grower and/or seller that all invoices, sales slips, and certification tags will clearly specify the virus disease present. This agreement shall be filed with the Department prior to the re-registration or certification of nursery stock produced from suspended vines. Records shall be kept by the seller and/or grower of all sales transactions of nursery stock produced from suspended vines and a copy of the records shall be submitted to the Department

Certification of infected stock propagated from suspended vines shall be limited to propagation units already processed to produce nursery stock

- (d) Refusal of Approval or Cancellation of Registration or Certification. Registration or certification may be refused or cancelled for any plants or planting if:
 - (1) The requirements of this article have not been met;
- (2) Any vine in the planting is found virus-infected with a soil-borne virus:
 - (3) The plant is off-type;
- (4) Any vine in the planting is found infected with any of the transmissible diseases listed in subsection (a)(1) that is not known to be soil—borne unless such vine is removed under supervision;
- (5) It is determined that a registered foundation block vine or registered increase block vine is transmissible disease—infected and the plants propagated from such source also are liable to be infected;
- (6) The pest cleanliness requirements for nursery stock, in Section 3060.2 of the nursery inspection regulations, have not been met.

NOTE: Authority cited: Sections 407 and 5823, Food and Agricultural Code. Reference: Sections 5821 and 5822, Food and Agricultural Code.

HISTORY

- 1. Renumbering and amendment of former Section 3026 to Section 3024.3 filed 12–30–83; effective thirtieth day thereafter (Register 84, No. 1).
- 2. Amendment of subsection (a)(1) filed 12–21–2000; operative 1–1–2001 pursuant to Government Code section 11343.4(d) (Register 2000, No. 51).

§ 3024.4. Application and Fees.

- (a) Application. The applicant shall furnish information requested and shall give consent to the Department to take plants from any planting for inspection or testing purposes. An application shall be submitted for the acceptance of any planting and for subsequent inspections, approvals, registration or certification therein, and it may be refused unless made sufficiently in advance of time of planting to permit the Department to establish the origin of the stock, to determine the suitability of the location, and to supervise any treatment that may be required.
- (b) Fees. Fees established in this article are payable in advance of the work to be done, and are for the sole purpose of defraying expenses incurred in the inspection, approval, registration, and certification procedures herein provided, and are not to obtain any right or privilege.
- (1) No fees shall be charged the University of California or the United States Department of Agriculture for registration or for the inspection and testing of vines provided there shall be no expense to the Department other than for observation of the inspection and testing required in this

article, and for the keeping of records. When the procedures prescribed in this article are conducted by the University of California, or by the United States Department of Agriculture, they shall not be less than provided in this article and the Department shall be notified each year of the grapevines to be entered or continued in the program.

- (2) The Department shall establish a schedule of fees for services provided in this article.
- (3) Refunds. Fees paid for services that are not rendered shall be refunded to the applicant.

NOTE: Authority cited: Sections 407 and 5823, Food and Agricultural Code. Reference: Section 5822, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 6–18–71; effective thirtieth day thereafter (Register 71, No. 25)
- 2. Amendment of subsection (a) filed 7–28–77 as organizational and procedural; effective upon filing (Register 77, No. 31).
- 3. Renumbering of former Section 3027 to Section 3024.4 and new NOTE filed 12–30–83; effective thirtieth day thereafter (Register 84, No. 1).

Article 6. Certification of Avocado Nursery Stock

§ 3030. Disclaimer of Warranties and Financial Responsibility.

The provisions of Section 3069 shall apply to this article.

NOTE: Authority cited: Sections 407 and 5823, Food and Agricultural Code. Reference: Section 5822, Food and Agricultural Code.

HISTORY

 Renumbering and amendment of former Section 3030 to Section 3031 and new Section 3030 filed 12–30–83; effective thirtieth day thereafter (Register 84, No. 1).

§ 3031. Definitions.

- (a) "Certified block" means a planting of nursery stock for the production of certified nursery stock.
- (b) "Certified nursery stock" means trees propagated and certified in accordance with the provisions of this article.

NOTE: Authority cited: Sections 407 and 5823, Food and Agricultural Code. Reference: Section 5822 Food and Agricultural Code.

HISTORY

- 1. Repealer of Article 6 (§§ 3030–3034) and new Article 6 (§§ 3030–3033) filed 2–18–69; effective thirtieth day thereafter (Register 69, No. 51). For prior history, see Register 62, No. 8.
- 2. Amendment filed 5–3–78; effective thirtieth day thereafter (Register 78, No. 18).
- 3. Renumbering and amendment of former Section 3031 to Section 3032 and renumbering and amendment of former Section 3030 to Section 3031 filed 12–30–83; effective thirtieth day thereafter (Register 84, No. 1).

§ 3032. Requirements for Plantings and Stock.

- (a) Generally. Participation in this program is voluntary and may be withdrawn at the option of the applicant. Certification, approvals and supervision shall be conducted by the Department.
 - (b) Responsibility of Applicant. The applicant shall be responsible for:
 - (1) The selection of the location of the planting.
 - (2) The proper maintenance of all planting and storage areas.
 - (3) Maintaining the identity of all plants entered in the program.
 - (4) Farming and sanitation practices.
 - (5) Submitting the application for certification or approvals.
- (6) Placing the information required on each certification tag furnished by the Department.
 - (7) Maintaining records of the certification tags used.
 - (c) Location of Plantings.
- (1) Each planting and storage location shall be subject to approval and shall be in an area having minimal risks for spread of Phytophthora cinnamomi or other infectious pests by drainage, flooding, irrigation, or by other means.
- (2) A certified block shall be a separate planting at least 12 feet apart from other nursery stock to maintain its identity.
 - (d) Treatment and Handling.

Page 272 Register 2000, No. 51; 12–22–2000

- (1) Avocado nursery stock for certification shall be grown in soil or other planting media treated by the following approved methods and materials.
- (A) Two pounds of actual methyl bromide per 100 cubic feet of soil with the soil depth not exceeding 12 inches with the soil temperature, in accordance with the product label, between 40°F. and 80°F. (4.4°C. and 26.7°C.) and enclosed by a gas proof tarp of not less than 1.5 mil. thickness. Soil in containers shall be enclosed by a gas proof tarp of not less than 6 mil. thickness and soil in containers shall not be more than 15 inches in depth. When treated with methyl bromide, the soil shall be prepared to a fine seed bed condition and there shall be no excessive moisture in the soil at time of treatment.
- (B) Aerated steam in a closed chamber may be used provided all soil reaches a temperature of not less than 140°F. (60°C.) and is maintained for a period of not less than 30 minutes.
- (C) Live steam in a closed chamber may be used provided all soil reaches a temperature of not less than 180°F. (82°C.) and is maintained for a period of not less than 30 minutes.
- (2) Vegetation shall not be permitted within 25 feet of a certified block except other nursery stock meeting similar sanitary conditions subject to approval of the Department. When a certified block is grown in an approved enclosure, the 25 foot isolation barrier may be waived.
- (3) A certified block shall be enclosed by an approved fence. At the discretion of the Department, the 25 foot isolation barrier may also be required to be enclosed by the approved fence.
- (4) A vocado seed for growing certified avocado nursery stock shall be immersed in hot water at a temperature of 120°F. to 122°F. for 30 minutes in a suitable dipping vat with adequate agitation to maintain even temperature. The treatment shall be conducted in an approved manner and in an approved vat.
- (5) Containers shall be treated in an approved manner except no treatment shall be required of new clean containers.
- (6) Certified nursery stock and treated seed shall be stored in an approved area to protect against infection by *Phytophthora cinnamomi*.
- (7) Storage areas shall be treated in an approved manner.

HISTORY

- Amendment of subsection (d)(1) filed 10–26–73; effective thirtieth day thereafter (Register 73, No. 43).
- 2. Amendment of subsection (b) filed 7–28–77 as organizational and procedural; effective upon filing (Register 77, No. 31).
- Amendment filed 5-3-78; effective thirtieth day thereafter (Register 78, No. 18).
- 4. Renumbering and amendment of former Section 3032 to Section 3032.1 and renumbering and amendment of former Section 3031 to Section 3032 filed 12–30–83; effective thirtieth day thereafter (Register 84, No. 1).

§ 3032.2. Inspection and Testing Procedures and Requirements; Refusal, Suspension or Cancellation of Certification.

- (a) Inspection and Testing. (1) Avocado nursery stock for certification may be required to be inspected and tested for *Phytophthora cinnamomi* by using approved laboratory methods.
- (b) Refusal, Suspension or Cancellation of Certification. Certification may be refused, suspended or cancelled for any plants in part or all of a planting if:
 - (1) The requirements of this article have not been met,
- (2) A planting for certification is found infected with *Phythophthora cinnamomi*,
- (3) The pest cleanliness requirements for nursery stock in the Nursery Inspection Regulations, Section 3060.2, have not been met.

NOTE: Authority cited: Sections 407 and 5823, Food and Agricultural Code. Reference: Section 5822, Food and Agricultural Code.

HISTORY

- 1. Amendment of subsection (a)(1) filed 10–26–73; effective thirtieth day thereafter (Register 73, No. 43).
- 2. Renumbering and amendment of former Section 3032 to Section 3032.1 filed 12–30–83; effective thirtieth day thereafter (Register 84, No. 1).

§ 3033. Application and Fees.

- (a) Application. The applicant shall furnish any information requested and shall give consent to the Department to take plants from any planting for inspection or testing purposes. An application shall be submitted for the acceptance of any planting and for subsequent inspections, approvals or registration therein and it may be refused unless made sufficiently in advance of time of planting to permit the Department to establish the origin of the stock, to determine the suitability of the location and to supervise any procedures that may be required.
- (b) Fees. The Department shall establish a schedule of fees for service provided in this Article. The fee shall be based upon the approximate cost of the services rendered.
- (c) Refunds. Fees paid for services that are not rendered shall be refunded to the applicant.

NOTE: Authority cited: Sections 407 and 5823, Food and Agricultural Code. Reference: Section 5822, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 12–15–72; effective thirtieth day thereafter (Register 72, No. 51).
- 2. Amendment of subsection (a) filed 7–28–77 as organizational and procedural; effective upon filing (Register 77, No. 31)
- 3. New NOTE filed 12–30–83; effective thirtieth day thereafter (Register 84, No. 1).

Article 6.1. Registration of Avocado Trees

§ 3033.1. Disclaimer of Warranties and Financial Responsibility.

The provisions of Section 3069 shall apply to this article.

NOTE: Authority cited: Sections 407 and 5823, Food and Agricultural Code. Reference: Section 5821, Food and Agricultural Code.

HISTORY

1. Renumbering and amendment of former Section 3033.1 to Section 3033.2 and new Section 3033.1 and Article 6.1 heading filed 12–30–83; effective thirtieth day thereafter (Register 84, No. 1). For prior history, see Registers 75, No. 43 and 71, No. 8.)

§ 3033.2. Definitions.

- (a) "Viroid-infected" means infected by the sunblotch viroid.
- (b) "Index" means testing a plant for viroid infection by grafting with tissue from it to avocado seedling indicator plants.
- (c) "Off-type" means different from the variety or selection listed on the application for registration.
- (d) "Candidate tree" means a selected tree for which registration as foundation stock is intended when inspection and testing for freedom from sunblotch viroid are completed.
- (e) "Foundation stock" refers to candidate trees after testing by the Department and/or University of California and are registered to serve as primary sources of scion budwood or seed propagating material.
- (f) "Increase block" means an orchard planting of trees propagated from registered budwood and foundation rootstock trees or from previously established increase blocks to provide sunblotch-tested propagative material.
- (g) "Registered" means that a registration number has been assigned by the Department to: (1) foundation stock trees, (2) increase blocks, and (3) nursery planting blocks found to be free of sunblotch viroid after inspection and testing in accordance with the provisions of this article.
- (h) "Registered stock" means seed, seedlings, cuttings, or scionwood produced from either registered foundation or registered increase block trees.
- (i) "Registered nursery tree" means trees propagated using seed and scionwood from registered foundation stock or registered increase block trees.
- (j) "Test" means any testing procedure using plant material or its extracts to determine the presence or absence of a disease agent in or on the tested plant material.

NOTE: Authority cited: Sections 407 and 5823, Food and Agricultural Code. Reference: Section 5821, Food and Agricultural Code.

HISTORY

- 1. New Sections 3033.1, 3033.2, 3033.3 and 3033.4 filed 2–18–71; effective thirtieth day thereafter (Register 71, No. 8).
- 2. Amendment filed 10–24–75; effective thirtieth day thereafter (Register 75, No. 43).
- 3. Renumbering and amendment of former Section 3033.2 to Section 3033.3 and renumbering and amendment of former Section 3033.1 to Section 3033.2 filed 12–30–83; effective thirtieth day thereafter (Register 84, No. 1). For prior history, see Register 77, No. 31.
- Amendment of subsection (b) and new subsection (j) filed 4–4–2002; operative 5–4–2002 (Register 2002, No. 14).

§ 3033.3. General Provisions.

Participation in this program is voluntary and may be withdrawn at the option of the applicant. Registration, approvals, and supervision shall be conducted by the Department.

- (a) Responsibility of Applicant. The applicant shall be responsible for:
- (1) The selection of the candidate tree.
- (2) The location of the increase block or nursery's tree plantings.
- (3) Application for registry or reregistry.
- (4) The proper maintenance of a planting being grown under the provisions of this article.
- (5) Maintaining the identity in an approved manner of all plants entered in the program.
- (6) Arrangements with the owner of the property on which the candidate trees or increase block trees are located so that inspections and collections of budwood for index-testing can be done with the owner's consent.
 - (7) Farming and sanitation practices.
- (8) Placing the information required on each certification tag furnished by the Department including the participant's name and the block number.
 - (9) Disinfection of cutting tools.
- (b) Location of Planting. Each increase block planting shall be subject to the approval of the Department. A registered increase block or nursery tree planting (other than container–grown trees) in the ground shall be at least 300 feet from established nonregistered avocado trees. If nonregistered avocado trees are located within 300 feet of established registered avocado trees, the Department will determine whether or not the registered trees require testing.
- (c) Increase blocks or nursery plantings (in the ground) shall not be on land previously planted to avocados.

NOTE: Authority cited: Sections 407 and 5823, Food and Agricultural Code. Reference: Section 5821, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 10–24–75; effective thirtieth day thereafter (Register 75, No. 43). For prior history, see Register 71, No. 8.
- 2. Amendment of subsection (a) filed 7–28–77 as organizational and procedural; effective upon filing (Register 77, No. 31).
- 3. Renumbering and amendment of former Section 3033.3 to Section 3033.4 and renumbering and amendment of former Section 3033.2 to Section 3033.3 filed 12–30–83; effective thirtieth day thereafter (Register 84, No. 1).
- Amendment of subsection (b) filed 4–4–2002; operative 5–4–2002 (Register 2002, No. 14).

§ 3033.4. Inspection and Testing Procedures; Eligibility of Stock; Refusal, Suspension or Cancellation of Registration.

(a) Generally. Inspection and testing procedures prescribed in this article may be made by the University of California and the Department, and shall be conducted in an approved manner at times determined as suitable by the Department. In the testing procedures required in this section, the Department may approve the substitution of other indicator plants if equally suitable or may approve indexing on a fewer number of indicator plants, if the plant being tested is itself a good indicator for the sunblotch viroid or may approve other procedures for testing if determined equally suitable. Additional inspections or tests other than provided in this section may be required by the Department if any of these conditions exist: seasonal conditions or other factors tend to obscure the sunblotch viroid symptoms or make adequate inspection impossible;

sunblotch viroid infection is suspected; sunblotch viroid symptoms may be masked in a particular variety.

- (b) Eligibility of Stock.
- (1) Candidate Tree. Each candidate tree shall be assigned an in-test identification number and shall be either:
- (A) indexed for sunblotch viroid in an approved greenhouse facility under the supervision of the University of California and the Department. Each index test shall include indexing for sunblotch viroid by inoculating a minimum of 12 Guatemalan or West Indian variety avocado seedlings grown from registered foundation stock and graft–inoculated with tissue from the candidate tree. The inoculated seedlings shall be observed for a period of at least two years, except where results show a candidate tree is infected with sunblotch viroid. If no evidence of sunblotch viroid is found, the candidate tree may be registered as a foundation stock tree.

٥r

(B) tested using the approved Polymerase Chain Reaction (PCR) developed to identify the sunblotch viroid. This test shall be performed by the University of California. Testing shall done in accordance with procedures developed by R. J. Schnell in 1997 as amended by J. A. Dodds in 1997. These procedures are available from the department upon request.

If no evidence of sunblotch viroid is found, the candidate tree may be registered as a foundation stock tree.

- (2) Foundation Stock Tree. Candidate trees found to be free of sunblotch viroid following testing may be registered for use as primary sources of stock for the production of registered seed and scion materials. Registration is for a two-year period beginning with the start of the testing of the candidate tree. The in-test identification number of each candidate tree will become the tree registration number unless registration is refused or canceled as hereinafter provided.
- (3) Increase Block. Trees propagated using foundation stock seed and budwood shall be acceptable for planting in an increase block. Propagative material from an increase block may be planted in the same increase block to replace plants or increase its size or to establish other increase blocks.
- (A) The Department will assign a registration block number to each applicant's increase block upon receipt of an acceptable application and the proper fees.
- (B) Registration of increase block trees shall be for a period of two years from June 30 in the calendar year in which the registration was issued
- (C) Registration of an increase block may be continuous provided application is filed with the Department prior to the expiration date of the original registration.
- (4) Registered Nursery Tree. Nursery trees shall be propagated using registered seed and scionwood.
- (A) Seed and budwood collection shall be done in a manner approved by the Department.
- (B) The Department, upon receipt and acceptance of an application and fees for a registered nursery planting, will assign a registration number to the nursery planting block.
- (C) Registration of a nursery planting shall be for a period of two years from June 30 in the calendar year in which the registration was issued.
- (c) Refusal, Suspension or Cancellation of Registration. Registration may be refused, suspended, or canceled for any planting or portion thereof when:
 - (1) The requirements of this article have not been met, or
- (2) The plant or plantings are found to be sunblotch viroid infected or off-type, or
- (3) A registered tree is found sunblotch viroid infected and it is determined that plants propagated from it also are liable to be infected, or
- (4) For any reason the identity of a plant or planting becomes uncertain or has not been properly maintained, or
- (5) A registration number is misused or misrepresented.

NOTE: Authority cited: Sections 407 and 5823, Food and Agricultural Code. Reference: Section 5821, Food and Agricultural Code.

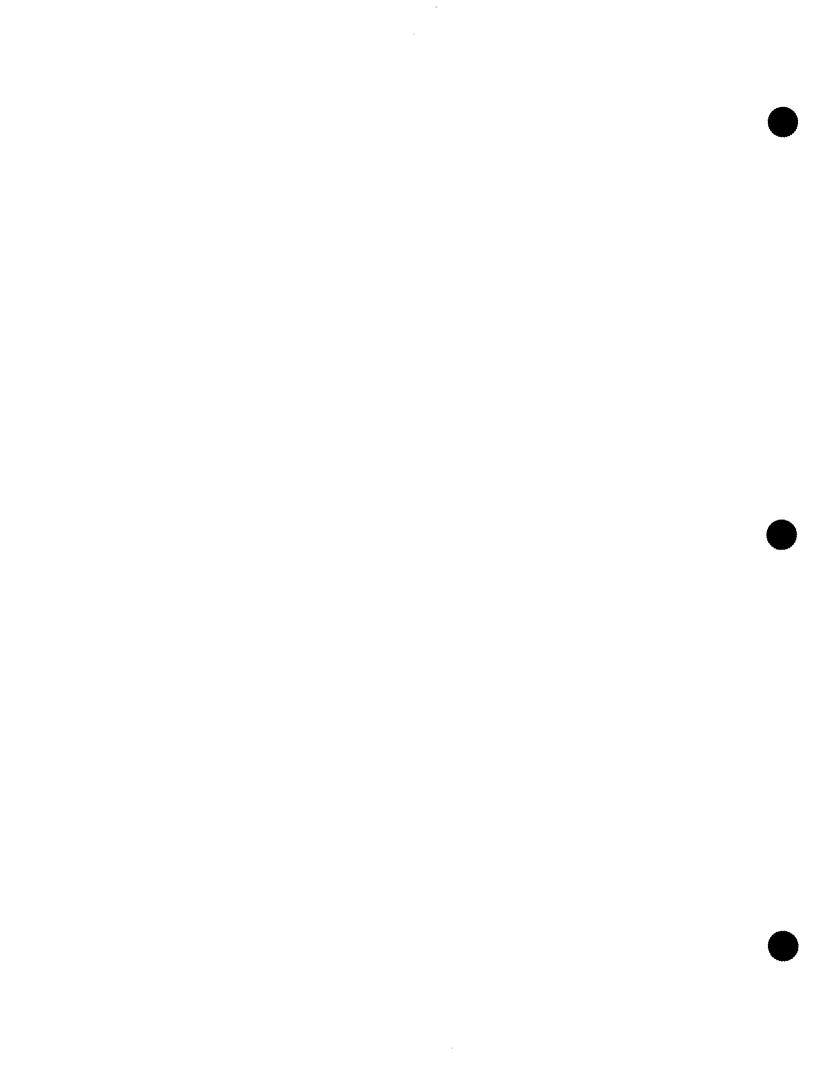
HISTORY

- 1. Amendment filed 10–24–75; effective thirtieth day thereafter (Register 75, No. 43).
- 2. Renumbering of former Section 3033.4 to Section 3033.5 and renumbering and amendment of former Section 3033.3 to Section 3033.4 filed 12–30–83; effective thirtieth day thereafter (Register 84, No. 1). For prior history, see Register 77, No. 31.
- 3. Amendment filed 4-4-2002; operative 5-4-2002 (Register 2002, No. 14).

§ 3033.5. Application and Fees.

(a) Application. The applicant shall furnish any information requested and shall give consent to the Department to take plants from any planting for inspection or testing purposes. An application shall be submitted for the acceptance of any planting and for subsequent inspections, approvals or registration therein and it may be refused unless made sufficiently in

[The next page is 275.]



advance of time of planting to permit the Department to establish the origin of the stock, to determine the suitability of the location and to supervise any procedures that may be required.

- (b) Fees. The Department shall establish a schedule of fees for service provided in this article. The fee shall be based upon the approximate cost of the services rendered.
- (c) Refunds. Fees paid for services that are not rendered shall be refunded to the applicant.

NOTE: Authority cited: Sections 407 and 5823, Food and Agricultural Code. Reference: Section 5822, Food and Agricultural Code.

HISTORY

- 1. Amendment of subsection (a) filed 7–28–77 as organizational and procedural; effective upon filing (Register 77, No. 31).
- 2. Renumbering of former Section 3033.4 to Section 3033.5 and new NOTE filed 12–30–83; effective thirtieth day thereafter (Register 84, No. 1)

Article 7. California Certified Seed Potatoes

§ 3035. Seed Potato Certification Agencies.

The secretary, after consultation with the University of California and the seed potato industry of California, as provided in Section 52651, Food and Agricultural Code, finds that the following is qualified to certify as to variety, quality, and freedom from pests of diseases of seed potatoes, and is hereby officially approved and recognized as a seed potato certification agency:

California Crop Improvement Association, a nonprofit corporation incorporated under the laws of the State of California.

NOTE: Authority cited: Sections 407 and 52651, Food and Agricultural Code. Reference: Section 52651, Food and Agricultural Code.

HISTORY

- 1. New Article 7 (\S \$ 3035–3035.8) filed 4–19–66; effective thirtieth day thereafter (Register 66, No. 10).
- 2. Amendment filed 4–9–76; effective thirtieth day thereafter (Register 76, No. 15)
- Amendment filed 10–31–80; effective thirtieth day thereafter (Register 80, No. 44).
- 4. Amendment filed 4–24–85; effective thirtieth day thereafter (Register 85, No. 17).
- 5. Amendment of section heading, repealer and new section and amendment of NOTE filed 5–3–2007; operative 6–2–2007 (Register 2007, No. 18).

§ 3035.1. Definitions.

NOTE: Authority cited: Sections 407, 5823 and 52681, Food and Agricultural Code. Reference: Sections 5821, 5822, 5823, and 52681, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 4–9–76; effective thirtieth day thereafter (Register 76, No. 15).
- Amendment filed 10–31–80; effective thirtieth day thereafter (Register 80, No. 44).
- 3. Amendment filed 4–24–85; effective thirtieth day thereafter (Register 85, No. 17).
- 4. Amendment of subsection (a) filed 4–24–97; operative 5–24–97 (Register 97, No. 17).
- 5. Repealer filed 5–3–2007; operative 6–2–2007 (Register 2007, No. 18).

§ 3035.2. General Provisions.

NOTE: Authority cited: Sections 407, 5823 and 52681, Food and Agricultural Code. Reference: Sections 5821, 5822, 5823 and 52681, Food and Agricultural Code.

HISTORY

- Amendment filed 4–9–76; effective thirtieth day thereafter (Register 76, No. 15).
- Amendment filed 10–31–80; effective thirtieth day thereafter (Register 80, No. 44).
- 3. Amendment filed 4–24–85; effective thirtieth day thereafter (Register 85, No. 17).
- 4. Amendment of subsections (d), (f) and (h)(1) filed 4–24–97; operative 5–24–97 (Register 97, No. 17).
- 5. Repealer filed 5-3-2007; operative 6-2-2007 (Register 2007, No. 18).

§ 3035.3. Refusal, Cancellation of Approval, or Rejection.

NOTE: Authority cited: Sections 407, 5823 and 52681, Food and Agricultural Code. Reference: Sections 5821, 5822, 5823 and 52681, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 4–9–76; effective thirtieth day thereafter (Register 76, No. 15).
- 2. Amendment filed 10–31–80; effective thirtieth day thereafter (Register 80, No. 44).
- 3. Amendment filed 4–24–85; effective thirtieth day thereafter (Register 85, No. 17).
- 4. Amendment of subsections (b) and (b)(1) filed 4-24-97; operative 5-24-97 (Register 97, No. 17).
- 5. Repealer filed 5–3–2007; operative 6–2–2007 (Register 2007, No. 18).

§ 3035.4. Disease/Virus-Testing, Inspection, and Post-Season Testing.

NOTE: Authority cited: Sections 407, 5823 and 52681, Food and Agricultural Code. Reference: Sections 5821, 5822, 5823 and 52681, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 4–9–76; effective thirtieth day thereafter (Register 76, No. 15)
- 2. Amendment filed 10–31–80; effective thirtieth day thereafter (Register 80, No. 44).
- 3. Amendment filed 4–24–85; effective thirtieth day thereafter (Register 85, No. 17)
- 4. Repealer filed 5-3-2007; operative 6-2-2007 (Register 2007, No. 18).

§ 3035.5. Grade Inspection.

NOTE: Authority cited: Sections 407, 5823 and 52681, Food and Agricultural Code. Reference: Sections 5821, 5822, 5823 and 52681, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 10–31–80; effective thirtieth day thereafter (Register 80, No.
- 2. Amendment of subsection (a) filed 4–24–85; effective thirtieth day thereafter (Register 85, No. 17).
- 3. Repealer filed 5-3-2007; operative 6-2-2007 (Register 2007, No. 18).

§ 3035.6. Blue Tag Grade.

NOTE: Authority cited: Sections 407, 5823 and 52681, Food and Agricultural Code. Reference: Sections 5821, 5822, 5823 and 52681, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 4–9–76; effective thirtieth day thereafter (Register 76, No. 15).
- 2. Amendment filed 10–31–80; effective thirtieth day thereafter (Register 80, No. 44).
- 3. Amendment filed 4–24–85; effective thirtieth day thereafter (Register 85, No. 17).
- 4. Repealer filed 5-3-2007; operative 6-2-2007 (Register 2007, No. 18).

§ 3035.7. Yellow Tag Grade.

NOTE: Authority cited: Sections 407, 5821, 5822, 5823, and 52681, Food and Agricultural Code. Reference: Sections 5821, 5822, 5823, and 52681, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 4–9–76; effective thirtieth day thereafter (Register 76, No. 15).
- Amendment filed 10-31-80; effective thirtieth day thereafter (Register 80, No. 44).
- 3. Repealer filed 5-3-2007; operative 6-2-2007 (Register 2007, No. 18).

§ 3035.8. Certification.

NOTE: Authority cited: Sections 407, 5821, 5822, 5823, and 52681, Food and Agricultural Code. Reference: Sections 5821, 5822, 5823, and 52681, Food and Agricultural Code.

HISTORY

- Amendment filed 4–9–76; effective thirtieth day thereafter (Register 76, No. 15).
- 2. Amendment filed 10–31–80; effective thirtieth day thereafter (Register 80, No. 44).
- 3. Repealer filed 5-3-2007; operative 6-2-2007 (Register 2007, No. 18).

§ 3035.9. Application and Fees.

NOTE: Authority cited: Sections 407, 5823 and 52681, Food and Agricultural Code. Reference: Sections 5821, 5822, 5823 and 52681, Food and Agricultural Code.

HISTORY

- 1. Renumbering from Section 3035.8 to Section 3035.9 and amendment filed 10–31–80; effective thirtieth day thereafter (Register 80, No. 44).
- Amendment filed 4–24–85; effective thirtieth day thereafter (Register 85, No. 17).
- 3. Repealer filed 5-3-2007; operative 6-2-2007 (Register 2007, No. 18).

Article 8. California Certified Seed Garlic

§ 3044. Disclaimer of Warranties and Financial Responsibility.

The provisions of Section 3069 shall apply to this article.

NOTE: Authority cited: Sections 407 and 5823, Food and Agricultural Code. Reference: Sections 5821 and 5822, Food and Agricultural Code.

HISTORY

1. Renumbering and amendment of former Section 3044 to Section 3044.1 and new Section 3044 filed 12–30–83; effective thirtieth day thereafter (Register 84, No. 1). For prior history, see Register 69, No. 36.

§ 3044.1. Definitions.

- (a) "Garlic" means plantlets, plants, bulbs, or cloves or any part of *Allium sativum* and its cultivars.
- (b) "Off-type" means different from the variety listed on the application for registration or certification or exhibiting symptoms of a genetic or non-transmissible disorder.
- (c) "Foundation block" means a garlic planting established using garlic subjected to laboratory disease elimination procedures and propagated under the supervision of the Department for the production of foundation stock.
 - (d) "Foundation stock" means garlic produced in a foundation block.
- (e) "Nursery increase block" means a garlic planting which has been established using foundation or registered stock for the production of registered stock.
- (f) "Registered stock" means garlic produced in an nursery increase block.
- (g) "Certified block" means a garlic planting which has been established using registered stock for the production of certified stock.
- (h) "Certified stock" means garlic that has been produced in a certified block.
- (i) "Certified seed garlic" means garlic certified in accordance with the provisions of this article.
- (j) "Participant" means any person or legal entity whose application has been submitted to and accepted by the Department.
- (k) "Farm" means an enterprise that includes all land, growing facilities, equipment, storage facilities, and labor that are utilized in a common effort to produce garlic and other *Allium* sp. crops.
- (1) "Program" means the seed garlic certification program administered by the Department pursuant to these regulations.
- (m) "Department" means the California Department of Food and Agriculture, the Secretary of Food and Agriculture, and its agents, employees, or representatives.

NOTE: Authority cited: Sections 407 and 5823, Food and Agricultural Code. Reference: Sections 5821 and 5822, Food and Agricultural Code.

HISTORY

- 1. Amendment of Article 8 (§§ 3044–3048) filed 9–4–69; effective thirtieth day thereafter (Register 69, No. 36). For prior history, see Registers 62, No. 8 and 63, No. 6.
- 2. Renumbering and amendment of former Section 3044 to Section 3044.1 filed 12–30–83; effective thirtieth day thereafter (Register 84, No. 1).
- 3. Repealer and new section filed 4–24–97; operative 5–24–97 (Register 97, No. 17).

§ 3044.2. General Provisions.

Participation in this program is voluntary and may be withdrawn at the option of the participant. Approval, supervision, inspection, sampling, determination, registration and certification, shall be conducted by the Department or its authorized agents.

(a) Approval of Registration or Certification. Planting locations accepted by the Department, laboratory examinations, and visual inspec-

tions form the basis for approval of registration as a propagative source and certification as California certified seed garlic. The Department may authorize the use of official certification tags or other indicia of certification for the identification of garlic which meets the requirements of this article. Except as otherwise provided, certification is based solely on a sample of garlic from each planting entered in the program.

- (1) Approval of Registration. The Department may approve the registration as a source of propagative material, either foundation or registered stock which has tested and found free of stem and bulb nematode, *Ditylenchus dipsaci*, and has been inspected and found free of white rot fungus, *Sclerotium cepivorum*.
- (2) Certification. The Department may certify garlic as California Certified Seed Garlic stock which has been inspected and found free of white rot fungus. *Sclerotium cepivorum*.
- (b) Refusal, Suspension or Cancellation of Registration or Certification. The Department may refuse certification services to anyone or may refuse, suspend, or cancel registration or certification for part or all of a planting under the following conditions, whether or not caused by actions or omissions of participants.
 - (1) The requirements of this article have not been met; or
- (2) The participant has failed to comply with participant responsibilities as specified in Section 3044.3 during current or past program participation; or
- (3) The participant has failed to pay in a timely manner, any fee or late charge required by this article.
- (4) Any condition exists which would hinder or prevent the accurate determination of whether or not the disease, pest, varietal purity, or other requirements of this article have been met; or
 - (5) The planting is infested with stem and bulb nematode; or
 - (6) The planting is infected with white rot fungus; or
- (7) The planting is infected or infested with any pest new to or of limited distribution within the State, unless the Department determines that the pest is of minor economic importance or determines that the pest can be safely delimited and the infected or infested garlic can be treated or rogued to eliminate the pest; or
- (8) A plant or plants are found to be off-type unless rogued to the satisfaction of the Department; or
- (9) For any reason the identity of the garlic becomes uncertain or has not been maintained; or
- (10) The certification seals or tags are misused or stock is materially misrepresented, whether or not the participant knew or should have known of the misrepresentation.

NOTE: Authority cited: Sections 407 and 5823, Food and Agricultural Code. Reference: Sections 5821 and 5822, Food and Agricultural Code.

HISTORY

- 1. Amendment of subsection (b) filed 7–28–77 as organizational and procedural; effective upon filing (Register 77, No. 31).
- 2. Renumbering and amendment of former Section 3045 to Section 3044.2 filed 12–30–83; effective thirtieth day thereafter (Register 84, No. 1).
- 3. Repealer and new section filed 4–24–97; operative 5–24–97 (Register 97, No. 17).

§ 3044.3. Participant Responsibilities.

All participant responsibilities specified in this article shall be performed at the expense of the participant. Notifications as specified are required in order to assure that approval(s) may be granted before work is performed, to ensure that inspections may be made properly and in accordance with state laws governing worker health and safety for pesticide exposure, and to provide close working knowledge of filed operations. The participant shall be responsible for:

- (a) Application for registration or certification of a planting.
- (b) Selection of the planting location.
- (c) Selection and trueness to variety of garlic in a planting.
- (d) Propagation, record keeping, and pest freedom of all garlic subjected to laboratory disease elimination to be planted in a foundation block.

Page 276 Register 2007, No. 18; 5-4-2007

- (e) Culture, maintenance, farming and sanitation practices of a planting.
 - (f) Maintaining the identity of all garlic entered in the program.
- (g) Protecting garlic in possession from exposure to or damage from conditions and pests, including diseases, which could materially reduce the viability or productivity of the stock.
- (h) Notifying the Department at least one week in advance of planting and replanting, propagation operations, harvest and storage location, and movement of stock during storage.
- (i) Notifying the Department of the date of all pest control treatments in plantings for which inspections or other departmental activities are scheduled, the product(s) used, dosage(s) and any re-entry or worker safety requirements which apply. Such notification need not be made at times when inspections or other departmental activities are not scheduled to be performed.
- (j) The proper use of certification seals and tags provided by the Department and for marking on each tag the participant's name, harvest date (month, year), variety and the assigned block number and other information for identification purposes specified by the Department.
- (k) Maintaining production, tag use and sales records of the stock produced and/or sold. The tag use records shall be kept on an inventory sheet(s) supplied by the Department, unless otherwise specified by the Department in writing, and shall be submitted annually after the close of the season for sale or distribution of certified stocks.
- (*l*) Compliance with the requirements of this article and with other lawful orders specified by the Department.

HISTORY

- Renumbering and amendment of former Section 3046 to Section 3044.3 filed 12–30–83; effective thirtieth day thereafter (Register 84, No. 1).
- Amendment of section heading and repealer and new section filed 4–24–97; operative 5–24–97 (Register 97, No. 17).

§ 3044.4. Eligibility Requirements.

To be accepted for approval of registration or certification, garlic shall have been inspected and tested in prior growing season of production by the Department, as provided in Section 3044.6 or by another jurisdiction performing said inspections or testing under standards at least as strict, and not found to be infested with stem and bulb nematode or infected with white rot fungus. Garlic which has been exposed to a stem and bulb nematode infestation or a white rot fungus shall not be eligible for recertification.

- (a) In a Foundation Block. To be eligible for planting, garlic plants shall be produced via laboratory disease elimination techniques. Garlic planted in a foundation block shall be subject to inspection and testing procedures during the first year growth and development of the bulb.
- (b) In an Nursery Increase Block or Certified Block. To be eligible for planting, garlic shall be foundation stock or registered stock.
- (c) Qualification of Stock. A history of compliance may be established by inspection and testing as prescribed by this article for any garlic for which the disease status cannot be demonstrated to the satisfaction of the Department. The stock may be approved as registered stock or as certified stock at the end of three successive growing seasons provided it meets the requirements of this article. In addition, the initial amount to be entered shall be not more than 100 pounds and shall be inspected, sampled, and tested for stem and bulb nematode and white rot fungus as specified by the Department prior to planting.

NOTE: Authority cited: Sections 407 and 5823, Food and Agricultural Code. Reference: Sections 5821 and 5822, Food and Agricultural Code.

HISTORY

- 1. Renumbering and amendment of former Section 3048 to Section 3044.4 filed 12–30–83; effective thirtieth day thereafter (Register 84, No. 1).
- 2. Amendment of section heading and repealer and new section filed 4–24–97; operative 5–24–97 (Register 97, No. 17).

§ 3044.5. Requirements for Plantings.

(a) Location of Plantings. Each planting location shall be subject to inspection by the Department and shall be in a geographic area where con-

- tamination by stem and bulb nematode and white rot fungus from drainage, flooding, irrigation or other means is not likely to occur. The location requirements may be waived if the planting is made in a facility approved by the Department or if the land or soil has been treated in a manner approved by the Department to eliminate soil—borne pests.
- (1) Each planting shall be on land which no *Allium* sp. has grown for five years prior to planting.
- (2) Each planting shall be on land which is not known to be infested with white rot fungus.
- (3) Each planting shall be on a farm where all plantings of garlic shall be planted with garlic that has been certified or the equivalent, and all plantings on the farm of any *Allium* sp. planting shall be subject to inspection and testing as required in this article.
- (4) Each planting shall be at least 500 feet from any *Allium* sp. planting not entered in the program. This requirement may be waived if, in the judgement of the Department, there exists a sufficient natural barrier or if garlic not entered in the program has has an equivalent history.
- (5) Each planting in an area which the disease status is unknown or cannot be demonstrated to the satisfaction of the Department may be granted a conditional acceptance. The Department may accept a site after a history of compliance has been established at the end of three successive growing seasons. At the end of such time, the Department may certify the stock as registered or certified provided the requirements of this article have been met.
- (b) Maintenance of Plantings. Plantings entered in this program shall be kept in a good growing condition and pests shall be kept under effective control. Precautions shall be taken in cultivation, irrigation, movement and use of equipment and in other farming practices to guard against spread of soil-borne pests to plantings entered in this program.
- (1) Laboratory propagation of garlic to be entered in this program shall be carried out under standard aseptic microbiological techniques at all stages prior to potting. Potting media shall be sterile. Suitable precautions shall be taken to guard against the introduction or spread of soil-borne pests into greenhouse facilities being used to grow-out such laboratory propagated garlic.
- (2) Each foundation block, nursery increase block, and certified block shall be a separate planting of garlic. There shall be a minimum of six feet or one or more blank beds separating blocks or varieties within a block unless suitable precautions are taken to maintain identity.
- (c) Harvesting, Cracking, and Storage of Garlic. Precautions shall be taken during harvesting, cracking, and storage to prevent the contamination by stem and bulb nematode and white rot fungus.
- (1) Garlic shall be harvested, cracked, and stored separately in such a manner to preclude intermixing.
- (2) Garlic shall be kept in containers that are new or clean and not previously used for any *Allium* sp. or that have been sanitized.
- (3) Garlic shall be stored in sanitized storage areas after harvest and shall not be stored within the same storage facility with *Allium* sp. known to be infested with stem and bulb nematode or infected with white rot fungus. Certified garlic may be stored, with prior approval by the Department, with non–certified garlic provided that the non–certified garlic is not known to be infested with stem and bulb nematode or infected with white rot fungus, and further provided, that suitable precautions have been taken to preclude intermixing.

NOTE: Authority cited: Sections 407 and 5823, Food and Agricultural Code. Reference: Sections 5821 and 5822, Food and Agricultural Code.

HISTORY

- 1. New section filed 12–30–83; effective thirtieth day thereafter (Register 84, No. 1).
- Amendment of section heading and repealer and new section filed 4–24–97; operative 5–24–97 (Register 97, No. 17).

§ 3044.6. Inspection and Testing Procedures.

Inspection and testing procedures approved by the Department to detect stem and bulb nematode and white rot fungus shall be conducted at times determined as suitable. To establish a history of compliance for the qualification of stock, Section 3044.4(c), or for a location, Section 3044.5(a)(4), the inspection and testing procedures shall be the same as

those required for an nursery increase block. Additional inspections or tests may be required by the Department if seasonal conditions or other factors tend to obscure disease symptoms or make adequate inspection, or when stem and bulb nematode or white rot fungus or other serious pests are suspected. The Department may sample garlic from any planting or storage facility for inspection or testing purposes. Samples shall be furnished without charge.

- (a) Inspections. To determine eligibility of a planting, the following inspections shall be made:
- (1) For laboratory/greenhouse production, at least two inspections shall be made annually and may include the grow—out of laboratory propagated stock in greenhouse facilities.
- (2) For all field plantings including plantings not entered in the program and other *Allium* sp., at least one growing season inspection.
 - (3) Harvest and/or storage inspection.
- (b) Nematode Testing. Laboratory examination of a sample of garlic for the stem and bulb nematode shall be conducted for all plantings except as otherwise provided. Sampling for nematodes may be combined with the growing season inspection at the discretion of the Department.
- (1) For laboratory/greenhouse production, a sample may be collected of mother stock or explant.
- (2) For foundation plantings, a sample of garlic shall be collected at approximately 20–foot intervals and composited on a one acre basis; for plantings less than a quarter acre, a reasonable sample, but not more than 5% of the plants shall be collected from each selection or variety.
- (3) For nursery increase block plantings, a sample of garlic shall be collected at approximately 20-foot intervals and composited on a one acre basis.
- (4) For certified block plantings, at the option and on the request of the participant, a sample of garlic bulbs may be collected at approximately 40–foot intervals and composited on a four acre basis.

NOTE: Authority cited: Sections 407 and 5823, Food and Agricultural Code. Reference: Sections 5821 and 5822, Food and Agricultural Code.

HISTORY

- 1. Renumbering and amendment of former Section 3047 to Section 3044.6 filed 12–30–83; effective thirtieth day thereafter (Register 84, No. 1). For history of former Section 3047, see Register 77, No. 31.
- Amendment of section heading and repealer and new section filed 4–24–97; operative 5–24–97 (Register 97, No. 17).

§ 3044.7. Application and Fees.

- (a) Application. Upon submitting an application, the applicant shall furnish information requested regarding each planting and shall consent to the taking of samples or plants by the Department from any planting for inspection or testing purposes. A separate application shall be submitted for each planting and may include more than one variety provided that they are entered as the same class.
- (1) In the case of participants engaged in laboratory/greenhouse production, application, along with the required fees, shall be made 15 days prior to initiation of propagation or planting.
- (2) A preliminary application for site approval of field plantings along with the required fees shall be submitted by August 1, prior to planting.
- (3) A final application for all field plantings, including farm survey when required, along with the required fees shall be submitted for each planting by March 15.
- (4) A late application may be accepted by the Department provided that a late fee is paid and that the application is made sufficiently in advance of the times required to determine the eligibility of the stock and the suitability of the location, to supervise any treatment that may be required, and to adequately perform the inspections and tests outlined in this article.
- (b) Fees. Fees established in this article are payable in advance of the work to be done and are for the sole purpose of defraying expenses incurred in the approval, inspection, testing, registration and certification procedures herein provided and are not to obtain any right or privilege. The schedule of fees for the services provided in this article are based upon the approximate cost of the services rendered. The Secretary of

Food and Agriculture, pursuant to Section 5822 of the Food and Agricultural Code, hereby establishes fees for approvals and inspections, including sampling and testing for the seed garlic certification program. The fees shall be:

- (1) Laboratory/Greenhouse Production. \$200.00 for each facility.
- (2) Preliminary Application. \$150.00 for all field plantings at the same location.
- (3) Acreage Fee. In addition to the preliminary application fee, an acreage fee for each acre in excess of one acre or portion of an acre for the following field plantings:
 - (A) Foundation Block. \$75.00 per acre or portion of an acre.
 - (B) Nursery Increase Block. \$75.00 per acre or portion of an acre.
 - (C) Certified Block. \$25.00 per acre or portion of an acre.
- (D) Qualification of Stock or Site Inspection for a New Location. \$75.00 per acre.
- (4) Farm Survey of Non Certified Garlic and Other *Allium* sp. \$10.00 per acre or portion of an acre.
 - (5) Stem and Bulb Nematode Testing.
 - (A) Qualification of Stock. \$200.00 per variety or selection submitted.
- (B) Optional Field Testing For Certified Plantings. \$15.00 per acre or portion of an acre.
- (6) The late fee shall be \$100.00 for each application postmarked after the times established in this article.
- (7) The Department may charge additional fees when due to conditions, total acreage entered, or number of tests performed, the fees established do not cover the cost of the service.
- (8) The hourly rate for certification services shall be \$50.00 per hour applied to travel time (portal to portal), field time, and documentation time.
- (9) Fees paid for services that are not rendered shall be refunded to the applicant, less direct costs incurred by the Department.
- (10) No fees shall be charged to the University of California or the United States Department of Food and Agriculture for registration or for inspection and testing of garlic provided there is no additional expense to the Department other than for observation of the inspection and testing required by this article and for the keeping of records. When the procedures prescribed in this article are conducted by the University of California, or by the United States Department of Agriculture, they shall not be less than provided in this article, and the Department shall be notified each year of the garlic to be entered or continued in the program.

NOTE: Authority cited: Sections 407 and 5823, Food and Agricultural Code. Reference: Section 5822, Food and Agricultural Code.

HISTORY

1. New section filed 4-24-97; operative 5-24-97 (Register 97, No. 17).

§ 3047. Application and Fees.

HISTORY

 Renumbering and amendment of Section 3047 to Section 3044.6 filed 12–30–83; effective thirtieth day thereafter (Register 84, No. 1). For prior history, see Register 77, No. 31.

§ 3048. Approval and Certification.

HISTORY

1. Renumbering and amendment of Section 3048 to Section 3044.4 filed 12–30–83; effective thirtieth day thereafter (Register 84, No. 1).

Article 9. Regulations for California Certified Strawberry Plants

§ 3049. Disclaimer of Warranties and Financial Responsibility.

The provisions of Section 3069 shall apply to this article.

NOTE: Authority cited: Sections 407 and 5823, Food and Agricultural Code. Reference: Sections 5821 and 5822, Food and Agricultural Code.

HISTORY

1. Renumbering and amendment of former Section 3049 to Section 3049.1 and new Section 3049 filed 12–30–83; effective thirtieth day thereafter (Register 84, No. 1).

Page 278 Register 2007, No. 18; 5-4-2007

§ 3049.1. Definitions.

- (a) "Virus infected" means infected by a virus or having symptoms or behavior characteristic of a virus disease listed in Section 3049.3(a)(1)(B).
- (b) "Index" means to test for virus infection by making a graft with tissue from the plant to be tested to an indicator plant or by other methods approved by the director. Information regarding such other methods may be obtained from the Department's Pest Exclusion Unit.
- (c) "Off-type" means any strawberry plant different from the variety stated on the application for approval or certification.
- (d) "Nuclear stock" means strawberry plants which were originally indexed and their progeny, which have been regularly reindexed and protected continuously from virus infection by Federal or State agencies.
- (e) "Foundation stock" means strawberry plants that are first year propagation from plants that have been approved on the basis of annual indexing.
- (f) "Registered stock" means strawberry plants that are first year propagation from foundation stock.
- (g) "Certified stock" means strawberry plants that are first year propagation from registered stock.
- (h) "Foundation block" means a planting of strawberry plants for the production of foundation stock.
- (i) "Increase block" means a planting of strawberry plants for the production of registered stock.
- (j) "Certified block" means a planting of strawberry plants for the production of certified stock.
- (k) "Nuclear meristem stock" means strawberry plants which were propagated with meristematic tissue from a plant which had heat therapy and were originally index-tested and found free of known viruses by Federal or State agencies.
- (l) "Clone" means a progeny of an individual strawberry plant which was produced asexually.

NOTE: Authority cited: Sections 407 and 5823, Food and Agricultural Code. Reference: Sections 5821 and 5822, Food and Agricultural Code.

HISTORY

- 1. Amendment of Article 9 (Sections 3049–3053) filed 6–6–63 (Register 63, No. 10). For prior history see Register 62, No. 8.
- 2. Editorial correction (Register 76, No. 38).
- 3. Amendment filed 3–10–78 as an emergency; effective upon filing (Register 78, No. 10)
- 4. Certificate of Compliance filed 5-22-78 (Register 78, No. 21).
- 5. Renumbering and amendment of former Section 3049 to Section 3049.1 filed 12–30–83; effective thirtieth day thereafter (Register 84, No. 1).

§ 3049.2. General Provisions.

Participation in this program is voluntary and may be withdrawn at the option of the applicant.

Registration, certification, approvals and supervision shall be conducted by the Department.

(a) Except as otherwise provided, certification is based solely on visual inspections of sample plants from each planting.

- (b) Responsibility of Applicant. The applicant shall be responsible for:
- (1) The selection of the location and the proper maintenance of a planting being grown under the provisions of this article.
- (2) Maintaining the identity of all nursery stock entered in the program.
- (3) Notifying the Department at least one week in advance of planting and harvesting as to when they will commence and notifying the Department of the location where the plants will be trimmed and stored.
- (4) Maintaining the identity of each lot of plants in the participant's possession and placing the required information on each certification tag furnished by the Department.
 - (c) Location of Plantings.
- (1) General. Each planting location shall be in an area which is isolated from plantings for strawberry fruit production to prevent spread of infectious pests or virus diseases. Any land planted shall have been free of strawberry plants for the previous year, except when treated for soilborne pests in an approved manner under the supervision of the Department. Any planting may be enclosed by an approved insect-proof screenhouse, and when this is done the distance from other plantings or plants as specified in this article to minimize spread of virus diseases shall not be required providing varieties, plant blocks and plants to be indexed are kept separate in an approved manner to maintain plant identity. Native strawberry plants presenting no evidence of virus infection are excluded from required isolation distances for planting.
- (2) Foundation blocks shall be located at least one mile from any other strawberry plants except those in foundation blocks determined to be of equal pest status. Foundation blocks shall be clone planted. Each plant in a foundation block selected for testing by indexing together with its runners shall be kept separate from all other plants in the block by an open space of 12 inches or by an artificial barrier to maintain plant identity.
- (3) Increase blocks shall be located at least one mile from any other strawberry plants to prevent spread of virus disease. When danger of possible spread of virus diseases from one block to another does not appear to exist the one mile distance may be waived and increase blocks and certified blocks may be planted adjacent to each other.
- (4) Certified blocks shall be located at least one mile from any strawberry plants maintained for the purpose of commercial fruit production and not less than 500 feet from any other strawberry plants not entered in the program to maintain plant identity and prevent spread of virus diseases.
 - (d) Maintenance of Plantings.
- (1) Any planting entered in this program shall be kept in a thrifty growing condition and pests shall be kept under intensive control. To maintain plant identity, each variety shall be planted at least 12 feet from any other variety and runners shall not be permitted to cross over an open space of 12 inches maintained between such varieties. If a screenhouse is used for any planting, it shall be maintained in such condition that insect vectors cannot enter. Plants of each variety shall be harvested separately from all other varieties and continuously kept separate. In a foundation block each plant that has been tested by indexing, together with its runner plants,

[The next page is 285.]

shall be harvested separately. Plants must be harvested after one growing season in order to be eligible for approval or certification.

- (2) Any plant found to be off-type shall together with its runner plants be removed immediately from any planting.
 - (e) Eligibility for Planting.
- (1) In a foundation block: To be acceptable for planting in a foundation block, a plant shall be (A) nuclear meristem stock; (B) nuclear stock; (C) foundation stock; or (D) registered stock, certified stock, or plants determined to have an equivalent known history providing each plant in the foundation block is to be tested by indexing or by other approved methods for the detection of virus infection. More than one variety may be planted in a foundation block providing they are of equal pest status.
- (2) In an increase block: To be acceptable for planting in an increase block a plant shall be first year propagation from foundation stock produced in a foundation block.
- (3) In a certified block: To be acceptable for planting in a certified block a plant shall be first year propagation from registered stock produced in an increase block or first year propagation from foundation stock produced in a foundation block.

NOTE: Authority cited: Sections 407 and 5823, Food and Agricultural Code. Reference: Sections 5821 and 5822, Food and Agricultural Code.

HISTORY

- Amendment filed 7-28-77 as organizational and procedural; effective upon filing (Register 77, No. 31).
- 2. Amendment of subsection (d) filed 3–10–78 as an emergency; effective upon filing (Register 78, No. 10).
- 3. Certificate of Compliance filed 5-22-78 (Register 78, No. 21).
- 4. Renumbering and amendment of former Section 3050 to Section 3049.2 filed 12–30–83; effective thirtieth day thereafter (Register 84, No. 1).

§ 3049.3. Inspection and Testing Procedures; Refusal or Cancellation of Approval or Certification.

- (a) To Determine Eligibility for Approval or Certification:
- (1) Inspection and testing procedures prescribed in this article shall be conducted by the Department in a manner and at times determined as suitable. The applicant will be notified of the findings of pests. Any plant in any planting may be tested by indexing or by other approved methods for the detection of virus infection. Testing procedures shall be conducted in a greenhouse.
- (A) Each clone in a foundation block and a minimum of 3 percent of the plants planted therein shall be tested one or more times annually by indexing or by other approved methods for the detection of virus infection. All plants in a foundation block shall be tested in such a manner if the source of any of the propagating stock is registered stock or certified stock or has an equivalent known history.
- (B) Foundation stock shall be tested for the specific virus diseases using the specific indicator plants listed below:

Indicator Plant Disease Fragaria virginiana selection Leafroll Mottle Veinbanding Witchesbroom Latent "C Fragaria (alpine) vesca selection Crinkle Feather leaf **Pallidosis** Necrotic shock Mild yellow edge Tomato ringspot Pseudo mild

- (C) At least two visual inspections shall be made of each planting prior to harvest and in addition plants shall be inspected at digging time. Inspection for the detection of harmful nematode pests may be made using laboratory methods and is required for approval as foundation stock or as registered stock.
 - (b) Refusal or Cancellation of Approval or Certification:
- (1) Failure to comply with the requirements of this article shall be cause for refusal or cancellation of approval of plants as "foundation stock," "registered stock," or certification as "California certified strawberry plants."
- (2) The certification or approval as foundation stock or as registered stock of a plant or plants in part or all of a planting shall be refused or cancelled when it is determined that:

- (A) the plant is off-type;
- (B) the plant, clone or planting is virus infected;
- (C) the pest cleanliness requirements for nursery stock in Section 3060.2 of the nursery inspection regulations have not been met.

Reactions to indicator plants caused by unknown factors may also be cause to disqualify the specific foundation selection tested.

- (3) Any plant or clone found virus infected or suspected of virus infection may be required to be rogued or may be refused for further propagation. Any planting in which a plant is found to be virus infected may be refused, if it is determined that spread of the virus may have occurred, except: (A) when the total of virus infected plants in a certified block does not exceed 0.5 percent; (B) aster yellows disease is found in a planting and it is determined that the infected plants are readily identifiable and can be removed under the supervision of the Department.
- (4) Any planting in which off-type plants are found to exceed 0.2 percent shall be refused, except that in a planting which has been clone planted, the off-type plants may be removed under the supervision of the Department if it is determined that all of the off-type plants are readily identifiable and can be removed.
- (5) Each plant together with all its runner plants shall constitute one unit, and the results of either field inspections or index tests or both may be used, as a basis for calculating percentages.

NOTE: Authority cited: Sections 407 and 5823, Food and Agricultural Code. Reference: Sections 5821 and 5822, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 4-7-65; effective thirtieth day thereafter (Register 65; No. 6).
- 2. Amendment filed 3–10–78 as an emergency; effective upon filing (Register 78, No. 10).
- 3. Certificate of Compliance filed 5-22-78 (Register 78, No. 21).
- 4. Renumbering and amendment of former Section 3051 to Section 3049.3 filed 1230–83; effective thirtieth day thereafter (Register 84, No. 1).

§ 3049.4. Approval and Certification.

- (a) Approval: The Department will approve as "foundation stock" or "registered stock" plants that have met the requirements of this article, and will, for their identification, authorize the use of official tags for "foundation stock" or "registered stock."
- (b) Certification: The Department will certify plants that have met the requirements of this article for certification and will authorize for the identification of such stock, the use of official certification tags.
- (c) Identity: Any person selling "foundation stock," "registered stock" or "California certified strawberry plants" is responsible for maintaining identity of the nursery stock bearing an official tag while the stock is in possession of the seller and for such nursery stock meeting the requirements of this article.
- (d) Accountability: Persons issued tags authorized by this article shall account for sock produced and sold and tags used and shall record such production, sale, and use on an inventory sheet provided by the Department. The inventory sheet shall be submitted to the Department annually.
- (e) Certification by a Second Party: Strawberry plants produced by a participant in the certification program in accordance with the provisions of this article may be eligible for certification by a second party provided:
- (1) The second party submits an application, pays the required fees, and signs the agreement required by Section 3069;
- (2) The certification tags are stamped by the second party with his name and address and the block number of the producer of the plants. NOTE: Authority cited: Sections 407 and 5823, Food and Agricultural Code. Reference: Sections 5821 and 5822, Food and Agricultural Code.

HISTORY

1. Renumbering and amendment of former Section 3053 to Section 3049.4 filed 12–30–83; effective thirtieth day thereafter (Register 84, No. 1).

§ 3049.5. Application and Fees.

(a) Application. The applicant shall furnish information requested and shall give consent to the Department to take plants from any planting for inspection or testing purposes. An application shall be submitted for the acceptance of any planting and for subsequent inspections, approvals or certification and may be refused unless made sufficiently in advance of the time of planting to permit the Department to establish the origin of

the stock, determine the history of the location and supervise any treatment that may be required.

- (b) Fees. The Department shall establish a schedule of fees for services provided in this article. Fees are payable in advance of the work to be done and are for the sole purpose of defraying expenses incurred in the inspection, approval and certification services provided and are not to obtain any right or privilege. Fees shall be submitted at the time of application, except that fees may be paid after planting upon prior approval by the Department.
- (1) No fees shall be charged the University of California or the United States Department of Agriculture for registration or for the inspection and testing of plants provided there shall be no expense to the Department other than for observation of the inspection and testing required in the article, and for the keeping of records. When the procedures prescribed in the article are conducted by the University of California, or by the United States Department of Agriculture, they shall not be less than provided in this article, and the Department shall be notified each year of the plants to be entered or continued in the program.
- (2) With respect to all of the fees, the Department may require a larger fee on any or all plantings entered when, because of conditions and total acreages entered, the fees will not cover the cost of the service. This may apply to districts or the entire State.
- (c) Refunds. Fees paid for services that are not rendered shall be refunded to the applicant.

NOTE: Authority cited: Sections 407 and 5823, Food and Agricultural Code. Reference: Section 5822, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 4–7–65; effective thirtieth day thereafter (Register 65, No. 6).
- 2. Amendment of subsection (a) filed 7–28–77 as organizational and procedural, effective upon filing (Register 77, No. 31)
- 3. Amendment filed 3–10–78 as an emergency; effective upon filing (Register 78, No. 10).
- 4. Certificate of Compliance filed 5-22-78 (Register 78, No. 21).
- 5. Renumbering and amendment of former Section 3052 to Section 3049.5 filed 12–30–83; effective thirtieth day thereafter (Register 84, No. 1).

§ 3050. General Provisions.

HISTORY

1. Renumbering and amendment of Section 3050 to Section 3049.2 filed 12–30–83; effective thirtieth day thereafter (Register 84, No. 1). For prior history, see Register 78, No. 21.

§ 3051. Inspection and Testing Procedures.

HISTORY

1. Renumbering and amendment of Section 3051 to Section 3049.3 filed 12–30–83; effective thirtieth day thereafter (Register 84, No. 1). For prior history, see Register 78, No. 21.

§ 3052. Application and Fees.

HISTORY

1. Renumbering and amendment of Section 3052 to Section 3049.5 filed 12–30–83; effective thirtieth day thereafter (Register 84, No. 1). For prior history, see Register 78, No. 21.

§ 3053. Approval and Certification.

HISTORY

1. Renumbering and amendment of Section 3053 to Section 3049.4 filed 12–30–83; effective thirtieth day thereafter (Register 84, No. 1).

Article 10. Nursery Stock Nematode Certification

§ 3055. Disclaimer of Warranties and Financial Responsibility.

The provisions of Section 3069 shall apply to this article.

NOTE: Authority: Sections 407 and 5823, Food and Agricultural Code. Reference: Sections 5821 and 5822, Food and Agricultural Code.

HISTORY

1. New article 10 and section filed 8–16–94 as an emergency; operative 8–16–94 (Register 94, No. 33). A Certificate of Compliance must be transmitted to OAL

- by 12–14–94 or emergency language will be repealed by operation of law on the following day.
- 2. Certificate of Compliance as to 8–16–94 order transmitted to OAL 12–14–94 and filed 1–26–95 (Register 95, No. 4).

§ 3055.1. Definitions.

- (a) "Approved treatment" means any soil preparation, treatment, and post-treatment recontamination preventative measures that are approved, documented, and supervised by the Department as a means of producing nursery stock free of nematodes.
- (b) "Soil" includes, but is not limited to, what is generally known as soil, mixtures of soil and horticultural soil amendments, and horticultural soil amendments alone, as blends, or as mixtures, used as a plant growing medium.
- (c) "Approved laboratory methods" means any soil sampling plans; growing plot or sample identification methods; sample protection, transportation, and processing methods; nematode extraction methods; and nematode diagnostic procedures approved by the Department to test soil and plants for the presence of nematodes.
- (d) "Free of nematodes" means free of nematodes consistent with the capacity of the approved treatment and approved laboratory methods prescribed in this article respectively to yield nursery stock free of nematodes or to detect low level nursery stock nematode infestations. It does not mean complete freedom and nematodes may be present consistent with the limitations inherent to the prescribed approved treatment and approved laboratory methods.
- (e) "Nematode" means nematode species that the Department determines to be economically important.
- (f) "Participant" means any person for whom the Department has approved an application for nursery stock nematode certification.
- (g) "Program" means the nursery stock nematode certification program administered by the Department pursuant to these regulations.
- (h) "Department" means the California Department of Food and Agriculture, the Secretary of Food and Agriculture, and its agents, employees, or representatives.

NOTE: Authority: Sections 407 and 5823, Food and Agricultural Code. Reference: Sections 5821 and 5822, Food and Agricultural Code.

HISTORY

- New section filed 8–16–94 as an emergency; operative 8–16–94 (Register 94, No. 33). A Certificate of Compliance must be transmitted to OAL by 12–14–94 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 8–16–94 order transmitted to OAL 12–14–94 and filed 1–26–95 (Register 95, No. 4).

§ 3055.2. General Provisions.

- (a) California grown nursery stock may be certified to nematode cleanliness when grown and handled in accordance with the procedures outlined in this article.
- (b) Participation in this program is voluntary and may be withdrawn at the option of the applicant.
- (c) Approvals, inspections, tests, supervision, determinations, and certifications shall be conducted by the Department or its authorized agents.
 - (d) Refusal, Suspension, or Termination of Certification.
- The Department reserves the right to refuse certification services to anyone and may refuse, suspend, or terminate certification for part or all of a planting if:
 - (1) The requirements of this article have not been met; or,
 - (2) Participant responsibilities specified in this article are not met; or,
- (3) Any condition which hinders or prevents proper treatment, approval, field or plant sampling, or laboratory nematode diagnostics; or,
- (4) A planting or part of a planting is found to be nemotode infested; or.
- (5) The identity of the stock becomes uncertain or has not been properly maintained; or,
 - (6) Indicia of certification are misused or stock is misrepresented.

Page 286

NOTE: Authority: Sections 407 and 5823, Food and Agricultural Code. Reference: Sections 5821 and 5822, Food and Agricultural Code.

HISTORY

- 1. New section filed 8–16–94 as an emergency; operative 8–16–94 (Register 94, No. 33). A Certificate of Compliance must be transmitted to OAL by 12–14–94 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 8–16–94 order transmitted to OAL 12–14–94 and filed 1–26–95 (Register 95, No. 4).

§ 3055.3. Participant Responsibilities.

All participant responsibilities specified in this article shall be performed at the expense of the participant. The participant shall be responsible for:

- (a) Application for nursery stock nematode certification.
- (b) Selection of planting location(s).
- (c) Soil treatments.
- (d) Post-treatment cultural and sanitation practices necessary to help prevent nematode recontamination.
- (e) Notifying the Department of the date of all pest control treatments in plantings for which inspections are scheduled, the product used, dosage and any re—entry or worker safety requirements which apply. This notification is required to assure that approvals and inspections may be made properly and in accordance with state law governing worker health and safety for pesticide exposure. Such notification need not be made at times when inspections are not scheduled.
- (f) Proper use of all official indicia of certification provided by the Department.
- (g) Compliance with the requirements of this article and with all other applicable laws and regulations.

NOTE: Authority: Sections 407 and 5823, Food and Agricultural Code. Reference: Sections 5821 and 5822, Food and Agricultural Code.

HISTORY

- 1. New section filed 8-16-94 as an emergency; operative 8-16-94 (Register 94, No. 33). A Certificate of Compliance must be transmitted to OAL by 12-14-94 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 8–16–94 order transmitted to OAL 12–14–94 and filed 1–26–95 (Register 95, No. 4).

§ 3055.4. Eligibility.

Any clearly identified block or lot of nursery stock being grown in soil which, at the time of application, can be determined to be free of nematodes may be entered for certification of nematode freedom at the time of harvest and/or sale. Nursery stock meeting the requirements of this article shall be eligible for certification using official indicia of certification for a period of not more than two growing seasons after approved soil treatment and planting; or, 12 months after the nursery stock has been determined to be free of nematodes based on approved laboratory methods. In either of the foregoing cases, eligibility will be invalidated if, after harvest, nursery stock is stored in untreated soil or otherwise exposed to nematodes.

NOTE: Authority: Sections 407 and 5823, Food and Agricultural Code. Reference: Sections 5821 and 5822, Food and Agricultural Code.

HISTORY

- New section filed 8-16-94 as an emergency; operative 8-16-94 (Register 94, No. 33). A Certificate of Compliance must be transmitted to OAL by 12-14-94 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 8-16-94 order transmitted to OAL 12-14-94 and filed 1-26-95 (Register 95, No. 4).

§ 3055.5. Certification.

The Department will issue and authorize the use of official tags, seals or other indicia of certification on nursery stock which meets the requirements of this article. Nursery stock may be certified for nematode freedom in accordance with subsection (a) or (b) below.

(a) Certification Based on Approved Treatment.

Certification based on approved treatment involves the planting of nursery stock (including seed, unrooted cuttings, rooted cuttings, plantlets or seedlings) in approved treated soil and protecting it against nematode contamination until harvest and sale. Rooted planting stock must be determined to be free of nematodes using approved laboratory methods prior to planting in approved treated soil. Prescribed soil preparation requirements must be documented and approved chemical treatments must be both supervised and documented by the Department. All documentation and required supervision may be performed at the time of treatment.

- (1) Field Treatment.
- (A) Pre-Treatment Soil Preparation.
- 1. Trash Removal.

Plant material must be removed and the planting site shall be disced to reduce the size of trash remaining so that the treatment will be effective. Both trash removal and discing shall be performed to the satisfaction of the Department.

2. Waiting Period.

A clean-fallow period shall be maintained, after trash removal and before treatment, as follows:

- a. Not less than 24 months following removal of an orchard or vineyard that has been in place for more than one year.
- b. Not less than nine months following removal of a previous woody nursery crop which has been in place for more than one year.
- c. Not less than six months following removal of a nematode host crop which has been in place for less than one year.
- d. No waiting period is required after the removal of an annual vegetable plant crop.
- 3. Soil shall be worked to a depth of two to three feet to break up hardpan or plowsole. Soil moisture and cultivation shall be adequate to render the soil in seed bed condition.
 - (B) Treatment.

All applications of pesticides must be made in compliance with the applicable laws and regulations.

- 1. Soil temperature at depth of injection shall be $40^{\circ}F$ and $80^{\circ}F$. If the soil temperature is above $80^{\circ}F$, but $85^{\circ}F$ or less, the dosage of methyl bromide should be increased by 5% over the minimum specified by the Department.
 - 2. Materials and Schedules of Dosages.

The rate per acre for the fumigant used shall not be less than the minimum prescribed by the Department. Treatments for soils containing more than 30% clay may not be approved.

- 3. Treatments in accordance with these procedures shall be good for 18 months from the date of treatment to planting date provided that the treated area is clean–fallowed and otherwise not exposed to nematode reinfestation.
- 4. Application methods include dual application, tarping (solid and strip), or any other suitable method as approved by the Department. The tarp used in a methyl bromide fumigation shall remain in place for 48 hours.
- 5. Any lot of rooted nursery stock which has not been approved in the nematode control program must be sampled using approved laboratory methods, and found to be free of nematodes, prior to planting in approved treated soil.
- 6. Nursery stock produced in accordance with these approved procedures shall be stored, healed—in, or calloused in media, beds, or storage areas approved by the Department. Treatments may be required to protect against nematode infestation.
 - (2) Container, Flat, and Frame Grown Nursery Stock.

All soil, containers, flats, and soil within frames shall be treated prior to planting. Following treatment, the soil and containers shall be protected from reinfestation by nematodes. The following are approved treatments:

- (A) Aerated steam in a closed chamber until all soil reaches a temperature of not less than $140^{\rm o}F$ and is maintained for not less than 30 minutes; or
- (B) Steamed in a closed chamber until temperature of all soil reaches 180°F; or,

- (C) Fumigated under a plastic tarpaulin or in a gas-tight chamber for 24 hours using two pounds of methyl bromide per 100 cubic feet. Soil temperature shall not be lower than 50°F at start of treatment.
 - (b) Certification Based on Approved Laboratory Methods.

The following, or other, laboratory methods approved by the Department shall be used to determine nematode freedom. Any sample in which nematode is detected shall be considered infested and not eligible for certification under the provisions of this article unless there is a Department–approved eradicative treatment and the participant so treats the nursery stock.

(1) Field Grown Nursery Stock, Generally.

Collect samples on a 40 foot x 40 foot grid interval throughout the planting. Samples may be composited on an acre or nursery stock variety basis. Alternatively, at the discretion of the Department, samples may be collected on an 80 foot x 80 foot grid interval and composited on a two-acre basis when either of the following conditions have been met:

- (A) The planting site has been treated at the product labeled rate for the kind of nursery stock being produced.
- (B) No nematodes have been found by laboratory methods in the previous two successive nursery crops on the growing site.
 - (2) Container, Flat, and Frame Grown Nursery Stock.

A composite sample is to be obtained from every 100 square feet of bench or frame space. Each sample should be kept to a logical and practical size as determined by the Department.

(3) Delimitation.

When an original sample is positive for nematodes, delimitation sampling may be performed on a 20 foot x 20 foot grid interval with samples composited on a 1/4–acre basis. All delimitation shall be done at the Department's discretion. Any nursery stock represented by a delimitation sample in which a nematode is detected is considered infested. Any nursery stock represented by a delimitation sample that is free of nematodes shall be eligible for certification.

(4) Bare root sampling may be performed using procedures approved by the Department.

NOTE: Authority cited: Sections 407 and 5823, Food and Agricultural Code. Reference: Sections 5821 and 5822, Food and Agricultural Code.

HISTORY

- 1. New section filed 8–16–94 as an emergency; operative 8–16–94 (Register 94, No. 33). A Certificate of Compliance must be transmitted to OAL by 12–14–94 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 8–16–94 order transmitted to OAL 12–14–94 and filed 1–26–95 (Register 95, No. 4).

§ 3055.6. Application and Fees.

(a) Application.

The applicant shall furnish any information requested regarding the planting and shall consent to the taking of samples by the Department for inspection or testing purposes. The required fees shall accompany each application submitted.

- (1) An application for approval of a soil treatment shall be submitted with the Department 15 days prior to the planned start of treatment to allow for scheduling of inspections and to verify stock eligibility.
- (2) An application for testing using approved laboratory methods shall be submitted to the Department by not less than 15 days prior to the month in which sampling must be performed to allow for workload scheduling.
- (3) A late application may be accepted as workload, scheduling, and staffing permit. If workload, scheduling, or staffing do not allow for required testing using approved laboratory methods, a late application will be refused.
 - (b) Fees.

Fees established by this article are payable in advance of the work to be done and are for the sole purpose of defraying expenses incurred in the approval, inspection, sampling, and determination procedures and are not to obtain any right or privilege.

- (1) The Department shall establish a schedule of fees for the services provided in this article based upon the approximate cost of the service rendered
- (2) The Department may charge additional fees when due to conditions, total acreage entered, or number of samples and/or determinations made, the fees established will not cover the cost of the service.
 - (3) The Department may establish a late fee for applications.
- (4) Fees paid for services that are not rendered shall be refunded to the applicant provided, however, that amounts refunded may be prorated based on the amount of work actually performed by the Department in the administration of the requirements of this article.
 - (c) Fee Schedule.
- (1) The Secretary of Food and Agriculture, pursuant to Section 5822 of the Food and Agricultural Code, hereby establishes fees for inspections, including sampling and testing, and special treatments for the nursery stock nematode certification program. The fees shall be:
 - (A) Supervision of Soil Treatments.
- 1. \$45.00 per hour per site when the application is postmarked a minimum of fifteen (15) days prior to initiation of the treatment.
- 2. \$100.00 late fee plus \$45.00 per hour per site when the application is postmarked less than fifteen (15) days prior to initiation of the treatment.
 - (B) Sampling. \$45.00 per hour.
 - (C) Testing. \$40.00 per sample submitted.
 - (D) Supervision of Commodity Treatments.
- 1. \$45.00 per hour when application is postmarked a minimum of fifteen (15) days prior to initiation of the treatment.
- 2. \$100.00 late fee plus \$45.00 per hour when application is post-marked less than fifteen (15) days prior to initiation of the treatment.
- (2) When calculating service charges, the hourly rate shall be applied to travel time (portal to portal), field time, and documentation time. NOTE: Authority cited: Sections 407 and 5823, Food and Agricultural Code. Ref-

NOTE: Authority cited: Sections 407 and 5823, Food and Agricultural Coerence: Section 5822, Food and Agricultural Code.

HISTORY

- New section filed 8-16-94 as an emergency; operative 8-16-94 (Register 94, No. 33). A Certificate of Compliance must be transmitted to OAL by 12-14-94 or emergency language will be repealed by operation of law on the following day.
- 2. New subsections (c)–(c)(2) filed 8–30–94 as an emergency; operative 8–30–94 (Register 94, No. 35). A Certificate of Compliance must be transmitted to OAL by 12–28–94 or emergency language will be repealed by operation of law on the following day.
- 3. Certificate of Compliance as to 8–30–94 order, including amendment of subsection (c)(1) transmitted to OAL 11–29–94 and filed 1–11–95 (Register 95, No. 2)
- Certificate of Compliance as to 8–16–94 order transmitted to OAL 12–14–94 and filed 1–26–95 (Register 95, No. 4).
- Amendment of subsections (c)(1)(A)–(B) and (c)(1)(D)1.–2. filed 9–29–2003; operative 10–29–2003 (Register 2003, No. 40).

§ 3056. Tree Identification.

NOTE: Authority cited: Sections 407 and 435, Food and Agricultural Code.

HISTORY

- 1. New section filed 3–19–52; effective thirtieth day thereafter (Register 27, No. 5).
- 2. Editorial change of article number from 4 to 10 (Register 62, No. 8).
- 3. Repealer of Article 10 (Section 3056) filed 12-30-83; effective thirtieth day thereafter (Register 84, No. 1).

Article 11. Nursery Inspection

§ 3060. Nursery and Seed Inspection.

Definitions. The following definitions, in addition to those stated in Subarticle 10 Sections 25–49 and 5001–5008 of the Food and Agricultural Code, apply to this article.

- (a) "Qualified nursery and seed inspector" means a representative of the County Agricultural Commissioner who:
- (1) Possesses a State certificate of qualification in Nursery and Seed Regulation and Plant Quarantine and Pest Detection, or

- (2) A member of a Commissioner's staff possessing required experience and education, studying for State certification, and working under the supervision of a qualified nursery and seed inspector.
- (b) "Noxious weed seed" is as defined in Subarticle 10 Section 52256 of the Food and Agricultural Code.
- (c) "Turf" means field cultivated turfgrass sod consisting of grass varieties, or blends of grass varieties, and Dichondra for use in residential and commercial landscapes.

NOTE: Authority cited for Sections 3060 through 3060.5: Sections 407, 6901–6904, 6961–6970, and 52333, Food and Agricultural Code. Reference: Sections 5821–5827, 6901–6904, 6961, 6965, 6968, and 52333, Food and Agricultural Code.

HISTORY

- Amendment of Sections 3060 through 3060.5 filed 10–10–68; designated effective 12–15–68 (Register 68, No. 38). For prior history, see Register 64, No. 2.
- 2. New subsection (d) filed 1-23-73; effective thirtieth day thereafter (Register 73, No. 4).
- Amendment filed 9–11–79; effective thirtieth day thereafter (Register 79, No. 37).

§ 3060.1. Inspection of Nurseries.

(a) Each Commissioner shall inspect nursery stock, other than seed, which is being grown or sold as often as is required to assure compliance with pest cleanliness.

NOTE: Authority cited: Sections 407, 6502, 6901, and 6902, Food and Agricultural Code. Reference: Sections 6502, 6901–6904, and 6961, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 1–23–73; effective thirtieth day thereafter (Register 73, No. 4).
- 2. Amendment filed 9–11–79; effective thirtieth day thereafter (Register 79, No. 37).
- 3. Amendment of subsection (b) filed 2-11-81; effective thirtieth day thereafter (Register 81, No. 7).
- 4. Amendment of subsection (a) and repealer of subsection (b) filed 8–16–94 as an emergency; operative 8–16–94 (Register 94, No. 33). A Certificate of Compliance must be transmitted to OAL by 12–14–94 or emergency language will be repealed by operation of law on the following day.
- 5. Certificate of Compliance as to 8–16–94 order transmitted to OAL 12–14–94 and filed 1–26–95 (Register 95, No. 4).

§ 3060.2. Standard of Cleanliness.

Any person selling, handling or growing nursery stock, other than seed, produced, held, or offered for sale, shall maintain the following standard of cleanliness of nursery stock in his possession.

- (a) All nursery stock shall be kept commercially clean in respect to established pests of general distribution. Commercially clean shall mean that pests are under effective control, are present only to a light degree, and that only a few of the plants in any lot or block of nursery stock or on the premises show any infestation or infection, and of these none show more than a few individuals of any insect, animal or weed pests or more than a few individual infestations of any plant disease.
 - (b) All nursery stock shall be kept free of:
- (1) Pests of limited distribution including pests of major economic importance which are widely, but not generally distributed, except as provided in section 3060.4 (a)(1)(C) below; and
- (2) Pests not known to be established in the State. Included in the meaning of this paragraph is that turf shall be kept free of noxious weeds.
- (c) Where the Commissioner or Secretary determines that a history of weed pest problems exists, turf shall be grown on soil treated with methyl bromide in accordance with treatment and handling procedures approved by the Department. Weed pests established in and around the growing grounds shall be controlled to a point that they are not likely to infest the growing turf. In addition, the Commissioner or Secretary may require clean fallowing, trap cropping, or other cultural controls as may be necessary to assure the pest cleanliness of the turf when shipped.

NOTE: Authority cited: Sections 407 and 6901, Food and Agricultural Code. Reference: Sections 6901–6904, Food and Agricultural Code.

HISTORY

1. Amendment of subsections (b) and (c) and new subsection (d) filed 1–23–73; effective thirtieth day thereafter (Register 73, No. 4).

- 2. Amendment of subsection (b) filed 11–14–74; effective thirtieth day thereafter (Register 74, No. 46).
- 3. Amendment filed 9–11–79; effective thirtieth day thereafter (Register 79, No. 37).
- 4. Amendment of subsection (c)(2) filed 7–28–86; effective thirtieth day thereafter (Register 86, No. 32).
- 5. Repealer of subsections (c)–(c)(2) and subsection redesignation and amendment filed 8–16–94 as an emergency; operative 8–16–94 (Register 94, No. 33). A Certificate of Compliance must be transmitted to OAL by 12–14–94 or emergency language will be repealed by operation of law on the following day.
- 6. Certificate of Compliance as to 8–16–94 order transmitted to OAL 12–14–94 and filed 1–26–95 (Register 95, No. 4).

§ 3060.3. Plants That Are Pests.

A plant that is a pest does not meet the standards of cleanliness contained in Section 3060.2 and may not be produced, held or offered for sale as nursery stock.

(a) All plants defined as a noxious weed under Title 3, California Code of Regulations, Section 4500, are a pest plant.

NOTE: Authority cited: Sections 407, 5322 and 6901, Food and Agricultural Code. Reference: Sections 403, 407, 5322 and 6901, Food and Agricultural Code.

HISTORY

1. New section filed 6-24-2008; operative 7-24-2008 (Register 2008, No. 26). For prior history, see Register 97, No. 19.

§ 3060.4. Enforcement.

- (a) The Commissioner shall keep records of inspections made and of orders issued to enforce this article.
- (1) Inspections of the growing grounds, storage yards, and sales places of nursery stock, other than seed, shall be performed by a qualified nursery and seed inspector who shall make a sufficient examination of all varieties and all lots or blocks of nursery stock and all established plants, appliances, and other things thereon as may be necessary to determine compliance with this article.
- (A) The inspection shall be substantiated by the filing with the Commissioner of a report of such inspection showing the names of pests and infested or infected host plants and their location in the nursery, and the disposition of all blocks of stock found infested or infected to a degree greater than the minimum requirements of this article.
- (B) The Commissioner or the Director may require by a written order that any nursery stock found infested or infected with a pest shall be isolated or safely delimited in a manner approved by the Commissioner or the Director, and may specify that the pest shall be controlled or eradicated, or that the infested or infected plants shall be disposed of in a manner satisfactory to the Commissioner or the Director within a reasonable specified length of time.
- (C) The Secretary may permit nursery stock which may be infested with pests, subject to quarantine regulations or Section 3060.2(b)(1), to be sold for planting or for resale for planting, within the area under quarantine or area infested with a specified pest, where the nursery stock is offered for sale, provided that:
- 1. a quarantine or other pest shall not be eligible for movement as described in this section unless it has been so designated herein by the Secretary (the Secretary has designated *Homalodisca coagulata*, glassywinged sharpshooter, as eligible for movement as described in this section); and
- 2. the nursery stock is moved between points within the area under quarantine or within the area infested with the specified pest and involves no movement outside thereof; and
- 3. the pest is not under eradication in the quarantine or infested area; and
- 4. movement of the nursery stock is not specifically prohibited by the quarantine regulation or local ordinance; and
 - 5. the nursery stock is commercially clean.
- (D) Nursery stock which does not meet the standards of cleanliness prescribed in Subarticle 10 Section 3060.2 shall not be sold except as provided in (C) above or under a written agreement between the buyer and seller which discloses the following:
 - 1. failure to comply with the standards of cleanliness;

- 2. affirmation of the buyer's agreement to purchase the stock on an "as is" basis; and
- 3. written agreement by the destination department of agriculture the stock for planting by the buyer or resale at retail for non–farm use in the destination county or state.
- (2) Inspection of seed for the purpose of issuing nursery stock certificates shall be in accordance with the methods prescribed for official sampling and examination of seed for noxious weed seed under the California Seed Law. Sampling and examination shall be performed by a qualified nursery and seed inspector or by a seed botanist of the Department. The inspection is to be substantiated by the filing with the Commissioner of a report by the inspector for each six—month period showing that the shipper has complied with this article.
 - (b) Notification.
- (1) When an application to sell nursery stock is received from a person not previously licensed at the location involved, the Director shall notify the Commissioner allowing 15 days for the Commissioner to make whatever recommendations he deems appropriate regarding the issuance of the license.
- (2) Upon receipt of notice from the Commissioner that a licensee or applicant for a license has failed to comply with the standard of cleanliness set forth herein or has failed to comply with a written order issued by the Commissioner, the Director will take appropriate action against the application or license involved.
- (3) The Commissioner shall notify the Director of the issuance, suspension, or revocation of nursery stock certificates to any shipper.
- (4) The Commissioner shall notify the Director when a shipment of nursery stock from within the State is found infested or infected with a pest in violation of the standard of cleanliness herein established.
- (c) Suspension. The use of nursery stock certificates shall be suspended, as to all nursery stock, other than seed, or as to infested or infected and exposed host plants:
- (1) Upon finding in the nursery any new pest, determined by the Director to be of serious importance to agriculture or pending such determination, until isolation, clean up, or eradication in a manner approved by the Director is complied with; or
- (2) Upon finding in the nursery any pest that is required by this article to be kept under intensive control until either
- (A) All hosts or carriers likely to be infested or infected are prohibited movement by a written hold order or
- (B) Adequate precautions or intensive control measures have been applied which will assure the pest cleanliness of hosts or carriers when shipped; or
- (3) Upon finding in the nursery an infestation or infection or any established pest of general distribution in a degree greater than commercially clean, until such infestation or infection is controlled to the satisfaction of the Commissioner or Director.
 - (d) Revocation. Nursery stock certificates shall be revoked:
- (1) As to nursery stock, other than seed, upon repeated findings within the preceding twelve months that the shipper has failed to maintain the standard of cleanliness herein prescribed;
- (2) As to nursery stock, including seed, upon finding that the shipper has violated any law or regulation pertaining to nursery stock, including seed, or the requirements of this article.
- (e) Refusal. Issuance of nursery stock certificates may be refused if during the preceding twelve months:
- (1) An authorization of the shipper to use nursery stock certificates has been revoked; or
- (2) The shipper has failed or refused to comply with any law or regulation pertaining to nursery stock or pests; or
- (3) Conditions in or around the nursery have exposed nursery stock to infestation by pests, including weed seeds, and for which adequate precautions or control measures cannot be or have not been applied.

NOTE: Authority cited: Sections 407, 6901 and 6961, Food and Agricultural Code. Reference: Sections 6901–6904 and 6961, Food and Agricultural Code.

HISTORY

- 1. Amendment of subsections (a) (2), (b) (1), (c) (3), (e) (2) and new subsection (e) (3) filed 1–23–73; effective thirtieth day thereafter (Register 73, No. 4).
- 2. New subsection (a)(1)(C) filed 11-14-74; effective thirtieth day thereafter (Register 74, No. 46).
- 3. Amendment filed 7–28–77 as organizational and procedural; effective upon filing (Register 77, No. 31).
- 4. Amendment filed 9–11–79; effective thirtieth day thereafter (Register 79, No. 37).
- 5. New subsection (a)(1)(D) filed 7–28–86; effective thirtieth day thereafter (Register 86, No. 32).
- 6. Amendment of subsection (a)(1)(C) filed 4–4–2000 as an emergency; operative 4–4–2000 (Register 2000, No. 14). A Certificate of Compliance must be transmitted to OAL by 8–2–2000 or emergency language will be repealed by operation of law on the following day.
- 7. Certificate of Compliance as to 4–4–2000 order transmitted to OAL 8–1–2000 and filed 9–7–2000 (Register 2000, No. 36).

§ 3060.5. Certificates.

- (a) Form of Certificates.
- (1) Nursery stock certificates shall be in essentially the following form:

CALIFORNIA NURSERY STOCK CERTIFICATE For Interstate and Intrastate Shipments

No. _____

This plant material or nursery or premises from which this shipment was made has been inspected and found free from especially injurious plant pests and disease symptoms.

THIS SHIPMENT NEED NOT BE HELD FOR INSPECTION IN CALIFORNIA

(date optional) Issued by:

(county) County Agricultural Commissioner and California Department of Food and Agriculture, Sacramento 95814

- (2) Certificates shall bear an identification number issued or authorized by the Commissioner.
- (3) A Commissioner may either issue certificates or authorize a shipper to reproduce a facsimile of the nursery stock certificate in the form and manner approved by the Commissioner. Such certificates shall be reproduced in a legible and conspicuous manner.
 - (b) Use of Certificates.
 - (1) No nursery stock certificate shall be used:
- (A) On any shipment of nursery stock, other than seed, any portion of which was grown by a nursery not eligible to use nursery stock certificates, unless such portion of the shipment is duly inspected and found to meet the minimum requirements for pests set forth herein;
 - (B) By any person other than the shipper to whom issued;
- (C) On any shipment of nursery stock for which movement from certain areas is restricted by specific California quarantine regulations unless accompanied by the required quarantine certificate or permit;
- (D) On any shipment into any county where such movement is restricted by a requirement of the Commissioner of the county of destination pursuant to Subarticle 10 Sections 6505 and 6961 of the Food and Agricultural Code;
- (E) On any shipment of plants not in compliance with the minimum standards of cleanliness prescribed in this article.
- (2) The Commissioner may affix a nursery stock certificate on a noncommercial shipment of plants which the Commissioner inspects and finds to meet the requirements of this article.

NOTE: Authority cited: Sections 407, 6901–6904, 6961, and 52333, Food and Agricultural Code. Reference: Sections 6901–6904, 6961, and 52333, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 7–28–77 as organizational and procedural; effective upon filing (Register 77, No. 31).
- 2. Amendment filed 9–11–79; effective thirtieth day thereafter (Register 79, No. 37).

§ 3060.6. Requirements of Shippers of Nursery Stock Removed from Established Plantings.

- (a) Nursery stock also includes trees, shrubs, or other plants which are removed from established farm or landscape plantings or from their native habitat for planting, propagation or ornamentation. A license to sell nursery stock is required for sale of such nursery stock.
- (b) Such nursery stock shall not be moved unless accompanied by a shipping permit issued by the Commissioner, or a nursery stock certificate if all conditions for its issuance have been met. Nursery stock found not in compliance with the standard of cleanliness, or for which an adequate inspection cannot be made, or on a property infested with a pest described in paragraph (b) of Subarticle 10 Section 3060.2, shall be placed under hold order until brought into compliance or adequately inspected, unless movement of such stock is permitted only under restriction with the knowledge of the Commissioner at point of destination and the person receiving the stock. The Commissioner shall notify the Director when finding nursery stock has been moved in violation of this article.

NOTE: Authority cited: Sections 407, 6901–6904, 6961, and 52333, Food and Agricultural Code. Reference: Sections 5701, 6721, 6901–6904, 6961, 6965, and 6968, and 52333, Food and Agricultural Code.

HISTORY

- 1. New section filed 2–11–71; effective thirtieth day thereafter (Register 71, No. 7). For history of former section, see Register 68, No. 38.
- 2. Amendment of subsection (b) filed 1–23–73; effective thirtieth day thereafter (Register 73, No. 4).
- 3. Amendment of subsection (b) filed 7–28–77 as organizational and procedural; effective upon filing (Register 77, No. 31).
- Amendment filed 9–11–79; effective thirtieth day thereafter (Register 79, No. 37).

Article 12. Nursery Stock Grades and Standards

§ 3061. Labeling.

The following is established as an exception of the individual plant labeling requirement specified in Food and Agricultural Code Subarticle 10 Section 53482:

Nursery stock, when offered for sale, may be labeled as to botanical name, kind or variety or common name at the discretion of the person offering it for sale. If such stock is labeled, it must comply with Section 53841 et seq., Food and Agricultural Code.

NOTE: Authority cited: Sections 407, 53391, 53392 and 53482, Food and Agricultural Code. Reference: Sections 53392 and 53481–53483, Food and Agricultural Code.

HISTORY

- 1. New article 6 (§§ 3061 and 3062) filed 6–20–58; effective thirtieth day thereafter (Register 58, No. 11).
- 2. Editorial change of article number from 6 to 12 (Register 62, No. 7).
- 3. Amendment filed 1–30–79 as an emergency; effective upon filing (Register 79, No. 5).
- 4. Certificate of Compliance filed 4-9-79 (Register 79, No. 15).
- 5. Amendment filed 8-2-79; designated effective 1-1-80 (Register 79, No. 31).
- Amendment filed 9–15–82; effective thirtieth day thereafter (Register 82, No. 38).
- 7. Repealer of subsection (a) designation and amendment of text, repealer of subsections (a)(1)–(f) and new final paragraph filed 8–16–94 as an emergency; operative 8–16–94 (Register 94, No. 33). A Certificate of Compliance must be transmitted to OAL by 12–14–94 or emergency language will be repealed by operation of law on the following day.
- 8. Certificate of Compliance as to 8-16-94 order transmitted to OAL 12-14-94 and filed 1-26-95 (Register 95, No. 4).

§ 3062. Grade-Sizes.

(a) General Provisions. Nursery stock, when offered for sale, need not be graded and tagged at the discretion of the person offering the stock for sale; but if it is graded and tagged, it must meet the requirements of this article. Nursery stock when graded by size shall have a well–developed root system and the canes or top–growth shall have proportionate weight and caliper according to grade–size and variety. The number and length of the canes or top–growth specified for each grade–size shall refer to the

number and length before such canes or top-growth are cut back or pruned in preparation for sale. Nursery stock which has been cut back or pruned may be compared with other stock of the same class which has not been cut back or pruned, to determine compliance with the grade-size established herein.

(b) Roses. Field-grown bare root rose bushes harvested after the second season of root growth shall be labeled with the grade-size on each bundle when sold at wholesale. Rose bushes which do not meet the lowest grade-sizes shall be labeled as "substandard" whenever sold at wholesale.

The grade–sizes hereby established for each classification of rose bushes are minimum sizes and not more than 10 percent of the roses in any lot shall be below the size specified.

- (1) Tea, Hybrid Tea, Grandiflora, Rugosa Hybrids, Hybrid Perpetuals, and Moss Roses. No. 1 rose bushes shall have three or more strong canes, 16 inches and up, branched not higher than three inches above the bud union.
- No. 1 1/2 rose bushes shall have two or more strong canes, 15 inches and up, branched not higher than three inches above the bud union.

No. 2 rose bushes shall have two or more strong canes, 12 inches and up, branched not higher than three inches above the bud union.

No. 3 rose bushes shall be of good salable and plantable quality.

(2) Floribunda Roses. No. 1 rose bushes shall have three or more strong canes, 15 inches and up, branched not higher than three inches above the bud union.

No. 1 1/2 rose bushes shall have two or more strong canes, 14 inches and up, branched not higher than three inches above the bud union.

No. 2 rose bushes shall be of good salable and plantable quality.

(3) Polyantha and Low Growing Floribunda Roses. No. 1 rose bushes shall have four or more canes, 10 inches and up, branched not higher than three inches above the bud union.

No. 11/2 rose bushes shall have three or more canes, eight inches and up, branched not higher than three inches above the bud union.

No. 2 rose bushes shall be of good salable and plantable quality.

(4) Climbing Roses. No. 1 rose bushes shall have three or more strong canes, 24 inches and up, branched not higher than three inches above the bud union or crown.

No. 1 1/2 rose bushes shall have two strong canes 18 inches and up, branched not higher than three inches above the bud union or crown.

No. 2 rose bushes shall be of good salable and plantable quality.

Effective September 1, 1985, the grade–sizes for roses shall be as hereafter specified. At the same time, the foregoing grade–sizes for roses shall be void. The grade–sizes for each group of bush rose classifications are minimum sizes and not more than ten percent of the roses in any bundle shall be below the size specified. As used in the grade–sizes below, "strong cane" means a cane that is at least 3/16 of an inch in caliper regardless of its length, and is healthy, vigorous, and fully developed so that it is hardened off throughout the specified length for the grade.

(1) Tea, Hybrid Tea, Grandiflora, Rugosa Hybrids, Hybrid Perpetuals, Moss, and Climbing Roses.

No. 1 rose bushes shall have at least three strong canes, 16 inches (40.6 cm) and up, branched not higher than three inches (7.6 cm) from the bud union.

No. 1 1/2 rose bushes shall have at least two strong canes, 15 inches (38.1 cm) and up, branched not higher than three inches (7.6 cm) from the bud union.

No. 2 rose bushes shall have at least two canes one of which shall be a strong cane, 12 inches (30.5 cm) and up, branched not higher than three inches (7.6 cm) from the bud union.

(2) Floribunda Roses.

No. 1 rose bushes shall have at least three strong canes, 15 inches (38.1 cm) and up, branched not higher than three inches (7.6 cm) from the bud union.

No. 1 1/2 rose bushes shall have at least two strong canes, 14 inches (35.6 cm) and up, branched not higher than three inches (7.6 cm) from the bud union.

No. 2 rose bushes shall have at least two canes one of which shall be a strong cane, 12 inches (30.5 cm) and up, branched not higher than three inches (7.6 cm) from the bud union.

NOTE: Although the grades for floribunda roses are not significantly different from those for the hybrid teas, grandifloras, and others of that group, as applied they normally should be expected to result in the marketing of rose bushes which are, on the average, lighter for this class.

(3) Polyantha and Low Growing Floribunda Roses.

No. 1 rose bushes shall have at least four canes, 10 inches (25.4 cm) and up, branched not higher than three inches (7.6 cm) from the bud union.

No. 1 1/2 rose bushes shall have at least three canes, 8 inches (20.3 cm) and up, branched not higher than three inches (7.6 cm) from the bud union.

No. 2 rose bushes shall have at least two canes, eight inches $(20.3 \ cm)$ and up, branched not higher than three inches $(7.6 \ cm)$ from the bud union.

- (c) Deciduous Fruit, Almond, Walnut and Pecan Trees. Grade-sizes are hereby established for the following kinds of nursery stock: almond, apple, apricot, cherry, fig, nectarine, peach, pear, pecan, persimmon, plum, prune, quince and walnut. Whenever these kinds are sold bare root in lots of ten or more of one variety, each bundle shall be labeled with the grade-size except that the grade-size shall not be required for flowering ornamental varieties, dwarf trees, multiple budded trees, dormant budded trees, unbudded rootstocks, or for trees individually packaged for use in the retail trade. The grade-size specified is the lower limit of a range of sizes up to the next highest grade-size specified. Not more than 10 percent of the trees in any bundle shall be less than the lower limit of the size specified and not more than 20 percent shall exceed the upper limit. Trees shall be graded by caliper to be measured two inches above the center of the bud union or, if not budded, two inches above the crown.
- (1) Yearling trees (two-year-old roots) and older shall be graded in the following sizes:

1/4 inch (6.4 mm), 5/16 inch (7.9 mm), 3/8 inch (9.5 mm), 1/2 inch (12.7 mm), 5/8 inch (15.9 mm), 3/4 inch (19.1 mm), 1 inch (25.4 mm). Grade–sizes less than 1/4 inch shall be graded "substandard." Grade–size larger than 1 inch (25.4 mm) shall be graded and labeled in 1/4 inch (6.4 mm) increments.

(2) June buds (one-year-old roots) shall be graded in the following sizes:

3/16 inch (4.8 mm), 1/4 inch (6.4 mm), 5/16 inch (7.9 mm), 3/8 inch (9.5 mm), 1/2 inch (12.7 mm), 5/8 inch (15.9 mm), 3/4 inch (19.1 mm) and up. Grade-sizes less than 3/16 inch shall be graded "substandard."

- (d) Grapevines. Whenever grapevines are sold bare root in lots of 25 or more of one variety each bundle shall be labeled with the grade–size. The grade–sizes hereby established are minimum sizes and not more than 10 percent of the vines in any lot shall be below the size specified. In addition to the minimum size specifications established for grapevines, rooted cuttings of grape rootstock varieties shall be graded by length and caliper size of the original cutting: length of rootstock to be measured from the uppermost node from which the top–growth originates to the basal node where roots develop; caliper size to be measured equidistant between the node from which the top–growth develops and the node immediately below. The following grade–sizes are hereby established:
- (1) No. 1 grapevines shall have a well-matured top-growth at least eight inches (20.3 cm) in length and shall have a well-developed root system originating from the basal node of the original cutting.

If such vines have been produced by grafting or budding, the unions

thereof shall be complete and sound without surplus callus tissue; no roots or suckers shall proceed from the scion portion, and no suckers shall proceed from the rootstock portion thereof.

Rooted cuttings of grape rootstock varieties shall be at least 14 inches (35.6 cm) in length and have a caliper size of at least 1/4 inch (6.4 mm).

Grapevines which meet the minimum size specifications for a No. 1 grapevine and in addition have one or more 14-inch (35.6 cm) canes of well-matured top-growth may be labeled with the grade-size designation, "Jumbo."

(2) No. 2 grapevines shall have healthy live roots originating from the basal node of the original cutting and shall have a well-matured top-growth at least four inches (10.2 cm) in length or a total of at least eight inches (20.3 cm) of well-matured top-growth.

If such vines have been produced by grafting or budding, the unions thereof shall be sound without a prominent surplus of callus tissue.

Rooted cuttings of grape rootstock varieties shall be at least 10 inches (25.4 cm) in length and have a caliper size of at least 1/4 inch (6.4 mm).

- (3) Substandard grapevines are grapevines that have some root and top growth, but which do not otherwise meet the minimum size specifications prescribed herein. Such grapevines shall be labeled "substandard."
- (e) Exemptions. All nursery stock requiring grading as described in this section shall be graded as provided except when by written agreement, buyer and seller agree that the nursery stock will be graded after sale by the buyer and before reselling. When a written agreement of this type is made, a copy of such agreement shall be provided upon request to the Department of Food and Agriculture or the County Agricultural Commissioner of the county in which the nursery stock was produced. NOTE: Authority cited: Sections 407, 53391 and 53392, Food and Agricultural Code. Reference: Sections 53392 and 53481, Food and Agricultural Code.

HISTORY

- 1. Amendment of subsection (e) filed 1–26–68; designated effective 6–1–68 (Register 68, No. 4). For prior history, see Register 66, No. 29.
- 2. New subsection (f) filed 10–26–73; effective thirtieth day thereafter (Register 73, No. 43).
- 3. Amendment filed 9–15–82; effective thirtieth day thereafter (Register 82, No. 38).
- 4. Amendment of subsection (b) filed 10–7–83; effective thirtieth day thereafter (Register 83, No. 41).
- 5. Amendment of subsection (b) filed 10–23–84; effective thirtieth day thereafter (Register 84, No. 43).
- 6. Amendment of subsection (a) filed 8-16-94 as an emergency; operative 8-16-94 (Register 94, No. 33). A Certificate of Compliance must be transmitted to OAL by 12-14-94 or emergency language will be repealed by operation of law on the following day.
- 7. Certificate of Compliance as to 8–16–94 order transmitted to OAL 12–14–94 and filed 1–26–95 (Register 95, No. 4).

Article 13. Origin Inspection of Nursery Stock from Other States

§ 3064. Release of Nursery Stock Inspected at Origin.

Nursery stock inspected at origin by representatives of the origin state Department of Agriculture may be released without inspection at California destination points upon compliance with all of the conditions specified in this section.

(a) Interstate Origin Inspection Agreements and Shipments from Approved Growing Grounds. Each participating nursery, as a condition of approval, shall sign an Interstate Origin Inspection Agreement agreeing to comply with all the requirements of this section and any other requirements that the California Department of Food and Agriculture deems

[The next page is 291.]

necessary to assure compliance with the California pest cleanliness standards.

Those growing grounds which have been licensed as nurseries, and recommended for this program by the origin state Department of Agriculture and approved by the California Department of Food and Agriculture, are designated as areas from which plant shipments may be released without inspection at destination. The release of plant material without inspection is limited to the types described in the particular Interstate Origin Inspection Agreement.

- (b) Advance Notice of Nurseries Intending to Ship Required. The origin state Department of Agriculture shall notify the California Department of Food and Agriculture, within 15 days prior to the first shipment, of the name of any nursery requesting approval of growing grounds to ship under this section.
- (c) Notice of Serious or New Pests Found. The origin state Department of Agriculture shall notify the California Department of Food and Agriculture of any serious or new pest found in any nursery authorized to ship to California under this section or found within one mile of such nursery.
- (d) Nursery Requirements. Nurseries authorized to ship into California under this section shall:
- (1) Maintain a regular pest control program monitored by the origin state Department of Agriculture and meet all pest cleanliness standards outlined by the California Department of Food and Agriculture.
- (2) Furnish the California Department of Food and Agriculture with a map of all approved growing grounds and a list of all types of approved plant material to be shipped under this section.
- (3) Ship pursuant to this section only plant material as named above and grown on approved growing grounds. Each shipment shall be accompanied by a special origin inspection certificate authorized by the origin state and California Departments of Agriculture.
- (4) Maintain a chronological record of all shipments to California receivers and upon request, make such records available to officials of the origin state Department of Agriculture and the California Department of Food and Agriculture. Unless otherwise provided, the record shall include the kinds and quantity of all plant material shipped, the date of shipment and the name of the consignee.
- (5) Comply with all other requirements the California Department of Food and Agriculture deems necessary to assure compliance with California pest cleanliness standards.

NOTE: Authority cited: Sections 407 and 6404, Food and Agricultural Code. Reference: Section 6404, Food and Agricultural Code.

HISTORY

1. New section filed 1–23–78; effective thirtieth day thereafter (Register 78, No. 4).

§ 3065. Oregon Nursery Stock Inspected at Origin May Be Released.

NOTE: Authority cited: Sections 407 and 6404, Food and Agricultural Code. Reference: Section 6404, Food and Agricultural Code.

HISTORY

- New Article 13 (Section 3065) filed 10–26–73; effective thirtieth day thereafter (Register 73, No. 43).
- 2. Editorial correction (Register 76, No. 38).
- 3. Repealer filed 1-23-78; effective thirtieth day thereafter (Register 78, No. 4).

§ 3066. Arizona Nursery Stock Inspected at Origin May Be Released.

NOTE: Authority cited: Sections 407 and 6404, Food and Agricultural Code. Reference: Section 6404, Food and Agricultural Code.

HISTORY

- 1. New section filed 10–18–74; effective thirtieth day thereafter (Register 74, No. 42).
- 2. Repealer filed 1-23-78; effective thirtieth day thereafter (Register 78, No. 4).

§ 3067. Washington Nursery Stock Inspected at Origin May Be Released.

NOTE: Authority cited: Sections 407 and 6404, Food and Agricultural Code. Reference: Section 6404, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–26–77 as an emergency; effective upon filing (Register 77, No. 5).
- 2. Certificate of Compliance filed 3-8-77 (Register 77, No. 11).
- 3. Repealer filed 1-23-78; effective thirtieth day thereafter (Register 78, No. 4).
- 4. Editorial correction of printing error (Register 83, No. 19).

Article 14. License to Sell Nursery Stock

NOTE: Authority cited: Subarticle 10 Section 407, Food and Agricultural Code; and Subarticle 10 Section 11000.7, Government Code. Reference: Subarticle 10 Sections 6723–6727, Food and Agricultural Code.

HISTORY

- 1. New Article 14 (Sections 3068–3068.1) filed 11–21–77 as procedural and organizational; effective upon filing (Register 77, No. 48).
- 2. Repealer of Subarticle 14 (Sections 3068 and 3068.1) filed 8–16–82; effective thirtieth day thereafter (Register 82, No. 34).

Article 15. California Certified and/or Registered Nursery Stock Programs

§ 3069. Disclaimer of Warranties and Financial Responsibility; Implementing Agreements and Forms.

- (a) Nature of "Registration" and/or "Certification." The terms "registration" and/or "certification" as used in these Programs mean that Department employees or agents have visually inspected growing grounds and crops thereon as described in this article. The terms do not mean that the Department has inspected or is responsible for nuclear or parent stock, or that the Department has control over the labeling of the stock by Program participants. Registration and/or certification does not guarantee or warrant that the articles to which foundation, registration or certification tags are attached, or which are otherwise represented as foundation, registered or certified are merchantable or fit for a particular purpose.
- (b) The Department of Food and Agriculture disclaims all express or implied warranties, including without limitation, implied warranties of merchantability and fitness for a particular purpose, regarding all plants, plant parts, and plant materials under any Nursery Stock Registration and/or Certification Program. The Department is not responsible for disease, genetic disorders, off-type, failure of performance, mislabeling, or otherwise, in connection with these Programs. In any event, Department liability is limited to the cost or purchase price of the plants, plant parts, or plant material involved. No grower, nursery, dealer, government official or other person is authorized to give any express or implied warranty, or accept any financial responsibility on behalf of the Department regarding these Programs, except as provided in this section.
- (c) Each participant in a specific Program shall be required to sign the following Agreement as a condition of participation:

CALIFORNIA NURSERY STOCK REGISTRATION AND/OR CERTIFICATION PROGRAM

3 California Administrative Code Subarticle 10 Section 3069. et seq.

READ THIS DOCUMENT CAREFULLY AND COMPLETELY BEFORE SIGNING DISCLAIMER OF WARRANTIES AND

NONLIABILITY AND INDEMNIFICATION AGREEMENT

(1) The undersigned grower is a participant in the (specific Registration and/or Certification) Program of the Department of Food and Agriculture. Applicant understands that the following limitations of liability apply:

LIMITATIONS OF LIABILITY

(A) The Department of Food and Agriculture disclaims all express or implied warranties, including without limitation, implied warranties of merchantability and fitness for a particular purpose.

- (B) The Department is not responsible for disease, genetic disorders, off-type, failure of performance, mislabeling, or otherwise, in connection with the Program.
- (C) In any event, Department liability is limited to the cost or purchase price of the plants, plant parts, or plant material.
- (D) No grower, nursery, dealer, government official or other person is authorized to give any express or implied warranty, or accept financial responsibility on behalf of the Department regarding the Program, except as provided in 3 California Administrative Code Subarticle 10 Section 3069.
- (2) Participant agrees to the above limitations of liability and further agrees:
- (A) To waive any and all causes of action for damages, indemnification, or otherwise, which may accrue to the applicant in any manner against the State of California, the Department, its officers, agents, and employees in connection with the Department's participation in the Program:
- (B) To indemnify, defend and save harmless the State of California, the Department and its officers, agents, and employees from any and all claims or losses occurring or resulting from the Department's participation in the Program in connection with participant's activities;
- (C) To attach to each container of foundation, registered or certified nursery stock a tag, accurately and fully completed. In lieu of a tag on each container, a notice, accurately and fully completed, may be printed on or attached to each bulk delivery invoice. Each tag and notice will be in the form provided by 3 California Administrative Code Subarticle 10 Section 3069(d); and
- (D) Not to advertise or otherwise represent that the Department certifies freedom from disease, genetic disorder, off-type or any aspect of performance, nor that the Department has any financial responsibility with regard to the Program.

This agreement shall be deemed to incorporate future amendments to the Food and Agricultural Code and 3 California Administrative Code relating to the Nursery Stock Registration and/or Certification Program.

The agreement shall remain in effect for the current and each succeeding year of Program participation.

Date	Name of Growe
	Ву
	Title
	Street Address
	City and Zip Code

NOTE: If participant is a sole proprietorship, the owner must sign; if a partnership, a managing partner; if a corporation, an executive officer. Keep a signed copy for your file.

(d) Following is the statement required on each tag or notice which is to be used by Program participants, as stated in Subsection (c):

(1) Tag

(FRONT OF TAG, WHICH STATES PROGRAM NAME) NOTICE OF NONLIABILITY AND DISCLAIMER OF WARRANTIES.

THE CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE DISCLAIMS ALL EXPRESS OR IMPLIED WARRANTIES, INCLUDING WITHOUT LIMITATION, IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE, REGARDING ALL PLANTS, PLANT PARTS AND PLANT MATERIALS UNDER THE PROGRAM. (CONTINUED ON REVERSE OF THIS TAG.)

The Department is not responsible for disease, genetic disorders, off-type, failure of performance, mislabeling, or otherwise, in connection with the Program. In any event, Department liability is limited to the cost or purchase price of the plants, plant parts, or plant materials involved. No grower, nursery, dealer, government official or other person is authorized to give any express or implied warranty, or accept any financial responsibility on behalf of the Department regarding the Program, except as provided in 3 California Administrative Code Subarticle 10 Section 3069.

The grower, whose name and participation number appear on the other side, is responsible for all information filled in on this tag.

Inquiries should be addressed to: California Department of Food and Agriculture, Pest Exclusion/Nursery Program, 1220 N Street, Room 427, Sacramento, California 95814, telephone (916) 445–2388. Include the participant's name and the lot or block number and serial number shown on the face of this tag.

(2) Bulk Delivery Invoice Notice (which states Program name).
DISCLAIMER OF WARRANTIES AND NOTICE OF NONLI-ABILITY

THE CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE DISCLAIMS ALL EXPRESS OR IMPLIED WARRANTIES, INCLUDING WITHOUT LIMITATION, IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE, REGARDING ALL PLANTS, PLANT PARTS, AND PLANT MATERIALS UNDER THE PROGRAM.

The Department is not responsible for disease, genetic disorders, off-type, failure of performance, mislabeling, or otherwise, in connection with the Program. In any event, Department liability is limited to the cost or purchase price of the plants, plant parts, or plant materials involved. No grower, nursery, dealer, government official or other person is authorized to give any express or implied warranty, or to accept any financial responsibility on behalf of the Department regarding the Program, except as provided in 3 California Administrative Code Subarticle 10 Section 3069.

The grower, whose name and participation number appear on this document, is responsible for all information filled in on this document.

Inquiries should be addressed to: California Department of Food and Agriculture, Pest Exclusion/Nursery Program, 1220 N Street, Room 427, Sacramento, California 95814, telephone (916) 445–2388. Include the participant's name and the lot number shown on this document.

NOTE: Authority cited: Sections 407 and 5823, Food and Agricultural Code. Reference: Sections 5821 and 5822, Food and Agricultural Code.

HISTORY

1. New Article 15 (Section 3069) filed 12–30–83; effective thirtieth day thereafter (Register 84, No. 1).

Page 292 Register 93, No. 49: 12–3–93

Subchapter 3. Pest Control Operations

(Originally Published 6–25–45)

Article 1. Definitions

NOTE: Authority cited: Subarticle 10 Sections 407, 11502, 11702, 12005, 12111, 12781 and 12979, Food and Agricultural Code. Reference: Sections 11401–12121, 12971–12979 and 12991, Food and Agricultural Code.

HISTORY

- 1. Repealer of Group 3 (Subarticle 10 Sections 3070–3145, not consecutive) and new Group 3 (Subarticle 10 Sections 3070 through 3145, not consecutive) filed 7–28–76; effective thirtieth day thereafter (Register 76, No. 31). For prior history, see Registers 60, No. 9; 65, No. 5; 66, No. 9; 69, No. 51; 70, No. 5; 72, No. 28; 73, No. 5; 73, No. 9; 73, No. 26 and 74, No. 15.
- 2. New subsection (i) filed 12–6–78; effective thirtieth day thereafter (Register 78, No. 49).
- 3. New subsection (j) filed 1–17–80; effective thirtieth day thereafter (Register 80, No. 3).
- 4. Repealer of Article 1 (Subarticle 10 Section 3 070) filed 1–24–83; effective upon filing pursuant to Government Code Subarticle 10 Section 11346.2(d) (Register 83, No. 5).

Article 2. Agricultural Pest Control Operator Licenses

NOTE: Authority cited: Sections 407, 11502, 11702, 12005, 12111, 12781 and 12979, Food and Agricultural Code. Reference: Subarticle 10 Sections 11401–12121, 12971–12979 and 12991, Food and Agricultural Code.

HISTORY

1. Repealer of Article 2 (Subarticle 10 Sections 3075–3079) filed 1–24–83; effective upon filing pursuant to Government Code Subarticle 10 Section 11346.2(d) (Register 83, No. 5). For prior history, see Register 78, No. 49.

Article 3. Permits to Operate Without a License

HISTORY

1. Repealer of Article 3 (Section 3080) filed 1–24–83; effective upon filing pursuant to Government Code Subarticle 10 Section 11346.2(d) (Register 83, No. 5).

Article 4. Aircraft Pilot's Pest Control Certificates

NOTE: Authority cited: Sections 407, 409 and 11502, Food and Agricultural Code. Reference: Subarticle 10 Sections 409, 11903 and 11904, Food and Agricultural Code.

HISTORY

Repealer of Article 4 (Sections 3087–3089.1) filed 1–24–83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 5). For prior history, see Registers 81, No. 42; and 78, No. 49.

Article 5. Pest Control Operations for Hire

§ 3090. Equipment Identification.

NOTE: Authority cited: Sections 407, 11502, 11702, 12005, 12111, 12781 and 12979, Food and Agricultural Code. Reference: Subarticle 10 Sections 11401–12121, 12971–12979 and 12991, Food and Agricultural Code.

HISTORY

- Amendment of section and title of Article 5 filed 12-6-78; effective thirtieth day thereafter (Register 78, No. 49).
- 2. Repealer filed 1-3-83; effective thirtieth day thereafter (Register 83, No. 2).

§ 3090.1. Reports of Vehicle Accidents, Forced Landings, Emergency or Accidental Release.

HISTORY

1. Repealer filed 1-3-83; effective thirtieth day thereafter (Register 83, No. 2).

§ 3090.2. Reports.

NOTE: Authority cited: Sections 407, 11502, 11702, 12005, 12111, 12781 and 12979, Food and Agricultural Code. Reference: Subarticle 10 Sections 11401–12121, 12971–12979 and 12991, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 12–6–78; effective thirtieth day thereafter (Register 78, No. 49).
- 2. Editorial renumbering of Section 3090.2(a) and (d) to Section 6438 and renumbering of Section 3090.2(b),(c) and (e) to Section 6440 filed 8–13–85 (Register 85, No. 33).

Article 6. Pest Control Operations

§ 3091. General.

HISTORY

1. Repealer filed 1–3–83; effective thirtieth day thereafter (Register 83, No. 2).

§ 3092. Experimental Use Permits.

HISTORY

1. Editorial renumbering and amendment of Section 3092 to Subarticle 10 Section 6260 filed 7–19–85 (Register 85, No. 29).

§ 3093. Protection of Persons, Animals, and Property.

NOTE: Authority cited: Subarticle 10 Sections 407, 11502, 11702, 12005, 12111, 12781, and 12979, Food and Agricultural Code. Reference: Subarticle 10 Sections 11401–12121, 12971–12979, and 12991, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 12–6–78; effective thirtieth day thereafter (Register 78, No.
- 2. Repealer filed 1-3-83; effective thirtieth day thereafter (Register 83, No. 2).

§ 3094. Work Requirements.

HISTORY

1. Repealer filed 1-3-83; effective thirtieth day thereafter (Register 83, No. 2).

§ 3095. Vector Control Exemption.

Note: Authority cited: Sections 407, 11502, 11702, 12005, 12111, 12781, 12976, and 12979, Food and Agricultural Code. Reference: Subarticle 10 Sections 11401–11531, and 12751–13102, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 12–6–78; effective thirtieth day thereafter (Register 78, No. 49)
- 2. Amendment and new subsections (a), (b), and (c) filed 12–29–78 as an emergency; designated effective 1–6–79 at 12:01 a.m. (Register 78, No. 52).
- 3. Certificate of Compliance filed 4-10-79 (Register 79, No. 15).
- 4. Amendment of subsection (b) filed 4–10–79; effective thirtieth day thereafter (Register 79, No. 15).
- 5. Repealer filed 1-3-83; effective thirtieth day thereafter (Register 83, No. 2).

§ 3096. Protection of Bees.

NOTE: Authority cited: Subarticle 10 Sections 407, 11502, 12781, 14005, 29032, and 29145.1, Food and Agricultural Code. Reference: Subarticle 10 Sections 11401–11940, 14001–14104, 29001–29328, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 3–8–79 as an emergency; effective upon filing (Register 79, No. 10).
- 2. Certificate of Compliance filed 6-19-79 (Register 79, No. 25).
- 3. Repealer filed 1-3-83; effective thirtieth day thereafter (Register 83, No. 2).

§ 3097. Citrus/Bee Protection Area.

Note: Authority cited: Subarticle 10 Sections 407, 11502, 12005, 12781, 14005, 29032 and 29145.1, Food and Agricultural Code. Reference: Subarticle 10 Sections 11401–12054, 14001–14104 and 29001–29328, Food and Agricultural Code.

HISTORY

- 1. New section filed 3–16–78 as an emergency; effective upon filing (Register 78, No. 11).
- 2. Certificate of Compliance filed 4-28-78 (Register 78, No. 17).
- 3. Amendment filed 3–8–79 as an emergency; effective upon filing (Register 79, No. 10).
- 4. Certificate of Compliance filed 6-19-79 (Register 79, No. 25).
- 5. Amendment filed 6–19–79; effective thirtieth day thereafter (Register 79, No. 25).
- Amendment of subsections (h) and (i) filed 3-26-80 as an emergency; designated effective 3-26-80 (Register 80, No. 13). A Certificate of Compliance

must be transmitted to OAH within 120 days or emergency language will be repealed on 7–25–80.

- 7. Certificate of Compliance filed 6-26-80 (Register 80, No. 26).
- 8. Repealer filed 1-3-83; effective thirtieth day thereafter (Register 83, No. 2).

§ 3098. Service Containers.

NOTE: Authority cited: Subarticle 10 Sections 407, 11502, 12781, 12859, and 12976, Food and Agricultural Code. Reference: Subarticle 10 Sections 11401 through 11940, and 12751 through 13102, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–17–80; effective thirtieth day thereafter (Register 80, No. 3)
- 2. Repealer filed 1-3-83; effective thirtieth day thereafter (Register 83, No. 2).

Article 7. Recommendations and Usage

NOTE: Authority cited: Subarticle 10 Sections 407, 11502, 11702, 12005, 12111, 12781, and 12979, Food and Agricultural Code. Reference: Subarticle 10 Sections 11401–12121, 12971–12979, and 12991, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 12–6–78; effective thirtieth day thereafter (Register 78, No. 49).
- Repealer of Article 7 (Subarticle 10 Sections 3110 and 3111) filed 1–3–83; effective thirtieth day thereafter (Register 83, No. 2).

Article 8. Agricultural Pest Control Adviser Licenses

NOTE: Authority cited: Subarticle 10 Sections 407, 11502, 11702, 12005, 12111, 12781, and 12979, Food and Agricultural Code. Reference: Subarticle 10 Sections 11401–12121, 12971–12979, and 12991, Food and Agricultural Code.

HISTORY

- 1. Amendment of section and title of Article 8 filed 12–6–78; effective thirtieth day thereafter (Register 78, No. 49).
- Repealer of Article 8 (Subarticle 10 Sections 3120–3123, not consecutive) filed 1–24–83; effective upon filing pursuant to Government Code Subarticle 10 Section 11346.2(d) (Register 83, No. 5). For prior history, see Register 80, Nos. 27 and 18.

Article 9. Pesticide Dealer Licenses

NOTE: Authority cited: Subarticle 10 Sections 407, 11502, 11702, 12005, 12111, 12781, and 12979, Food and Agricultural Code. Reference: Subarticle 10 Sections 11401–12121, 12971–12979, and 12991, Food and Agricultural Code.

HISTORY

- Amendment of section and title of Article 9 filed 12-6-78; effective thirtieth day thereafter (Register 78, No. 49).
- 2. Repealer of Article 9 (Subarticle 10 Sections 3128–3133) filed 1–24–83; effective upon filing pursuant to Government Code Subarticle 10 Section 11346.2(d) (Register 83, No. 5). For prior history, see Register 78, No. 49.

Article 10. Pesticide Storage, Transportation and Disposal

§ 3135. Findings of the Director.

NOTE: Authority cited: Subarticle 10 Sections 407, 12976 and 12981, Food and Agricultural Code. Reference: Subarticle 10 Sections 11501, 12981 and 14102, Food and Agricultural Code.

HISTORY

1. Renumbering of Subarticle 10 Section 3135 to Subarticle 10 Section 6670(a) filed 7–18–85; effective thirtieth day thereafter (Register 85, No. 29).

§ 3136. Control of Pesticides, Containers, and Equipment.

NOTE: Authority cited: Subarticle 10 Sections 407, 12976 and 12981, Food and Agricultural Code. Reference: Subarticle 10 Sections 11501, 12981 and 14102, Food and Agricultural Code.

HISTORY

 Renumbering of Subarticle 10 Section 3136(a) to Subarticle 10 Section 6670(b), and renumbering of Subarticle 10 Section 3136(b) to Subarticle 10 Section 6672(b) filed 7–18–85; effective thirtieth day thereafter (Register 85, No. 29).

§ 3137. Delivery of Pesticide Containers.

NOTE: Authority cited: Subarticle 10 Sections 407, 12976 and 12981, Food and Agricultural Code. Reference: Subarticle 10 Sections 11501, 12981 and 14102, Food and Agricultural Code.

HISTORY

1. Renumbering of Subarticle 10 Section 3137 to Subarticle 10 Section 6672(a) filed 7–18–85; effective thirtieth day thereafter (Register 85, No. 29).

§ 3138. Posting of Pesticide Storage Areas.

NOTE: Authority cited: Subarticle 10 Sections 407, 12976 and 12981, Food and Agricultural Code. Reference: Subarticle 10 Sections 11501, 12981 and 14102, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 12–6–78; effective thirtieth day thereafter (Register 78, No. 49)
- 2. Renumbering of Subarticle 10 Section 3138 to Subarticle 10 Section 6674 filed 7–18–85; effective thirtieth day thereafter (Register 85, No. 29).

§ 3138.1. Storage Labeling.

HISTORY

1. Repealer filed 5-31-95; operative 6-30-95 (Register 95, No. 22).

§ 3139. Prohibited Containers for Pesticides.

NOTE: Authority cited: Subarticle 10 Sections 407, 12976 and 12981, Food and Agricultural Code. Reference: Subarticle 10 Sections 11501, 12981 and 14102, Food and Agricultural Code.

HISTORY

1. Renumbering of Subarticle 10 Section 3139 to Subarticle 10 Section 6680 filed 7–18–85; effective thirtieth day thereafter (Register 85, No. 29).

§ 3140. Container Requirements.

NOTE: Authority cited: Subarticle 10 Sections 407, 12976 and 12981, Food and Agricultural Code. Reference: Subarticle 10 Sections 11501, 12981 and 14102, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 12-6-78; effective thirtieth day thereafter (Register 78, No. 49).
- 2. Renumbering of Subarticle 10 Section 3140 to Subarticle 10 Section 6676 filed 7–18–85; effective thirtieth day thereafter (Register 85, No. 29).

§ 3140.1. Transportation.

NOTE: Authority cited: Subarticle 10 Sections 407, 12976 and 12981, Food and Agricultural Code. Reference: Subarticle 10 Sections 11501, 12981 and 14102, Food and Agricultural Code.

HISTORY

1. Renumbering of Subarticle 10 Section 3140.1 to Section 6682 filed 7–18–85; effective thirtieth day thereafter (Register 85, No. 29).

§ 3141. Rinse and Drain Procedures.

NOTE: Authority cited: Subarticle 10 Sections 407, 12976 and 12981, Food and Agricultural Code. Reference: Subarticle 10 Sections 11501, 12981 and 14102, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 12–6–78; effective thirtieth day thereafter (Register 78, No. 49).
- 2. Renumbering of Subarticle 10 Section 3141 to Subarticle 10 Section 6684 filed 7–18–85; effective thirtieth day thereafter (Register 85, No. 29).

§ 3142. Disposal of Rinsed Containers.

NOTE: Authority cited: Subarticle 10 Sections 407, 12976 and 12981, Food and Agricultural Code. Reference: Subarticle 10 Sections 11501, 12981 and 14102, Food and Agricultural Code.

HISTORY

- 1. Editorial correction of first sentence filed 7–18–85; effective thirtieth day thereafter (Register 85, No. 29).
- 2. Repealer filed 5-31-95; operative 6-30-95 (Register 95, No. 22).

§ 3143. Disposal of Pesticides and Unrinsed Containers.

NOTE: Authority cited: Subarticle 10 Sections 407, 12976 and 12981, Food and Agricultural Code. Reference: Subarticle 10 Sections 11501, 12981 and 14102, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 12–6–78; effective thirtieth day thereafter (Register 78, No. 49).
- Editorial correction of subsection (a)(1) filed 7–18–85; effective thirtieth day thereafter (Register 85, No. 29).
- 3. Repealer filed 5-31-95; operative 6-30-95 (Register 95, No. 22).

Page 294

§ 3144. Disposal of Outer Shipping Containers and Dry **Pesticide Containers.**

NOTE: Authority cited: Subarticle 10 Sections 407, 11502, 11702, 12005, 12111, 12781, and 12979, Food and Agricultural Code. Reference: Subarticle 10 Sections 11401–12121, 12971–12979, and 12991, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 12–6–78; effective thirtieth day thereafter (Register 78, No. 49).
- 2. Repealer filed 5-31-95; operative 6-30-95 (Register 95, No. 22).

§ 3145. Exemptions.

NOTE: Authority cited: Subarticle 10 Sections 407, 12976 and 12981, Food and Agricultural Code. Reference: Subarticle 10 Sections 11501, 12981 and 14102, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 12-6-78; effective thirtieth day thereafter (Register 78, No.
- 2. Renumbering of Subarticle 10 Section 3145 to Subarticle 10 Section 6686 filed 7-18-85; effective thirtieth day thereafter (Register 85, No. 29).

[The next page is 297.]

Subchapter 4. Plant Quarantine

(Originally Printed 7-25-45)

Article 1. Definitions

NOTE: Authority cited for regulations in Group 4: Subarticle 1 Sections 403, 404, 407, 5024, 5301, 5302, 5303, 5322, 5721, 5741, 6443 and 7502, Food and Agricultural Code. Issuing agency: Director of Food and Agriculture and/or the Governor.

HISTORY

- 1. Amendment filed 10–4–60; effective thirtieth day thereafter (Register 60, No. 21).
- 2. Amendment filed 7–14–66; effective thirtieth day thereafter (Register 66, No. 22)
- 3. Editorial change of internal references to conform to Food and Agricultural Code, 1967 Stats., c. 15 (Register 68, No. 13).
- Repealer of Article 1 (Subarticle 1 Section 3150) filed 3–29–83; effective thirtieth day thereafter (Register 83, No. 14).

Article 2. General Provisions of Quarantine Regulations

§ 3152. Pests Requiring No Action.

Armored scales of the family Diaspididae found infesting commercial shipments of botanical fruits, without leaves, stems, or contaminants, and intended for consumption shall not be subject to any regulatory actions pertaining to its being a plant pest.

NOTE: Authority cited: Sections 407 and 5322, Food and Agricultural Code. Reference: Sections 407 and 5322, Food and Agricultural Code.

HISTORY

- 1. New section filed 8–10–2007 as an emergency; operative 8–10–2007 (Register 2007, No. 32). A Certificate of Compliance must be transmitted to OAL by 2–6–2008 or emergency language will be repealed by operation of law on the following day. For prior history, see Register 83, No. 14.
- 2. Certificate of Compliance as to 8-10-2007 order transmitted to OAL 12-6-2007 and filed 1-18-2008 (Register 2008, No. 3).

§ 3153. Federal Experimental Shipments Exempted.

Federal experimental shipments moved into this State by, or at the request of the United States Department of Agriculture, are exempted from the provisions of exterior quarantine regulations.

NOTE: Authority cited: Subarticle 2 Sections 407 and 5302, Food and Agricultural Code. Reference: Subarticle 2 Section 5302, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 7–14–66; effective thirtieth day thereafter (Register 66, No. 22)
- 2. Editorial correction adding NOTE filed 6–3–83; effective thirtieth day thereafter (Register 83, No. 23).

§ 3154. Director May Issue Special Permits.

The director may issue special permits allowing entry into the state or movement within the state of articles or commodities otherwise prohibited by quarantine subject to limitations, conditions, and/or provisions to prevent introduction, escape or spread of the pest quarantined against. Such limitations, conditions, and/or provisions may vary depending on the intended use of the articles or commodities and the potential risk of pest escape and will be specified in the permit.

NOTE: Authority cited: Subarticle 2 Sections 407, 5302 and 5322, Food and Agricultural Code. Reference: Subarticle 2 Sections 5301, 5302 and 5322, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 7–14–66; effective thirtieth day thereafter (Register 66, No. 22).
- 2. Amendment filed 7–28–77 as organizational and procedural; effective upon filing (Register 77, No. 31).
- 3. Repealer and new section filed 3–29–83; effective thirtieth day thereafter (Register 83, No. 14).

§ 3155. Disposition of Violations.

HISTORY

- 1. Amendment filed 7–14–66; effective thirtieth day thereafter (Register 66, No. 22).
- 2. Repealer filed 3–29–83; effective thirtieth day thereafter (Register 83, No. 14).

§ 3156. Hold for Inspection.

HISTORY

- 1. Amendment filed 7–14–66; effective thirtieth day thereafter (Register 66, No. 22).
- Amendment filed 7-28-77 as organizational and procedural; effective upon filing (Register 77, No. 31).
- 3. Repealer filed 3-29-83; effective thirtieth day thereafter (Register 83, No. 14).

§ 3157. Warning Tags.

HISTORY

- 1. Amendment filed 7–14–66; effective thirtieth day thereafter (Register 66, No. 22).
- Amendment filed 7–28–77 as organizational and procedural; effective upon filing (Register 77, No. 31).
- 3. Repealer filed 3–29–83; effective thirtieth day thereafter (Register 83, No. 14).

§ 3158. Director May Designate Exemptions.

HISTORY

- 1. Amendment filed 7–14–66; effective thirtieth day thereafter (Register 66, No. 22)
- 2. Repealer filed 3–29–83; effective thirtieth day thereafter (Register 83, No. 14).

§ 3159. Violation Is Misdemeanor.

HISTORY

- 1. Amendment filed 7–14–66; effective thirtieth day thereafter (Register 66, No. 22).
- Editorial change in internal reference to conform to Food and Agricultural Code, 1967 Stats., c. 15 (Register 68, No. 13).
- 3. Repealer filed 3-29-83; effective thirtieth day thereafter (Register 83, No. 14).

§ 3160. Reimbursement for Services.

- (a) Pursuant to Section 6303(d), Food and Agricultural Code, fees may be charged for reimbursable services. Reimbursable services are those which a shipper or receiver requests; or those services which are required prior to the release of any quarantined shipment which has been prohibited entry into California or which must be returned out of state unless the shipment is unloaded under supervision, inspected, or treated under supervision as necessary to eliminate any pest or pest risk.
- (b) The Secretary or agricultural commissioner may charge for the services rendered in connection with subsection (a) at a rate equal to the actual cost of the service, portal to portal, adopted as a fee by a county board of supervisors and published in the fee schedule of the county. If the actual cost of the service has not been adopted as a fee by a county board of supervisors and published in the fee schedule of the county, then the rate shall be \$35 per hour and \$0.30 per mile, portal to portal.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 6303, 6462 and 6464, Food and Agricultural Code.

HISTORY

- 1. New section filed 11-20-89; operative 12-20-89 (Register 89, No. 47).
- 2. Amendment of subsection (b) filed 7–24–95; operative 8–23–95 (Register 95, No. 30)

§ 3161. Incorporation of Federal Quarantine Regulations.

The Secretary of the Department of Food and Agriculture has determined that violations of federal plant quarantine regulations pose a threat to the agricultural industry of this State and hereby adopts, through reference, the regulations in the Code of Federal Regulations, Title 7, Parts 301 through 369, inclusive, and any subsequent amendments to those regulations.

Note: Authority cited: Sections 407 and 6301.1, Food and Agricultural Code. Reference: Sections 5028, 5311, 6301 and 6301.1, Food and Agricultural Code. HISTORY

- 1. New section filed 12-22-95 as an emergency; operative 1-1-96 (Register 95, No. 51). A Certificate of Compliance must be transmitted to OAL by 4-29-96 or emergency language will be repealed by operation of law on the following day
- Certificate of Compliance as to 12–22–95 order transmitted to OAL 3–21–96 and filed 4–24–96 (Register 96, No. 17).

Article 3. Exterior Quarantine (Regulations)

§ 3250. Citrus Pests Exterior Quarantine.

A quarantine is established against the following pests, their hosts and possible carriers.

- (a) Pests. Any species of fruit flies of the family Tephritidae known to attack citrus; citrus canker, Xanthomonas axonopodis pv. citri; and any other injurious insect or other animal or plant disease pest of citrus which does not occur, or is not generally established in California.
- (b) Area Under Quarantine. All states, districts, and territories of the United States, except the State of Arizona.
 - (c) Articles and Commodities Covered.
 - (1) From the area under quarantine, except the State of Florida:
 - (A) All species and varieties of citrus fruits;
- (B) All plants and propagative parts, except seed, belonging to, or hybrids of, the genera Citrus (true citrus), Fortunella (kumquats), Poncirus (trifoliate oranges), Aeglopsis (dwarf powder-flask fruit), and Afraegle (African powder-flask fruit).
 - (2) From the State of Florida:
 - (A) All species and varieties of citrus fruits;
- (B) All plants and plant parts, except seed, belonging to, or hybrids of, the plant family Rutaceae, including, but not limited to, the genera Citrus (true citrus), Fortunella (kumquats), Murraya (mock orange), Poncirus (trifoliate oranges), Aeglopsis (dwarf powder-flask fruit), and Afraegle (African powder-flask fruit).
 - (d) Restrictions.
- (1) Trees, Plants, Scions, Buds, Cuttings, and Understock Prohibited. All plants and propagative materials (except seed) of all species, varieties, and hybrids of plant material listed in subsection (c)(1)(B) are prohibited entry into California from the area under quarantine except the State of Florida unless authorized entry under permit issued by the department or when shipped by, or at the request of, the United States Department of Agriculture for experimental purposes.
- (2) Trees, Plants, and Plant Parts Prohibited. All plants and plant parts (except seed) of all species, varieties, and hybrids of plant material listed in subsection (c)(2)(B) are prohibited entry into California from the State of Florida except when authorized entry under permit issued by the department or when shipped by, or at the request of, the United States Department of Agriculture for experimental purposes.
- (3) Requirements for Entry of Citrus Fruit from Florida or Texas. Commercial shipments of citrus fruit made by commercial packing houses, may be admitted into this state from Florida or Texas provided conditions are met as listed under (A) or (B), and (C) and (D) of this para-
- (A) Shipments of Florida citrus fruit, except lemons and sour limes, must be accompanied by a certificate issued by an official of the Florida Department of Agriculture and Consumer Services indicating the fruit was treated in accordance with methods approved by the department.
- (B) Shipments of Texas citrus fruit, except lemons and sour limes, must be accompanied by a Federal Master Permit issued under provisions of the United States Mexican Fruit Fly Quarantine and by an agent of the United States Department of Agriculture.
- (C) Surface Pests. Treatment for surface pests (scale, insects, mites, etc.) is not required as a condition of entry for all citrus fruit, including lemons and sour limes, from Florida and Texas destined to California when the fruit has been cleaned by washing and scrubbing with brushes in a commercial packing house in preparation for interstate shipment. If the fruit has not been so cleaned, prepared and handled, then the fruit shall be treated to assure the fruit is free of surface pests under official supervision prior to shipment and be so certified by an authorized agricultural official of the state of origin.
- (D) All containers in which citrus fruit are shipped to California shall be new.
- (4) Citrus fruit from the area under quarantine is prohibited entry into California except as provided herein.
- (5) Automobiles, Other Vehicles, and Their Contents, Subject to Inspection. Automobiles, trailers, trucks, and other vehicles, baggage, personal effects, household goods, and camping implements, arriving in California from any state or territory of the United States may be placed in quarantine by the department until it has been determined by inspec-

tion that the same are free from all varieties of citrus fruits and citrus plants, and parts thereof, except seeds.

NOTE: Authority cited: Sections 407, 5301 and 5302, Food and Agricultural Code. Reference: Sections 5301 and 5302, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 10-27-72 as an emergency; designated effective 11-1-72 (Register 72, No. 44). For prior history, see Register 68, No. 17. Certificate of Compliance filed 12–15–72 (Register 72, No. 51)
- 3. Amendment filed 7–11–73; effective thirtieth day thereafter (Register 73, No.
- 4. Amendment filed 7-28-77 as organizational and procedural; effective upon filing (Register 77, No. 31).
- 5. Repealer and new section filed 3-29-83; effective thirtieth day thereafter (Register 83, No. 14).
- 6. Amendment of section heading, section and NOTE filed 6-30-98 as an emergency; operative 6-30-98 (Register 98, No. 27). A Certificate of Compliance must be transmitted to OAL by 10-28-98 or emergency language will be repealed by
- operation of law on the following day.

 Certificate of Compliance as to 6–30–98 order, including amendment of section, transmitted to OAL 10-26-98 and filed 12-8-98 (Register 98, No. 50).

§ 3251. Chestnut Bark Disease and Oak Wilt Disease **Exterior Quarantine (Quarantine** Proclamation 2).

A quarantine is established against the following pests, their hosts, and possible carriers.

- (a) Pests. Chestnut bark disease (Endothia parasitica), a fungus carried by birds, insects, water, wind, and shipment of nursery stock and unpeeled wood; and oak wilt disease (Ceratocystis fagacearum), a fungus carried under the bark of live or dead trees or parts of trees and also by oak bark beetles and sap beetles.
- (b) Area Under Quarantine. All states and districts of the United States except the State of Arizona.
- (c) Commodities Covered. All species and varieties of chestnut (Castanea spp.), chinquapin (Castanopsis spp.), oak (Quercus spp.), and tanbark oak (Lithocarpus densiflora) trees, plants, and parts thereof including grafts, cuttings, scions, nuts (except acorns), leaf mold, firewood and unpeeled logs are hereby declared to be hosts and possible carriers of the pests herein quarantined against.
 - (d) Restrictions.
- (1) Commodities Covered Prohibited From Area Under Quarantine. Except as provided in paragraph (4) hereof, all commodities covered shall be refused admittance into the State of California from the area under quarantine unless each lot or shipment is accompanied by an official certificate evidencing compliance with paragraph (2) or (3) below
- (2) Commodities Covered Produced in Western States Admitted Under Certificate of Origin. All commodities covered produced in and shipped from that portion of the area under quarantine west of the states of Montana, Wyoming, Colorado, and New Mexico are admissible into California, provided that each lot or shipment is accompanied by an official certificate issued by, and bearing an original or facsimile signature of, the authorized agricultural inspection official of the state in which the commodities were grown or shipped, affirming that chestnut bark disease and oak wilt disease are not known to occur in the state where grown, and also setting forth the name of the state where produced and the kind and amount of commodities covered by the certificate.
- (3) Commodities Covered Admissible Under Certificate of Treatment. Commodities covered may be shipped to California from the area under quarantine subject to prior approval by the Director of the method of treatment to be used. Except as provided in subsection (d)(2), each shipment of a commodity covered must be accompanied by an official certificate issued by, and bearing an original or facsimile signature of, the authorized agricultural official of the state of origin indicating the method of treatment, quantity of commodity covered, identification or license number of carrier, and the names and addresses of the shipper and consignee.
- (4) No Restrictions on Foreign Nuts. No restrictions are placed by this quarantine upon the nuts of all species and varieties of chestnut and chinquapin (Castanea spp. and Castanopsis spp.) grown in and imported

Common Name

from foreign countries when reshipped into or arriving in this State in an unopened original container.

NOTE: Authority cited: Subarticle 2 Sections 407, 5301 and 5302, Food and Agricultural Code. Reference: Subarticle 2 Sections 5301 and 5302, Food and Agricultural Code.

HISTORY

- 1. Repealer and new section filed 12-15-75; effective thirtieth day thereafter (Register 75, No. 51). For prior history, see Register 73, No. 28.

 2. Amendment of subsections (a) and (c) filed 7–11–84; effective thirtieth day
- thereafter (Register 84, No. 28).
- 3. Amendment of subsection (d)(3) filed 3-3-94; operative 4-4-94 (Register 94, No. 9)

§ 3252. Caribbean Fruit Fly Exterior Quarantine.

A quarantine is established against the following pest, its hosts, and possible carriers.

- (a) Pest. Caribbean fruit fly, Anastrepha suspensa, of the family Tephritidae is, in the adult stage, a yellowish-brown fly from one and a half to two times the size of a housefly. This insect is a serious pest of many kinds of fruit.
- (b) Area Under Quarantine. The Commonwealth of Puerto Rico and all the State of Florida south of and including Hernando, Sumter, Lake, and Volusia counties.
 - (c) Articles and Commodities Covered.
- (1) The fruit or berries of all plants listed below are declared to be hosts and possible carriers of the Caribbean fruit fly.

nd possible carriers of the Carrobea	minuti my.
Common Name	Botanical Name
Akee	Blighia sapida
Allspice	Pimenta dioica
Apple	Malus sylvestris
Avocado, except commercial	•
fruit	Persea americana
Barbados Cherry	Malpighia glabra
Bell Pepper, except commercial	7 0 0
fruit	Capsicum frutescens
Blackberry	Rubus hybrid
Box Orange	Severinia buxifolia
Calabur	Muntingia calabura
Calamondin	X Citrofortunella mitis
Carambola	Averrhoa carambola
Ceylon Gooseberry	Dovyalis hebecarpa
Cherry of the Rio Grande	Eugenia aggregata
Cocoplum	Chrysolbalanus icaco
Egg Fruit	Pouteria campechiana
Fig	Ficus carica
Governor's Plum	Flacourtia indica
Grapefruit	Citrus paradisi
Grumichama	Eugenia brasiliensis
Guava (all)	Psidium spp.
Guiana Plum	Drypetes lateriflora
Imbe	Garcinia livingstonei
Jaboticaba	Myrciaria cauliflora
Jambolan Plum	Syzygium cumini
Japanese Pear	Pyrus pyrifolia
Japanese Persimmon	Diospyros kaki
Java Apple	Syzygium samarangense
Kei Apple	Dovyalis caffra
Kieffer Pear	Pyrus pyrifolia x Pyrus communis
Kiwi	Actinidia chinensis
Kumquat	Fortunella crassifolia
Kumquat (oval)	Fortunella margarita
Lime	Citrus aurantifolia
Limeberry	Triphasia trifolia
Limequat	X Citrofortunella floridana
Longan, except commercial fruit	Dimocarpus longan
Loquat	Eriobotrya japonica
Loquat	гиоди уа јарониса

Lychee except commercial fruit. Litchi chinensis

Common Name	Botanical Name
Mango	Mangifera indica
Miracle Fruit	Synsepalum dulcificum
Natal Plum	Carissa grandiflora
Nectarine	Prunus persica
Orange Jasmine	Murraya paniculata
Jack Orangequat	Citrus nobilis 'unshiu' x
5 1	Fortunella sp.
Otaheite Apple	Spondias cytherea
Papaya	Carica papaya
Peach	Prunus persica
Pear	Pyrus communis
Pitomba	Eugenia luschnathiana
Pomegranate	Punica granatum
Pond Apple	Annona glabra
Rangpur Lime	Citrus limonia
Rose Apple	Syzygium jambos
Sapodilla	Manilkara zapota
Sour Orange	Citrus aurantium
Sugar Apple	Annona squamosa
Surinam Cherry	Eugenia uniflora
Sweet Lemon	Citrus limetta
Sweet Orange	Citrus sinensis
Tangelo	Citrus paradisi x Citrus reticulata
Tangerine	Citrus reticulata Blanco
Temple Orange	Citrus sinensis x Citrus reticulato
Tomato, except commercial	
fruit	Lycopersicon esculentum
	(L. Lycopersicum)
Tropical Almond	Terminalia catappa
Velvet Apple or Velvet	
Persimmon	Diospyros blancoi
Wampi	Clausena lansium
White Sapoti	Casimiroa edulis
Wild Balsam Apple	Mormodica charantia
Wild Cinnamon	Canella winteriana
Wild Dilly	Manilkara jaimiqui ssp.
ř	emarginata
	Annona hybrid
	Atalantia citriodes
	Eugenia coronata
	Eugenia ligustrina
	Ficus altissima
	Garcinia xanthochymus
	Manilkara roxburghiana
	Myrcianthes fragrans
	Myrcianines fragrans Myrciaria glomerata
	Pseudanamomis umbellulifera
	Rheedia aristata
	Terminalia muelleri
	Trevisia palmata
(2) (2, 2)	Trevisia painala

Botanical Name

- (2) Soil or planting media within the drip area of plants producing, or which have produced, fruit of the plants listed in (1) above.
- (3) Exemptions. The following are exempt from provisions of this regulation.
- (A) Green sour lime fruit which shows no yellow coloring.
- (B) Lemons regardless of color.
- (d) Restrictions. Articles and commodities covered are prohibited entry into California from the area under quarantine, except as provided
- (1) Articles and Commodities Covered Admissible When Treated At Origin. Articles and commodities covered are admissible into California from the area under quarantine provided each lot or shipment is accompanied by a certificate issued by an authorized representative of the origin state department of agriculture or the United States Department of Agriculture affirming that the lot or shipment was treated for Caribbean fruit fly, prior to shipment and under supervision of the origin state depart-

ment of agriculture or the United States Department of Agriculture, in a manner approved by the Secretary of the Department of Food and Agriculture and was not exposed to reinfestation by the fly.

NOTE: Authority cited: Sections 407, 5301, and 5302, Food and Agricultural Code. Reference: Sections 5301 and 5302, Food and Agricultural Code.

HISTORY

- 1. New section filed 12-1-75; effective thirtieth day thereafter (Register 75, No.
- 49). For former history see Register 74, No. 32.

 2. Amendment of subsection (d) filed 10–24–79; effective thirtieth day thereafter (Register 79, No. 43).
- 3. Amendment filed 7–3–80; effective thirtieth day thereafter (Register 80, No.
- 4. Amendment filed 8–10–84; effective thirtieth day thereafter (Register 84, No. 32).
- 5. Amendment of section heading, subsections (a), (c)(1) and (d)(1), and NOTE filed 2–21–97; operative 3–23–97 (Register 97, No. 8).

§ 3253. Eastern Filbert Blight Exterior Quarantine (Quarantine Order 4).

1. Repealer filed 8-8-74; effective thirtieth day thereafter (Register 74, No. 32).

§ 3254. Cotton Pests Exterior Quarantine.

A quarantine is established against the following pest, its hosts and possible carriers.

- (a) Pest. Boll weevil, Anthonomus grandis.
- (b) Area Under Quarantine. All states and districts of the United States except the States of Arizona and North Carolina.
- (c) Articles and Commodities Covered. The following are hereby declared to be hosts or possible carriers of the pests herein quarantined against:
- (1) Okra, Hibiscus esculentus, and kenaf, Hibiscus cannabinus, all parts of the plants including seeds and pods.
- (2) Cotton and wild cotton plants of the genera Gossypium and Thurberia and all parts of such plants.
- (3) Used bagging, used cotton picker sacks, and other used containers and used wrappers for any products from cotton plants.
- (4) Used cotton harvesting equipment, ginning and oil mill equipment, and other cotton processing machinery, and other farm equipment which has been used in connection with growing, harvesting, ginning, compressing, or processing raw cotton or raw cotton products.
 - (d) Restrictions.
- (1) Cotton Plants and Gin Trash Prohibited. Cotton plants and parts thereof, as such or as packing or as contamination or in association with any other product, article or thing, and gin trash, are prohibited entry into California from the area under quarantine, except that harvested seed cotton and products derived from seed cotton may be admitted as hereinafter
- (2) Certificates or Permits Required. Except as hereinafter exempted, articles and commodities covered may be admitted into this state if accompanied by a certificate of treatment or under permit issued by the director or the United States Department of Agriculture.
- (3) Approval of Treatment and Processing Methods. Any method of treatment of processing to destroy boll weevil on the basis of which a certificate or permit may be issued shall be approved and prescribed by the director in administrative instructions issued supplemental hereto or prescribed by the United States Department of Agriculture.
- (4) Exemptions. The following articles and commodities are exempt from the certificate or permit requirements:
- (A) Compressed baled cotton lint, linters, and lint cleaner waste when such products have been given standard or equivalent compression (22) pounds per cubic foot) and if free from surface contaminants capable of harboring boll weevil.
- (B) Samples of cotton lint and cotton linters of the usual trade size, if free from cotton seed and cotton trash.
 - (C) Edible okra during the period of January 1 to March 15.
- (5) Certificates of Treatment. A treatment certificate issued by an authorized Department of Agriculture representative at origin shall accompany each lot or shipment unless exempt. The certificate shall affirm that the shipment or lot accompanied thereby was cleaned, or otherwise

treated to destroy boll weevil as prescribed by the director. Each certificate shall also set forth the kind and quantity of articles and commodities treated thereby, date and method of treatment, dosage used, the initials and number of the railway car, or license number of the truck in which shipped, and the names and addresses of the consignee and consignor. NOTE: Authority cited: Sections 407, 5301 and 5302, Food and Agricultural Code. Reference: Sections 5301 and 5302, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 7–28–77 as organizational and procedural; effective upon fil-
- ing (Register 77, No. 31). For prior history, see Register 74, No. 12. 2. Repealer and new section filed 3–29–83; effective thirtieth day thereafter (Register 83, No. 14).
- 3. Amendment of section heading, subsection (b) and Note filed 1–19–96; operative 2-18-96 (Register 96, No. 3).

§ 3255. Vetch Weevil Exterior Quarantine.

HISTORY

- 1. Originally published 7-25-45 (Title 3).
- 2. Repealer filed 7–21–50 as an emergency; effective upon filing (Register 21, No.

§ 3256. Cherry Fruit Fly Exterior Quarantine.

A quarantine is established against the following pests, their hosts and possible carriers:

- (a) Pests. Cherry fruit flies (Rhagoletis indifferens and Rhagoletis fausta).
 - (b) Area Under Quarantine.

Infested Area:

Idaho. The entire state.

Colorado. The entire state, except for Delta and Mesa Counties.

Montana. The entire state.

New Mexico. The entire state.

Oregon. The entire state.

Utah. The entire state.

Washington. The entire state.

Noninfested Area:

Colorado. Delta and Mesa Counties.

- (c) Articles and Commodities Covered. Cherry fruits of all domesticated and wild cherries are declared to be hosts and possible carriers of the pest quarantined against.
 - (d) Restrictions.
- (1) Cherry Fruits Admitted From Area Under Quarantine If Treated in Approved Manner at Origin. Cherry fruits grown, packed, or stored in or shipped from the area under quarantine may be admitted into California, provided each lot or shipment is officially certified by an authorized representative of the Department of Agriculture at origin, affirming that the accompanied cherry fruits were treated to destroy cherry fruit flies in a manner approved by the director.
- (2) Cherry Fruits Admitted From Area Under Quarantine Without Treatment When Under Permit From the Director. The Director may issue to the proper official of the Department of Agriculture of any state in the area under quarantine, as specified in subsection (b) above, a master permit designating conditions under which cherry fruits may be admitted into the state without treatment and setting forth therein requirements for: sampling, inspecting of samples, maintaining identity, transportation, certification and other instructions which must be met at point of origin. To be eligible for such master permit the state of origin shall:
- (A) Maintain California-approved mandatory pest control districts for control of cherry fruit fly.
- (B) Carry on a trapping program for adult cherry fruit flies to determine proper timing for application of control materials.
- (C) Require the application of pesticides at specified intervals as recommended by an official agricultural regulatory agency.
- (D) Furnish a list of shippers approved by the state of origin including the shippers' addresses and assigned identification numbers to the California Department of Food and Agriculture prior to the beginning of the shipping season.
- (3) The master permit shall only be valid for shipments of cherry fruit meeting the following requirements:
- (A) Cherry fruit shipped to California must be grown in orchards located in the approved pest control districts.

Page 300 Register 2008, No. 3; 1-18-2008

- (B) All cherry fruit shall be sampled and inspected for cherry fruit fly at origin as outlined in the master permit.
- (C) The identity of each container of sampled cherry fruit shall be maintained by marking each container with the identification number of the approved shipper.
- (D) Trucks transporting cherry fruit from approved shippers to California shall be sealed by an agricultural representative of the state of origin. These seals will be applied before the truck leaves the premises of the approved shipper. The seals will not be broken except in the presence of a state plant quarantine officer after the truck arrives in California.
- (E) The cherry fruit, upon arrival, must be found free from cherry fruit fly larvae.
- (F) Any other requirements as may be necessary and as stated in the master permit.
- (4) Cherry Fruits Admitted From Noninfested County of the Area Under Quarantine With Certificate of Origin. Cherry fruits grown, packed, and stored within and shipped from a noninfested county in the area un-

der quarantine may be admitted into California, provided each shipment is accompanied by a certificate of origin issued by an authorized agricultural official of the origin state giving the name and address of the shipper, and the number and kind of containers in the shipment. The certificate shall state that the shipment originated in a noninfested area county. NOTE: Authority cited: Sections 407, 5301, 5302, 5303 and 5304, Food and Agricultural Code. Reference: Sections 5301, 5302, 5303 and 5304, Food and Agricultural Code.

HISTORY

- 1. New subsection (3)(d) filed 3–6–73; effective thirtieth day thereafter (Register 73, No. 11).
- 2. Amendment filed 10–25–73; effective thirtieth day thereafter (Register 73, No. 43)
- 3. Repealer and new section filed 3–29–83; effective thirtieth day thereafter (Register 83, No. 14).
- 4. Amendment of subsection (b) filed 7–11–84; effective thirtieth day thereafter (Register 84, No. 28).
- 5. Amendment of section heading, subsection (b) and Note and new subsection (d)(4) filed 3–25–94; operative 4–25–94 (Register 94, No. 12).

[The next page is 301.]

§ 3257. Sweet Potato Weevil Exterior Quarantine.

- A quarantine is established against the following pest, its hosts and possible carriers:
- (a) Pest. Sweet potato weevil (*Cylas formicarius elegantulus*) which feeds on all parts of host plants, but primarily roots or tubers.
- (b) Area Under Quarantine. The entire states of Alabama, Arkansas, Florida, Georgia, Hawaii, Louisiana, Mississippi, South Carolina, Tennessee and Texas.
- (c) Articles and Commodities Covered. Sweet potato plants, vines, cuttings, draws, and slips, and sweet potato tubers, or so-called yams (*Ipomoea batatas*), and morning-glory plants (*Ipomoea* and *Convolvulus* spp.).
 - (d) Restrictions.
- (1) All Articles and Commodities Covered Prohibited from Area Under Quarantine. All articles and commodities covered are prohibited entry into California if grown, packed or stored within or shipped from the area under quarantine except as specified in (2), (3), (4), and (5) below.
- (2) Seed sweet potato tubers for planting or propagation are admissible only under a permit issued to the receiver by the Secretary (see Title 3, Sections 300 and 3154).
- (3) Other Sweet Potato Tubers Grown, Packed or Stored Within or Shipped From the Area Under Quarantine Admitted If Treated at Origin. Sweet potato tubers grown, packed, or stored within or shipped from the area under quarantine, will be admitted into California provided they have been certified by an authorized agricultural official of the state of origin as having been treated (at owner's risk) for sweet potato weevil and were free from post–treatment infestation by sweet potato weevil.
- (4) Articles and Commodities Covered, Except Seed Sweet Potato for Planting or Propagation. From a Noninfested County or Parish in the Area Under Quarantine Admitted Under Certification of Origin. Articles and commodities covered, if grown, packed and stored (if stored) within and shipped from a noninfested county in the area under quarantine, except seed sweet potato for planting or propagation, will be admitted into California provided each lot or shipment is accompanied by a certificate of origin issued by an authorized agricultural official of the origin state giving the name and address of the shipper, number and kind of container in shipment or lots, manner of shipment, and car initials and number if shipped by rail. The certificate shall state that the lot or shipment originated in a noninfested county or parish.
- (5) Exception. Morning–glories from a noninfested county or parish in the area under quarantine are admissible without a certificate of origin. NOTE: Authority cited: Sections 407, 5301 and 5302, Food and Agricultural Code. Reference: Sections 5301 and 5302, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 6-11-68; effective thirtieth day thereafter (Register 68, No. 22). For prior history see Register 67, No. 15.
- 2. Amendment filed 10–27–71; effective thirtieth day thereafter (Register 71, No. 44).
- 3. Amendment of subsection (b-1) filed 5-24-73; effective thirtieth day thereafter (Register 73, No. 21).
- Amendment of subsection (b-1) filed 12-6-76; effective thirtieth day thereafter (Register 76, No. 50).
- Repealer and new section filed 3–29–83; effective thirtieth day thereafter (Register 83, No. 14).
- Amendment of subsection (b) filed 7-11-84; effective thirtieth day thereafter (Register 84, No. 28).
- Amendment of section heading and subsection (d)(1), new subsection (d)(2) and subsection renumbering, amendment of newly designated subsections (d)(3) and (d)(4), and amendment of NOTE filed 12–12–94; operative 1–11–95 (Register 94, No. 50).

§ 3258. Citrus White Fly Exterior Quarantine (Quarantine Proclamation 10).

HISTORY

1. Repealer filed 6–9–76; effective thirtieth day thereafter (Register 76, No. 24). For prior history, see Register 64, No. 10).

§ 3259. Peach Yellows, Little Peach and Red Suture Diseases Exterior Quarantine (Quarantine Proclamation 11).

A quarantine is established against the following pests, their hosts, and possible carriers:

- (a) Pests. The pathogens which cause either peach yellows, little peach, or red suture diseases on peach. The pathogen that causes peach yellows disease is a mycoplasma–like organism. All three diseases are presently considered to be caused by strains of the same pathogen.
- (b) Area Under Quarantine. The entire states of Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.
- (c) Articles and Commodities Covered. Trees and all parts capable of propagation (budsticks, scions, rootstocks, etc.), except seed (fruit pits), of all species of the genus *Prunus* are declared hosts and possible carriers, except three cherries: *P. avium*, mazzard cherry, sweet cherry; *P. besseyi*, sand cherry, western sand cherry; *P. cerasus*, sour cherry; and the evergreens: *P. caroliniana*, American cherry laurel, Carolina cherry laurel; *P. ilicifolia*, hollyleaf cherry, California cherry; *P. laurocerasus*, cherry laurel, English laurel; *P. lusitanica*, Portugal laurel; *P. lyonii*, atalina cherry
- (d) Restrictions. All commodities and/or articles covered are prohibited entry into the state unless specific conditions are met.
- (1) Symptomless Carriers Prohibited. Plum trees and all parts capable of propagation (including their use as understock for other species), except seed, are prohibited entry into the state, specifically: *Prunus americana*, American plum; *P. cerasifera*, myrobalan plum, cherry plum; *P. cerasifera* 'Atropurpurea,' purple–leaf plum; *P. domestica*, European plum, prune; *P. hortulana*, hortula plum; *P. munsoniana*, wild goose plum; *P. salicina*, Japanese plum; their hybrids; and wild native species of plum.
- (2) Nursery Stock. Nursery stock of the restricted Prunus species (other than symptomless carriers, or stock budded onto symptomless carriers, paragraph (1) above) is permitted entry provided all the labeling and certification requirements listed below are met.
- (A) Each species and variety shall be properly labeled as to scientific name and state of origin.
- (B) Each lot or shipment shall be accompanied by a certificate issued by the Department of Agriculture of the state of origin verifying that surveys were made at the proper time in relation to the diseases and hosts. The survey findings shall show that:
- 1. no symptomless plum species or other species on symptomless plum understock existed on the growing grounds during production of the nursery stock; and
- 2. a one-mile zone, free of symptomless hosts and free from peach yellows, little peach, and red suture diseases, existed around the bud source for two years prior to taking the budwood and around the growing grounds for two years prior to digging the nursery stock.
- (3) Reshipment Permitted Under Certificate. An agricultural official of a state in the area under quarantine may issue a certificate for reshipment of dormant host trees and propagative parts which have been produced outside of the area under quarantine and have remained dormant while within the area. Certificates shall set forth the name of the state where produced and state that the material remained dormant while in the area under quarantine.

NOTE: Authority cited: Sections 407, 5301 and 5302, Food and Agricultural Code. Reference: Sections 5301 and 5302, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 11–26–63; effective thirtieth day thereafter (Register 63, No. 24).
- Repealer and new section filed 3–29–83; effective thirtieth day thereafter (Register 83, No. 14).

§ 3260. Nut Tree Pests Exterior Quarantine (Quarantine Proclamation 12).

A quarantine is established against the following pests, their hosts and possible carriers:

- (a) Pests.
- (1) Two nut tree casebearers, *Acrobasis juglandis* (LeBaron) and *A. nuxvorella* (Neunzig). Both insects are serious pests of pecan; the former also attacks hickory and walnut.
- (2) The pathogen that causes brooming disease of walnut. Brooming is a virus-like disease that drastically reduces nut production and sometimes causes death of the host tree.
 - (3) Pecan phylloxera, Phylloxera devastatrix.
 - (b) Area Under Quarantine.
- (1) On account of the nut tree casebearers, all states and districts east of and including Montana, Wyoming, Colorado, Oklahoma, and Texas; in New Mexico, the counties of Chaves, Eddy, and Lea.
- (2) On account of pecan phylloxera, the states of Alabama, Arkansas, Louisiana, Mississippi, Oklahoma and Texas.
- (3) On account of brooming disease, all states and districts of the United States, except Arizona.
- (c) Articles and Commodities Covered. Trees and all parts capable of propagation (buds, scions, rootstocks, etc.), except nuts, of all species of the genera *Juglans* (walnut and butternut) and *Carya* (hickory and pecan).
- (d) Restrictions. All commodities and articles covered are prohibited entry into the state from the area under quarantine unless specified conditions (listed below) are met.
- (1) All species of *Juglans* (walnut, butternut) trees and parts capable of propagation, except nuts, are:
- (A) Prohibited entry into California from any state east of the eastern borders of Idaho, Utah, and Arizona.
- (B) Admissible into California from Idaho, Nevada, Oregon, Utah, and Washington provided each lot is accompanied by a certificate issued by the Department of Agriculture of the state of origin affirming (1) The material was grown in the state of origin, (2) Brooming disease is unknown in the state of origin, and (3) The amount and kind of commodities covered.
- (2) All species of *Carya* (hickory, pecan) trees, buds, and scions from the area under quarantine in subsections (b)(1) and (b)(2) are:
- (A) Admissible if treated at origin provided each lot is accompanied by a certificate issued by an authorized agricultural official affirming that the trees, buds, and/or scions have been treated for the pests quarantined against by a method approved by the director.
- (B) Admissible provided each lot is accompanied by a certificate issued by an authorized representative of the origin Department of Agriculture:
- (1) affirming the commodities were grown in the state of origin in a county which is not infested with pecan phylloxera and the nut tree case-bearers quarantined against, and
- (2) setting forth the amount and kind of commodities covered by the certificate.
- (C) Admissible by permit, issued by the Director of the California Department of Food and Agriculture, requiring treatment at destination. Entry subject to treatment for the pests quarantined against upon arrival at destination may be allowed by permit obtained prior to shipment of the restricted material. The permit may specify the disinfection or treatment, restrict the method of transportation, and limit the size and quantity of the shipment, as well as designate terminal point of delivery where treatment facilities are available.

NOTE: Authority cited: Sections 407, 5301 and 5302. Food and Agricultural Code. Reference: Sections 5301 and 5302, Food and Agricultural Code.

HISTORY

1. Amendment of subsection (b) (2) filed 6–5–72; effective thirtieth day thereafter (Register 72, No. 24). For prior history, see Register 60, No. 21.

- 2. Amendment filed 5–14–76; effective thirtieth day thereafter (Register 76, No. 20).
- 3. Amendment of subsections (a) and (b)(1) filed 11–21–78; effective thirtieth day thereafter (Register 78, No. 47).
- 4. Repealer filed 3-29-83; effective thirtieth day thereafter (Register 83, No. 14).
- 5. Amendment filed 3–7–84; effective thirtieth day thereafter (Register 84, No. 10).

§ 3261. Ozonium Root Rot Exterior Quarantine (Quarantine Proclamation 13).

A quarantine is established against the following pest, its hosts, and possible carriers:

- (a) Pest. Ozonium root rot (*Phymatotrichum Ozonium omnivorum*), a fungus carried on the roots of plants and in moist soil.
 - (b) Area Under Quarantine.

Arizona. Entire state.

Arkansas. Entire counties of Lafayette, Little River, and Miller.

Louisiana. The entire parishes of Bossier and Caddo.

Nevada. Entire county of Clark.

New Mexico. Entire counties of Chaves, Dona Ana, Eddy, Grant, Hidalgo, Lea, Luna, Sierra.

Oklahoma. Entire state.

Texas. Entire state.

Utah. Entire county of Washington.

- (c) Articles and Commodities Covered. All soil, nursery stock, or plants with roots, except as provided in subsection (d) (2) below, are declared to be hosts or possible carriers of the pest herein quarantined against
- (d) Restrictions. Articles and commodities covered are prohibited entry into California from the area under quarantine except as provided below:
- (1) Certification Requirement. Articles and commodities covered will be permitted entry into California from the area under quarantine provided they are accompanied by a certificate issued by a duly authorized agricultural official of the state of origin, establishing the fact that all material contained in the lot or shipment was grown in a manner approved by the director to assure freedom from ozonium root rot or originated on premises determined by methods approved by the director to be free from ozonium root rot.
- (2) Exceptions—Exemptions of Certain Commodities. No restrictions are placed by this regulation upon the entry of the following:
 - (A) House plants grown in the home and not for sale.
- (B) Smooth root vegetables such as potatoes, sweet potatoes, carrots, onions, turnips, and beets if not for planting and free from moist clods of soil, except that this exemption does not apply to mangels and sugar beets.
- (C) Sugar beets for processing provided the beets are screened prior to or while loading to remove moist clods of soil.
- (D) Cactus plants with roots, provided the roots are dry and free of soil.
- (E) Aquatic plants such as water hyacinth and water lilies; dry resurrection plants; orchid plants growing in osmunda fibre; and air-layered rooted cuttings, if free from soil.
- (F) Articles and commodities covered when determined by the director not to present a risk of carrying ozonium root rot because of their condition or their manner of growth or production.

NOTE: Authority cited: Sections 407, 5301 and 5302, Food and Agricultural Code. Reference: Sections 5301 and 5302, Food and Agricultural Code.

HISTORY

- Amendment filed 7-8-1; effective thirtieth day thereafter (Register 73, No. 48).
 Not previously printed. For prior history, see Register 25, No. 4.
- 2. Amendment filed 11–27–73; effective thirtieth day thereafter (Register 73, No. 48)
- 3. Amendment of subsection (d)(3)(A) and new subsection (d)(3)(G) filed 10–13–78; effective thirtieth day thereafter (Register 78, No. 41).
- 4. Repealer and new section filed 3–29–83; effective thirtieth day thereafter (Register 83, No. 14).

5. Amendment of subsection (d) filed 7-11-84; effective thirtieth day thereafter (Register 84, No. 28).

§ 3262. Peach Mosaic Disease Exterior Quarantine (Quarantine Proclamation 14).

A quarantine exists against the following pests, their hosts and possible carriers:

- (a) Pest. Peach mosaic and any virus capable of causing symptoms identical with those of peach mosaic disease.
 - (b) Area Under Quarantine:

Arizona: Entire state.

Colorado: Counties of Delta, Garfield, Mesa, Montezuma and Montrose.

New Mexico: Entire state.

Oklahoma: Counties of Alfalfa, Bryan, Johnston and Woods.

Texas: Counties of Brown, Callahan, Camp, Cherokee, Comanche, Dallas, Eastland, El Paso, Erath, Fisher, Floyd, Freestone, Hale, Harrison, Hudspeth, Jones, Limestone, Palo Pinto, Runnels, San Saba, Smith, Tarrant, Taylor, Upshur and Young.

(c) Articles and Commodities Covered. The following trees and parts capable of propagation (buds, scions, rootstock, etc.), except seed (fruit pits) are declared to be hosts and thereby possible carriers of the pest: all species, varieties, and hybrids of almond, apricot, peach, plum, prune, and nectarine; Manchu cherry (*Prunus tormentosa*); and western sand cherry (*P. besseyi*).

[The next page is 303.]

- (d) Restrictions. All articles and commodities listed in paragraph (c) above are prohibited entry into California from the area under quarantine.
- (e) Director May Issue Special Permits. The Director may issue special permits allowing entry of articles or commodities otherwise prohibited. The permit shall state any and all mandatory provisions or conditions under which entry will be allowed.

NOTE: Authority cited: Sections 407, 5301, and 5302, Food and Agricultural Code. Reference: Sections 5301 and 5302, Food and Agricultural Code.

HISTORY

- Amendment of subsection (b) filed 1-17-77; effective thirtieth day thereafter (Register 77, No. 4). For prior history, see Register 63, No. 5.
- 2. Amendment filed 7–3–80; effective thirtieth day thereafter (Register 80, No. 27).

§ 3263. European Corn Borer Exterior Quarantine.

A quarantine is established against the following pest, its host and possible carriers:

- (a) Pest. European corn borer, *Ostrinia nubilalis*. A moth, family Pyralidae, which is damaging to a wide variety of important food and floral crops.
- (b) Area Under Quarantine. All states, districts, and territories of the United States.
 - (1) Infested Area.
- (A) Alabama, Arkansas, Colorado, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia.
- (B) In Florida the counties of Calhoun, Escambia, Gadsden, Hamilton, Holmes, Jackson, Jefferson, Madison, Okaloosa, and Santa Rosa.
- (C) In Louisiana the parishes of Bossier, Caddo, Concordia, East Carroll, Franklin, Madison, Morehouse, Natchitoches, Ouachita, Red River, Richland, Tensas, and West Carroll.
- (D) In Texas the counties of Carson, Dallam, Deaf Smith, Gray, Hansford, Hartley, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, and Sherman.
- (2) All parishes, counties, states, districts, and territories of the United States not named in the infested area shall be known as the noninfested area
 - (c) Articles and Commodities Covered.
- (1) Corn, broom corn, sorghum, and sudangrass plants and all parts thereof (including shelled grain and stalks, ears, cobs, and all other parts, fragments, or debris of said plants);
 - (2) Beans in the pod and pepper fruits;
- (3) Plants of aster, chrysanthemum, geranium, hollyhock, dahlia and gladiolus.
 - (d) Restrictions.
- (1) Articles and commodities covered are prohibited entry into California from the infested area unless accompanied by a certificate, issued by an authorized representative of the origin State Department of Agriculture, as provided in (A) or (B) below:
- (A) Certificate of Treatment specifying that all of the commodities and articles in the lot or shipment were treated by a method and in a manner prescribed by the director; or
- (B) Certificate of Processing and Inspection specifying that all of the commodities and articles in the lot or shipment were processed and inspected in conformity with a method and in a manner prescribed by the director.
- (C) Articles and commodities covered originating in the parishes of Louisiana and the counties of Florida and Texas which are not infested with European corn borer may enter California if accompanied by a certificate of origin issued by an authorized representative of the origin state Department of Agriculture specifying that no portion of the articles or commodities in the lot or shipment was grown in an area where the European corn borer is known to occur. Origin certification is not required for

entry into California of articles and commodities covered which originated in states, districts, and territories in the noninfested area.

- All certificates must be dated and set forth the kind and quantity of articles or commodities constituting the lot or shipment covered thereby, the initials and number of the railway car or license number of the truck, and the names and addresses of the shipper and consignee.
- (2) Exemptions. Certification requirements are waived on the following articles and commodities covered:
- (A) Shelled popcorn, seed for planting, or clean sacked grain for human consumption.
- (B) Beans in the pod or pepper fruits in lots or shipments of ten pounds or less.
- (C) Seedling plants or divisions without stems of the previous year's growth of aster, chrysanthemum or hollyhock.
 - (D) Dahlia tubers without stems.
 - (E) Gladiolus corms without stems.
 - (F) Very pungent types of pepper fruit.
- (G) Articles and commodities covered when they have been processed or manufactured in a manner that eliminates all danger of carrying European corn borer.
- (e) All lots or shipments in violation of this regulation shall be disposed of with the following exceptions:
- (1) Inspecting officers may release small lots or shipments of articles and commodities covered which may be adequately inspected, provided no living stage of European corn borer is found; or such small lots may be treated in a manner approved by the director under official supervision and thereafter released.
- (2) Certified Shipments of Shelled Corn Not in Conformity May be Treated or Processed in California.
- (A) Shipments of shelled corn entering California under certificate from states in the European corn borer infested area, which are found to be contaminated with plant portions or fragments capable of or actually harboring larvae of European corn borer, may be treated or processed in California to destroy such larvae if the state which issued the certificate has entered into a program to strengthen its origin inspection and certification for European corn borer. If a state wishes to enter this program, a signed agreement from the origin state agricultural regulatory agency must be received and accepted by the director. The agreement shall affirm that the origin state agricultural regulatory agency agrees to:
- 1. Use specified type of uniform screening and/or treatment certificates.
 - 2. Certify as to all the following conditions:
 - a. Inspection of each car or truck before loading;
- b. Constant checking of screens and loading procedures (includes replacement of damaged or broken screens as necessary);
- c. Moving corn through screening and loading process at an established rate which assures only clean corn going into the railroad car or truck; and
- d. Checking corn after screening and prior to loading to make certain it is free of debris capable of carrying European corn borer larvae.
- 3. Each lot of shelled corn grown in or shipped from the infested area shall be accompanied by a certificate issued by an authorized representative of the origin state Department of Agriculture stating:
- a. The grain has passed through a 1/2 inch or smaller size mesh screen, or
- b. The grain has been treated for European corn borer in a manner approved by the director.
- 4. Screening, processing, or treating shall be done under state supervision.
- 5. California agricultural regulatory officials will monitor shelled corn shipped from infested states to determine program conformity. If within a one–year period more than three violations from one location are found, the agricultural regulatory officials of the origin state will be informed and they will terminate issuance of the specified program certificates for shelled corn from that location. The origin state will be required to tighten

its certification program before resumption of shelled corn certification shipments from that location.

(B) Before any shelled corn is treated or processed in California under (e)(2)(A), permission must be obtained from the director (through the Pest Exclusion Branch). The location where treatment or processing will take place will be specified when permission is given.

NOTE: Authority cited: Sections 407, 5301 and 5302, Food and Agricultural Code. Reference: Sections 5301 and 5302, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 3–20–74; effective thirtieth day thereafter (Register 74, No. 12). For prior history, see Register 73, No. 11.
- 2. Amendment filed 7–28–77 as organizational and procedural; effective upon filing (Register 77, No. 31).
- Amendment of subsections (c) and (e)(2) filed 10–13–78; effective thirtieth day thereafter. Correction of erroneous history note which appeared in Register 78, No. 37 (Register 78, No. 41).
- 4. Amendment of subsection (b-1) filed 11-21-78 as an emergency; effective upon filing (Register 78, No. 47).
- 5. Certificate of Compliance filed 3–12–79 (Register 79, No. 11).
- Amendment filed 6–11–80; effective thirtieth day thereafter (Register 80, No. 24).
- 7. Amendment filed 7–11–84; effective thirtieth day thereafter (Register 84, No. 28).
- 8. Amendment filed 6–11–86; effective thirtieth day thereafter (Register 86, No. 24)

§ 3264. Colorado Potato Beetle Exterior Quarantine (Quarantine Proclamation 16).

A quarantine is established against the following pest, its hosts and possible carriers:

- (a) Pest. Colorado potato beetle (Leptinotarsa decemlineata).
- (b) Quarantine Area. All States, Districts and territories of the United States except the States of Alaska, Hawaii and Nevada.
- (c) Articles and Commodities Covered. Plants of tomato (*Lycopersicon esculentum*), pepper (*Capsicum frutescens*), eggplant (*Solanum melongena*), Irish potato (*Solanum tuberosum*); Irish potato tubers; and soil in association with or attached to all such tubers or plants.
- (d) Restrictions. The articles and commodities covered are prohibited except as provided for below.
- (1) Origin Certificates from Noninfested Localities. Articles and commodities covered will be permitted entry into the State of California from said quarantine area if each shipment or lot is officially certified by an authorized Department of Agriculture representative at origin, establishing the fact that all articles and commodities covered contained in the lot or shipment were grown in and shipped from a locality free from Colorado potato beetle.
- (2) Exemptions. The following articles and commodities are exempt from the certification requirements of this quarantine:
- (A) Potato tubers free from soil and plant parts. "Free from" means the amount of soil and plant parts shall not be sufficient to harbor any stage of the Colorado potato beetle.)
- (B) From the period of January 1 to March 31, seedling plants with or without soil and not over 8" high, of tomato, pepper, eggplant and Irish potato.
- (3) Small Lots. A State Plant Quarantine officer may release small lots or shipments of Irish potatoes of 100 (one hundred) pounds, or less, which are contaminated with soil or other commodities provided the contamination is removed and destroyed under his or her supervision.
- (4) Director May Issue Special Permits. The Director may issue special permits allowing entry of articles or commodities otherwise prohibited. The permit shall state any and all provisions or conditions under which entry will be allowed.

NOTE: Authority cited: Sections 407, 5301, and 5302, Food and Agricultural Code. Reference: Sections 5301 and 5302, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 7–28–77 as organizational and procedural; effective upon filing (Register 77, No. 31). For prior history, see Register 63, No. 5.
- 2. Amendment filed 7–3–80; effective thirtieth day thereafter (Register 80, No. 27).

§ 3265. Persimmon Root Borer Exterior Quarantine (Quarantine Proclamation 19).

A quarantine is established against the following pest, its hosts and possible carriers:

- (a) Pest. The persimmon root borer, Sannina uroceriformis, an insect which causes serious damage to the Oriental persimmon on Oriental rootstock.
- (b) Area Under Quarantine. All states, districts and territories of the United States.
- (c) Articles and Commodities Covered. All species and varieties of persimmon (*Diospyros* spp.) trees, parts capable of propagation (including rootstocks) and green (unseasoned) wood are declared to be hosts or possible carriers of the pest except fruits, seeds, buds, and/or scions.
- (d) Restrictions. All articles and commodities listed in (c) are prohibited entry into California from the area under quarantine.

NOTE: Authority cited: Sections 407, 5301 and 5302, Food and Agricultural Code. Reference: Section 5301 and 5302, Food and Agricultural Code.

HISTORY

1. Repealer and new section filed 3–29–83; effective thirtieth day thereafter (Register 83, No. 14).

§ 3266. Plum Curculio and Blueberry Maggot Exterior Quarantine.

A quarantine is established against the following pests, their hosts, and possible carriers:

- (a) Pests. Plum curculio (*Conotrachelus nenuphar*) and blueberry maggot (*Rhagoletis mendax*). Plum curculio is a coleopterous insect belonging to the family Curculionidae. The blueberry maggot is a dipterous insect belonging to the family Tephritidae. These insect pests in their larval stages live within the fruit of their host plants often causing extensive damage to fruit of certain crops.
 - (b) Area Under Quarantine.
- (1) In Utah, because of the plum curculio, the counties of Box Elder and Salt Lake.
- (2) In the eastern United States, because of the plum curculio and blueberry maggot, all states and districts east of and including the states of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas.
 - (c) Articles and Commodities Covered.
- (1) Fresh fruit of all plants listed below are declared to be hosts and possible carriers of plum curculio.

Common Name	Botanical Name
Apple	Malus spp.
Apricot	
Blueberry, highbush	Vaccinium corymbosum
Blueberry, lowbush	V. angustifolium
Cherry, black	
Cherry, choke	P. virginiana
Cherry, pin	P. pensylvanica
Cherry, sand	P. pumila
Cherry, sour	P. cerasus
Chery, sweet	
Crabapple	
Hawthorne (haw)	
Huckleberry, black	Gaylussacia baccata
Huckleberry, dwarf	
Nectarine	
Peach	
Pear	Pyrus communis
Plum, Allegheny	
Plum, American (wild)	P. americana
Plum, beach	P. maritima
Plum, European	P. domestica
Plum, Japanese	P. salicina
Prune	P. spp.
Quince	Cydonia oblonga

(2) Fresh fruit of all plants listed below are declared to be hosts and possible carriers of blueberry maggot.

Common Name	Botanical Name
Blueberry, highbush Blueberry, lowbush Huckleberry, black Huckleberry, dwarf	V. angustifolium Gaylussacia baccata

Page 304 Register 94, No. 24; 6-17-94

- (3) Soil or other growing medium within the drip area of plants producing, or which have produced, fruit as listed in (c)(1) or (2) above.
 - (d) Restrictions.
- (1) Certification Required. Articles and commodities covered which are produced in or shipped from the area under quarantine are prohibited entry into the State of California unless each lot or shipment is accompanied by a certificate issued by and bearing the original or facsimile signature of the authorized agricultural official of the state from which the article or commodity is shipped evidencing compliance with paragraphs (3), (4), (6) or (7) below. No certificate is required for commodities meeting the requirements of paragraphs (2) or (5) below.
- (2) Reshipments in Original Containers from Area Under Quarantine of Commodities Grown Outside Thereof. Commodities in original unopened containers, each bearing labels or other identifying marks evidencing origin outside the area under quarantine, may be reshipped to this state from any point within the area under quarantine.
- (3) Repacked Commodities Admissible from Area Under Quarantine if Certified Grown Outside Thereof. Provided each lot or shipment is certified by an authorized agricultural official to have been grown outside the area under quarantine and that continued identity has been maintained while within the area under quarantine, the commodities may be repacked and shipped by common carrier from any point within the area under quarantine to this state. The certificate shall set forth the state in which commodities were grown, point of repacking and reshipment, amount and kind of commodities comprising the lot or shipment, and the names and addresses of the shipper and consignee.
- (4) Apples Exposed to Controlled Atmosphere (CA) Storage Admissible Under Certificate. Apples which are exposed to controlled atmosphere (CA) storage for a continuous period of ninety (90) days, during which period the temperature within the storage room is maintained at thirty–eight degrees (38°) Fahrenheit (3.3°C.) or less, may be admitted into California provided said storage room or building is approved by the proper authorities in the state of origin as a controlled atmosphere facility and further provided each lot or shipment of such apples to California is accompanied by a certificate, as stated in (1) above, evidencing compliance with the minimum requirements of this paragraph.
- (5) Solid Frozen Fruits Exempt. No restrictions are placed by this regulation on the entry into this State of fruits which upon arrival are frozen solid and which are under refrigeration to assure their solid frozen state.
- (6) Shipments from Cold Storage at 32°F. (0°C.). Commodities covered which are held in cold storage for a continuous period of forty (40) days or more, during which period the temperature within the storage room is maintained at thirty–two degrees Fahrenheit (32°F.) (0°C.) or less, may be admitted into California provided each lot or shipment is accompanied by a certificate, as stated in (1) above, evidencing compliance with the minimum requirements of this paragraph.
- (7) Soil or Growing Media When Certified. Soil or growing media specified in (c)(3) is admissible when certified as treated at origin in a manner approved by the Secretary.

NOTE: Authority cited: Sections 407, 5301 and 5302, Food and Agricultural Code. Reference: Sections 5301 and 5302, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 2–24–83; effective thirtieth day thereafter (Register 83, No. 9). For prior history, see Register 82, No. 19.
- 2. Amendment filed 7–20–83; effective thirtieth day thereafter (Register 83, No. 30).
- 3. Amendment of subsections (b) and (c) and repealer of subsection (e) filed 10–12–84; designated effective 1–1–85 (Register 84, No. 41).
- 4. Amendment of subsections (b) and (c) filed 8-16-85; effective thirtieth day thereafter (Register 85, No. 33).
- 5. Amendment of subsection (c)(1) filed 6–26–86; effective thirtieth day thereafter (Register 86, No. 26).
- Amendment of section heading and text filed 6-17-94; operative 7-18-94 (Register 94, No. 24).

§ 3267. Elm Tree Diseases Exterior Quarantine (Quarantine Proclamation 21).

NOTE: New authority cited: Sections 407, 5301, and 5302, Food and Agricultural Code. Reference: Sections 5301 and 5302, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 7–28–77; as organizational and procedural; effective upon filing (Register 77, No. 31). For prior history, see Register 73, No. 51.
- 2. Amendment of subsection (b-1) filed 10-13-78; effective thirtieth day thereafter (Register 78, No. 41).
- Repealer and new section filed 3–29–83; effective thirtieth day thereafter (Register 83, No. 14).
- 4. Repealer filed 6-28-94; operative 7-28-94 (Register 94, No. 26).

§ 3268. Peach Wart Disease Exterior Quarantine.

NOTE: Authority cited: Sections 407, 5301, and 5302 of the Food and Agricultural Code. Reference: Sections 5301 and 5302 of the Food and Agricultural Code.

HISTORY

- 1. New section filed 7-11-47 (Register 8).
- 2. Repealer filed 7-3-80; effective thirtieth day thereafter (Register 80, No. 27).
- 3. Editorial correction of HISTORY NOTE No. 2 (Register 83, No. 48).

§ 3269. Oak Wilt Disease Exterior Quarantine (Quarantine Proclamation 23).

HISTORY

- 1. Amendment of subsection (b-1) filed 5-24-73; effective thirtieth day thereafter (Register 73, No. 21). For prior history, see Register 72, No. 24.
- 2. Repealer filed 12-15-75; effective thirtieth day thereafter (Register 75, No. 51).

§ 3270. Pickleworm Exterior Quarantine.

NOTE: Authority cited: Sections 407, 5301 and 5302, Food and Agricultural Code. Reference: Sections 5301 and 5302, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 8–8–77; effective thirtieth day thereafter (Register 77, No. 33). For prior history, see Register 63, No. 5.
- 2. Amendment of subsection (c) filed 10–13–78; effective thirtieth day thereafter (Register 78, No. 41).
- 3. Repealer filed 6–30–80 as an emergency; effective upon filing (Register 80, No. 27). A Certificate of Compliance must be transmitted to OAH within 120 days or emergency language will be repealed on 10–28–80.
- 4. Certificate of Compliance filed 10-23-80 (Register 80, No. 43).
- 5. Editorial correction of NOTE (Register 81, No. 4).

§ 3271. Burrowing and Reniform Nematode Exterior Quarantine.

A quarantine is established against the following pests, their hosts and possible carriers:

- (a) Pests. Burrowing nematode (*Radopholus similis*) and reniform nematode (*Rotylenchulus reniformis*), parasites of the roots of citrus and many other plants.
- (b) Area Under Quarantine. Infested Area. The states of Alabama, Arkansas, Florida, Georgia, Hawaii, Louisiana, Mississippi, North Carolina, South Carolina, Texas, and the Commonwealth of Puerto Rico.
- (c) Articles and Commodities Covered. The following articles and commodities are restricted entry into California when arriving from the area under quarantine.
 - (1) All earth (including sand and soil) and potting media.
 - (2) All plants and plant parts with roots (including aerial roots).
 - (3) All parts of plants produced below the ground or soil level.
 - (4) All plant cuttings for propagation.
- (5) Exemptions. The following articles and commodities are exempt from the quarantine:
 - A. Industrial sand and clay.
- B. Air plants (including certain orchids and other plants produced epiphytically) if growing exclusively in or on soil–free material such as osmunda fiber, tree fern trunk, or bark.
- C. Aquatic plants (those species normally growing in, on or under permanent water, either rooted in soil or free-floating) if free from soil.
- D. Plants secured by air–layering if roots are established and enclosed in the original soil–free moss wrappings.

- E. Cuttings of ti (*Cordyline* spp.) if free from roots and soil.
- F. Dormant bulbs and corms for propagation, if free from roots and soil, but not including taro corms for propagative purposes.
- G. All fleshy roots, corms, tubers, and rhizomes for edible or medicinal purposes if washed or otherwise freed of soil.
 - (d) Restrictions.
- (1) Certification Requirements for Commodities From Area Under Quarantine. All commodities covered moving from the "Area Under Quarantine" listed in (b) above, whether moved direct from said area or by diversion or reconsignment from any other point (without regard to period of time held or grown at any intermediate point), are prohibited entry unless each shipment or lot is accompanied by a certificate issued by the authorized agricultural official of the state, district, or commonwealth where produced establishing that all material contained in the lot or shipment meets either A, B, or C below:
- (A) It has been determined through surveys, conducted at annual intervals (or during the one-year period prior to shipment), that burrowing and reniform nematodes do not exist on the property or premise or facility used to grow the nursery stock, and that the seed or plant parts used for production of the plants were determined by the certifying officer to be free from burrowing and reniform nematodes (the survey methods shall have been approved by the California Department of Food and Agriculture); or
- (B) The plants or plant parts being shipped to California were protected from burrowing and reniform nematode infestation by all the following sanitation methods:
- 1. Propagated from clean seed or from cuttings taken at least 12 inches above ground level.
- 2. Planted in sterilized soil or other suitable material prepared or treated to assure freedom from burrowing and reniform nematode.
 - 3. Retained in sterilized pots, containers, or beds.
- 4. Placed on sterilized benches or sterilized supports at least 18 inches from the ground or floor level.
- 5. Area beneath benches or supports holding plants treated at sixmonth intervals with a registered nematocide or other material having nematocidal value and approved by the origin state agricultural officials, except when smooth clean flooring of concrete is present.
- 6. Plants and growing media sampled using methods approved by the California Department of Food and Agriculture and found free of burrowing and reniform nematode.
- 7. Protected from contamination by burrowing and reniform nematode until shipped, or
- (C) The shipment consists of only unrooted plant cuttings provided that the cuttings were taken from that portion of the plant which is growing at least 12 inches above ground level and were protected from contamination until shipped.

NOTE: Authority cited: Sections 407, 5301 and 5302, Food and Agricultural Code. Reference: Sections 5301 and 5302, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 5–15–74 as an emergency; effective upon filing (Register 74, No. 20). For prior history, see Register 73, No. 48.
- 2. Amendment filed 7–15–74 as an emergency; effective upon filing. Certificate of Compliance included (Register 74, No. 29).
- Amendment filed 4–25–77; effective thirtieth day thereafter (Register 77, No. 18).
- Amendment of subsection (b)(1) filed 10–13–78; effective thirtieth day thereafter (Register 78, No. 41).
- Repealer and new section filed 3–29–83; effective thirtieth day thereafter (Register 83, No. 14).
- 6. Amendment of section heading and section filed 8–10–95; operative 9–9–95 (Register 95, No. 32)

§ 3272. Cornstalk Borers and Sugarcane Borer Exterior Quarantine.

A quarantine is established against the following pests, their hosts and possible carriers:

(a) Pests. Southern cornstalk borer (*Diatraea crambidoides*); southwestern corn borer (*Diatraea grandiosella*); and sugarcane borer (*Diatraea grandiosella*);

- *traea saccharalis*), moths, in the family Pyralidae, which cause extensive damage to corn and sugarcane by boring in the stalks and tap roots.
- (b) Area Under Quarantine. The entire States of Alabama, Arizona, Arkansas, Delaware, Florida, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Missouri, Nebraska. New Jersey, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia.
- (c) Articles and Commodities Covered. The following articles and commodities are hereby declared to be hosts and possible carriers of the pests herein quarantined against.
- (1) Corn or Maize (*Zea mays*). Stalks or corncobs including corn on the cob (fresh or dry).
- (2) Sugarcane (Saccharum officinarum). Stalks, cuttings, rooted plants or parts thereof, except clean seed.
 - (d) Restrictions.
- (1) Certification Required. Except as provided in paragraphs (2) and (3) below, articles and commodities covered are prohibited entry into the State of California from the area under quarantine unless each shipment or lot is accompanied by a certificate issued by an authorized agricultural official of the state of origin, evidencing field treatments and inspections of the growing crop or post harvest treatment for the pests quarantined against as prescribed by the department. The certificate shall specify: treatment; the kind and quantity of the commodity constituting the lot or shipment; the initials and number of the railway car or license number of the truck or trailer; the name and address of the shipper and consignee; and the date issued.
- (2) Manufactured or Processed Products Exempt from Restrictions. No restrictions are placed by this regulation upon the entry into this state of products consisting wholly or in part of articles or commodities covered which are processed or manufactured in such a manner as to eliminate all danger of carrying the pests herein quarantined against.
- (3) Treatment Certificates for European Corn Borer Accepted. Articles or commodities moving under a certificate issued by an authorized agricultural official evidencing compliance with the certification and/or exemption requirements of Section 3263 of Title 3 of the California Code of Regulations pertaining to the European Corn Borer Exterior Quarantine, are exempted from the certification requirements of this section.
- (4) Exemptions. Department inspectors may release small lots or shipments of articles or commodities covered which have been adequately inspected for the pests quarantined against.

NOTE: Authority cited: Sections 407, 5301 and 5302, Food and Agricultural Code. Reference: Sections 5301 and 5302, Food and Agricultural Code.

HISTORY

- 1. New section filed 7–23–56; effective thirtieth day thereafter (Register 56, No. 14).
- 2. Amendment filed 3–28–74; effective thirtieth day thereafter (Register 74, No. 13).
- 3. Editorial correction (Register 76, No. 38).
- 4. Repealer and new section filed 3–29–83; effective thirtieth day thereafter (Register 83, No. 14).
- 5. Amendment of section heading and subsections (b), (d)(1), (d)(3) and (d)(4) filed 8–27–98; operative 9–26–98 (Register 98, No. 35).

§ 3273. Walnut and Pecan Pests Exterior Quarantine (Quarantine Proclamation 27).

A quarantine is established against the following pests, their hosts, and possible carriers:

- (a) Pests. Walnut husk flies (*Rhagoletis suavis*), (*Rhagoletis juglandis*), and (*Rhagoletis boycei*); nut tree casebearers (*Acrobasis* spp.); butternut curculio (*Conotrachelus juglandis*); black walnut curculio (*Conotrachelus retentus*); pecan weevil (*Curculio caryae*); and hickory shuckworm (*Laspeyresia caryana*).
 - (b) Area Under Quarantine.
- (1) On account of the walnut husk flies, nut tree casebearers, and curculios, all states and districts of the United States, except the State of Arizona.
- (2) On account of the pecan weevil and hickory shuckworm, the states of Alabama, Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana,

Page 306 Register 98, No. 35; 8–28–98

Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas and Virginia.

- (c) Articles and Commodities Covered. The following articles and commodities are hereby declared to be hosts and possible carriers of the pests quarantined against:
- (1) Unhusked nuts of walnuts and butternuts (*Juglans* spp.), and any such husks or hulls or fragments thereof moved as such, or adhering to, or moved in connection with any article or thing.
- (2) Husks or hulls, and fragments thereof, and nuts in the shell of pecan and hickory (*Carya* spp.).
- (3) Boxes, sacks, and other containers, equipment, appliances, machinery and vehicles used in connection with harvesting, hulling, dehydrating, shelling, transporting, or storing of any unhusked nuts of walnut, butternut or hulls of walnut, butternut, pecan and hickory.
 - (d) Restrictions.
- (1) Certificate of Treatment Required. Restricted articles originating in or shipped from the area under quarantine shall be refused admittance into the State of California unless each lot or shipment is accompanied by a certificate issued by an authorized representative of the Department of Agriculture in the state of origin of the article or commodity evidencing treatment for the pests quarantined against approved by the director and under official supervision of an authorized representative of the Department of Agriculture in the state of origin prior to arrival in this state. The certificate must show kind and amount of articles covered, except that in the case of small noncommercial quantities of unhusked nuts of walnut and butternut transported via mail, express or as personal belongings, the director may permit the removal and destruction of husks or hulls, or permit treatment of the lot, under his supervision, at the risk and expense of the owner or receiver, after which the lot may be released.
- (2) No restrictions are placed by this regulation on the movement of nuts in the shell of walnut and butternut from which all husks or hulls have been completely removed, or on the movement of extracted nut meats of walnut, butternut, pecan, and hickory.

NOTE: Authority cited: Sections 407, 5301 and 5302, Food and Agricultural Code. Reference: Sections 5301 and 5302, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 7–28–77 as organizational and procedural; effective upon filing (Register 77, No. 31). For prior history, see Register 72, No. 24.
- Repealer and new section filed 3–29–83; effective thirtieth day thereafter (Register 83, No. 14).
- 3. Amendment filed 3–7–84; effective thirtieth day thereafter (Register 84, No. 10).

§ 3274. Cedar–Apple Rust Disease Exterior Quarantine (Quarantine Proclamation 28).

A quarantine is established against the following pest, its hosts and possible carriers:

- (a) Pest. *Gymnosporangium juniperi-virginianae* (cedar-apple rust). This fungus pathogen causes galls to form on susceptible species of junipers and produces rust pustules on leaves, fruits and twigs of susceptible species of apples and crab apples.
- (b) Area Under Quarantine. The State of Alaska and all states and districts east of and including the States of Montana, South Dakota, Nebraska, Kansas, Oklahoma and Texas.
- (c) Articles and Commodities Covered. Viable cedar–apple galls. Living plants, trees, cuttings, branches and leaves of all species, hybrids and botanical and horticultural varieties of juniper (*Juniperus* spp.) and apple and crab apple (*Malus* spp.); except nonsusceptible junipers when properly labeled as to scientific name and apple and crab apple cuttings, scions, and trees when completely dormant and trees are bare–rooted.
- (1) Susceptible Species of Juniper. The following *Juniperus* species and all their varieties are hosts and possible carriers:

Juniperus chinensis---Chinese Juniper

- J. communis—common juniper, English juniper
- J. horizontalis—creeping juniper
- J. osteosperma—Utah juniper, desert juniper
- J. pinchotii-redberry juniper
- J. scopulorum—Rocky Mountain juniper, Western red cedar

- J. silicicola—Southern red cedar
- J. virginiana—Eastern red cedar
- (d) Restrictions. Articles and commodities covered are prohibited entry into California from the area under quarantine unless they qualify under one of the conditions listed below:
- (1) Susceptible Junipers Certification Requirements. Susceptible species and varieties must be accompanied by an official certificate of the Department of Agriculture of the state of origin which certifies that the article or commodity has been grown and handled in compliance with the following conditions:
- (A) Juniper plants produced from seed may be certified provided that they have been grown and packed for shipment at a location at least two miles distant from any susceptible apple or crab apple tree.
- (B-1) Juniper plants produced from cuttings or layers may be certified provided that they have been grown at least two years immediately previous to shipment and packed for shipment at a location at least two miles from any susceptible apple or crab apple trees.

OF

- (B-2) Juniper plants produced from cuttings or layers which have been grown less than two years at a location described in (B-1) above, may be certified only if during the growing period there have been no apple or crab apple trees grown within two miles of the location where the junipers were grown and packed for shipment and there have been no apple or crab apple trees grown within two miles of the locations of all source plants for a period of at least two years immediately previous to taking the cuttings or layers.
- (C) Unrooted juniper cuttings and rooted layers may be certified if there have been no apple or crab apple trees grown within two miles of the location of all source plants for a period of two years immediately previous to taking the cuttings or layers and provided that the cuttings or layers are packed for shipment on the source plant location.

NOTE: Authority cited: Sections 407, 5301, and 5302, Food and Agricultural Code. Reference: Sections 5301 and 5302, Food and Agricultural Code.

HISTORY

- 1. New section filed 9–8–61; effective thirtieth day thereafter (Register 61, No. 18).
- 2. Amendment of subsections (a) and (b) filed 10-5-72; effective thirtieth day thereafter (Register 72, No. 41).
- 3. Repealer and new section filed 3–29–83; effective thirtieth day thereafter (Register 83, No. 14).

§ 3275. European Pine Shoot Moth Exterior Quarantine.

- A quarantine is established against the following pest, its hosts and possible carriers:
 - (a) Pest. European pine shoot moth (Rhyacionia buoliana).
- (b) Area Under Quarantine. The states of Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Washington, West Virginia, and Wisconsin.
- (c) Articles and Commodities Covered. All species and varieties of pine (*Pinus* spp.) trees (with or without roots) and any branches or twigs of pine bearing terminal buds, needles or shoots are declared to be hosts and possible carriers of the pest quarantined against.
 - (d) Restrictions.
- (1) Certificate of Origin or Treatment Required. Articles and commodities covered are prohibited entry into California from the area under quarantine unless each lot or shipment is accompanied by a certificate issued by an authorized agricultural official of the origin state affirming that the material meets the requirements of either (A), (B), or (C) below:
- (A) Origin Certificate From Noninfested Areas. Shipments of articles and commodities covered may be certified provided the origin certificate is issued after the growing site or growing area has been trapped for the European pine shoot moth as prescribed by the department and found free from European pine shoot moth.
- (B) Origin Certificate From Noninfested Counties or Parishes. Shipments of articles and commodities covered may be certified provided the

Page 307

origin certificate is issued after the county or parish has been trapped for European pine shoot moth as approved by the department and found free from European pine shoot moth.

- (C) Treatment Certificate. Shipments of articles and commodities covered may be certified provided they have been treated for European pine shoot moth under supervision of an authorized agricultural official of the state of origin prior to shipment in a manner and by a method which has been prescribed by the department.
- (2) Exemptions. The following articles and commodities are exempt from the certification requirements of this regulation:
 - (A) Pine boughs in wreaths.
 - (B) Noncommercial shipments not exceeding three in number of:
 - 1. Bonsai pine trees.
 - 2. Rooted pine trees three feet or less in height.
 - 3. Cut pine Christmas trees for normal indoor use.
- 4. Cut pine branches, not to exceed the equivalent of 3 pine trees of the size for normal indoor use.

NOTE: Authority cited: Sections 407, 5301 and 5302, Food and Agricultural Code. Reference: Sections 5301 and 5302, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 4–20–78 as an emergency; effective upon filing (Register 78, No. 16). For prior history, see Register 72, No. 24.
- 2. Certificate of Compliance filed 6-13-78 (Register 78, No. 24).
- 3. Repealer and new section filed 3–29–83; effective thirtieth day thereafter (Register 83, No. 14).
- Amendment of section heading and subsections (b), (d)(1) and (d)(1)(A), new subsection (d)(1)(B), subsection relettering, and amendment of newly designated subsection (d)(1)(C) filed 11–30–98; operative 12–30–98 (Register 98, No. 49).

§ 3276. Peach Rosette Disease Exterior Quarantine (Quarantine Proclamation 30).

A quarantine is established against the following pest, its hosts and possible carriers:

- (a) Pest. The pathogen which causes peach rossette disease. The pathogen is a mycoplasma-like organism.
- (b) Area Under Quarantine. The entire states of Alabama, Arkansas, Georgia, Mississippi, Oklahoma, South Carolina, Tennessee and West Virginia.
- (c) Articles and Commodities Covered. Trees and all parts capable of propagation (budsticks, scions, rootstocks, etc.), except seed (fruit pits) of all species of the genus *Prunus* are declared hosts and possible carriers, except the evergreen species: *P. caroliniana*, American cherry laurel, Carolina cherry laurel; *P. ilicifolia*, holly—leaf cherry, California cherry; *P. laurocerasus*, cherry laurel, English laurel; *P. lusitanica*, Portugal laurel; *P. lyonii*, Catalina cherry.
- (d) Restrictions. All articles and commodities covered are prohibited entry into California from the area under quarantine except as provided in (2) below.
- (1) Symptomless Carriers Prohibited. Trees and all parts capable of propagation, except seed, of the 'Wilson' cultivar of apricot (*P. armenia-ca*) and Marianna plums (*P. cerasifera x P. munsoniana*), and any tree budded or grafted on Marianna plum understock, are declared symptomless carriers and prohibited entry.
- (2) Nursery Stock. Nursery stock of the restricted *Prunus* species (other than symptomless carriers, or stock budded onto symptomless carriers, as stated in paragraph (1) above) is permitted entry provided:
- (A) Each species and variety is properly labeled as to scientific name and state of origin; and
- (B) Each lot or shipment is accompanied by an origin certificate issued by an authorized official of the origin state Department of Agriculture verifying that the stock met all requirements for certification as prescribed by the director. Certificates may be issued under the following conditions:
- (1) Origin certificates may be issued after competent and adequate surveys have been made by the origin State Department of Food and Agriculture or the United States Department of Agriculture at the proper time

in relation to the disease and hosts. No peach rosette disease shall have been found during the last two growing seasons previous to digging the trees or taking the buds either on or within one mile of the growing grounds or bud source properties.

- (2) No certificates shall be issued for movement of host trees to this State if during the period of their production there has existed on the growing grounds any Wilson apricot or Marianna plum tree or any other tree growing on Marianna plum understock, nor if during the last two growing seasons previous to digging the trees or taking the buds any Wilson apricot or Marianna plum tree has existed within one mile of the growing grounds or bud source properties.
- (3) Seedling trees or trees budded on admissible rootstocks which are grown from seed and shipped in one growing season, may be certified provided any budwood used in the production of such trees meets all conditions in (1) and (2) of this paragraph and no peach rosette disease has occurred during the growing season either on or within one mile of the growing ground property.
- (4) Certificates may be issued for reshipments of dormant host trees and propagative parts which have been produced outside of the area under quarantine and have remained dormant while within the area. Certificates shall set forth the name of the state where produced and shall state that the trees and propagative parts remained dormant while within the area under quarantine.

NOTE: Authority cited: Sections 407, 5301 and 5302, Food and Agricultural Code. Reference: Sections 5301 and 5302, Food and Agricultural Code.

HISTORY

- 1. New section filed 11–26–63; effective thirtieth day thereafter (Register 63, No. 24).
- 2. Amendment of subsections (b) and (e) filed 4-26-68; effective thirtieth day thereafter (Register 68, No. 17).
- 3. Repealer and new section filed 3–29–83; effective thirtieth day thereafter (Register 83, No. 14).

§ 3277. Cereal Leaf Beetle Exterior Quarantine (Quarantine Proclamation 31).

A quarantine is established against the following pest, its hosts and possible carriers:

- (a) Pest. Cereal leaf beetle (*Oulema melanopus*). A beetle, family Chrysomelidae, which is a destructive leaf feeder. Wheat, barley, and oats are the principal crops attacked by both larva and adult.
- (b) Area Under Quarantine. All states and districts of the United States east of and including Minnesota, Iowa, Missouri, Arkansas, and Louisiana.
- (1) Infested Area. The states of Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia shall be known as the Infested Area
- (2) Area Not Known to be Infested. All states in the Area Under Quarantine [see (b) above] and not named in the Infested Area [see (b)(1) above] shall be known as the Area Not Known to be Infested.
- (c) Commodities and Items Covered. Small grains such as barley, oats, and wheat; ear corn; straw and hay, including marsh hay (pelletized hay is not covered); grass sod; grass and forage seed; fodder and plant litter; used harvesting equipment or machinery; and cut or balled Christmas trees of Scotch pines (*Pinus sylvestris*), red pine (*Pinus resinosa*), and Austrian pine (*Pinus nigra*), including all subspecies thereof.
 - (d) Restrictions.
- (1) Exemption of Commodities Covered. The following commodities are exempt from all restrictions of this quarantine under conditions as prescribed below.
 - (A) Grain sorghum, shelled corn, and soybeans.
- (B) Small grain seed, grass seed, and forage seed when cleaned and shipped in bags or small packages.
- (C) All straw and hay that has been used as bedding for animals during shipment.

Page 308 Register 98, No. 49; 12-4-98

- (D) Small grains shipped during the period of February 1 to April 30 inclusive, each year.
- (2) Commodities and Items Covered Admitted From Quarantined Area if Treated at Origin.
- (A) Commodities and items covered are admissible into California from the area under quarantine provided each lot or shipment is officially certified by an authorized representative of the origin state department of agriculture or the United States Department of Agriculture affirming that the lot or shipment was treated prior to shipment under official supervision in a manner approved by the Director of the Department of Food and Agriculture and was not exposed to re—infestation.
- (3) Commodities and Items Covered Admitted Under Certification as to Origin.
- (A) Commodities covered which are grown in and shipped from the Area Not Known To Be Infested are enterable into California provided each lot or shipment is officially certified by an authorized representative of the state department of agriculture where shipment was made, or the United States Department of Agriculture, giving the date and state or states where the commodities were produced.

A rubber stamp which bears a facsimile signature of the proper state official may be issued to shippers which are under state supervision. Imprints of such a stamp placed on the waybills accompanying shipments will be acceptable as an authorized certificate.

- (B) Used harvesting equipment or machinery from the Area Not Known To Be Infested may be admitted under certification from an agricultural official of the origin state. To be eligible for such certification, the used harvesting equipment or machinery shall not have been used in any infested state for a period of one year prior to shipment.
- (C) Used harvesting equipment or machinery from the area under quarantine may be admitted under certification from an agricultural official of the origin state. To be eligible for such certification the used harvesting equipment or machinery shall not have been used from April through August of the current year.
- (4) Small Grains, Grass Seed, and Forage Seed from Area Not Known to be Infested with Cereal Leaf Beetle Admitted Under Certificate of Inspection.
- (A) Small grains such as barley, oats, and wheat; and grass and forage seed, produced in an area not known to be infested as specified in subsection (b)(2) may be admitted under certification from an agricultural official of the state of origin. The certificate shall affirm that the lot or shipment has been inspected and found free of cereal leaf beetle (both live and dead). The inspection for such certification shall consist of representative samples from individual truck or rail car lots to be shipped and at least ten (10) representative samples from the top and intermediate areas (inspection holes) of silos.
- (5) Commodities and Items Covered Allowed Movement Under Permit From the Director.
- (A) The Director may issue permits admitting commodities and items covered, subject to limitations, conditions, and provisions which the Director may prescribe therein.

NOTE: Authority cited: Sections 407, 5301 and 5302, Food and Agricultural Code. Reference: Sections 5301 and 5302, Food and Agricultural Code.

History

- 1. Amendment of subsections (b) and (d)(1) filed 1–27–77; effective thirtieth day thereafter (Register 77, No. 5). For prior history, see Register 74, No. 50.
- Amendment filed 7-28-77 as organizational and procedural; effective upon filing (Register 77, No. 31).
- 3. Editorial correction of NOTE filed 6-3-83; effective thirtieth day thereafter (Register 83, No. 23).

§ 3278. Whitefringed Beetle Exterior Quarantine (Quarantine Proclamation 33).

NOTE: Authority cited: Sections 407, 5301, 5302, Food and Agricultural Code. Reference: Sections 5301, 5302, Food and Agricultural Code.

HISTORY

1. New section filed 5–14–76; effective thirtieth day thereafter (Register 76, No. 20).

- 2. Amendment filed 7–28–77 as organizational and procedural; effective upon filing (Register 77, No. 31).
- 3. Repealer filed 3–29–83; effective thirtieth day thereafter (Register 83, No. 14).

§ 3279. West Indian Sugarcane Root Borer Exterior Quarantine (Quarantine Proclamation 34).

A quarantine is established against the following pest, its hosts and possible carriers:

- (a) Pest. West Indian sugarcane root borer, *Diaprepes abbreviata*, a pest native to the West Indies, which causes serious damage to sugarcane and also attacks ornamental nursery stock, citrus, corn, sweet potatoes, cotton, and peppers.
- (b) Area Under Quarantine. State of Florida: Counties of Broward, Collier, Dade, Glades, Hendry, Highlands, Hillsborough, Indian River, Lake, Lee, Manatee, Orange, Palm Beach, Polk, St. Lucie, Seminole, and Volusia.
 - (c) Articles and Commodities Covered.
 - (1) Soil, sand or gravel separately or with other things.
- (2) All plants and plant parts and plant products capable of propaga-
- (d) Restrictions. Articles and commodities covered are admissible into California from the area under quarantine if they have been certified by an authorized agricultural inspector of the state of origin to have been treated for West Indian sugarcane root borer in an approved manner or to have originated in an area free from the sugarcane root borer.
- (1) Exemptions. The following articles are exempt from the certification requirements of this quarantine:
 - (A) Seed.
 - (B) Fruits and vegetables grown above ground.
- (C) Fleshy roots, corms, tubers, and rhizomes if washed or otherwise freed of soil.
 - (D) Defoliated bare root nursery stock.
 - (E) Privately-owned indoor decorative houseplants.

NOTE: Authority cited: Sections 407, 5301 and 5302, Food and Agricultural Code. Reference: Sections 5301 and 5302, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–17–77; effective thirtieth day thereafter (Register 77, No. 4).
- 2. Repealer and new section filed 3–29–83; effective thirtieth day thereafter (Register 83, No. 14).
- 3. Amendment of subsection (b) filed 6–27–94; operative 7–27–94 (Register 94, No. 26).

§ 3280. Japanese Beetle Exterior Quarantine.

A quarantine is established against the following pest, its hosts, and possible carriers:

- (a) Pest. Japanese beetle, *Popillia japonica*, a beetle, family Scarabaeidae, which in the larval stage attacks the roots of many plants and as an adult attacks the leaves and fruits of many plants.
 - (b) Area Under Quarantine.
- (1) The entire states of Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia.
- (2) In the State of Alabama, the Counties of Blount, Calhoun, Chambers, Cherokee, Clay, Cleburne, Coosa, Dekalb, Etowah, Franklin, Jackson, Jefferson, Lee, Limestone, Macon, Madison, Marion, Marshall, Morgan, Randolph, St. Clair, Shelby, Talladega, Tallapoosa, Tuscaloosa and Winston.
- (3) In the State of Kansas, the Counties of Johnson, Sedgwick, Shawnee and Wyandotte.
- (4) In the State of Minnesota, the Counties of Carver, Dakota, Hennepin and Scott.
 - (5) In the State of Missouri:
 - (A) Counties of St. Louis, Franklin, Jefferson and Stone.
 - (B) City of St. Louis.

- (6) In the State of Wisconsin, the Counties of Dane, Door, Fond du lac, Jefferson, Kenosha, Milwaukee, Ozaukee, Racine, Rock, Sheboygan, Waukesha, and Wood.
 - (7) In Canada:
- (A) In the Province of Ontario: The Counties of Niagara, Haldimand–Norfolk and Hamilton–Wentworth.
- (B) In the Province of Quebec: The Regional Municipalities of Canada of Brome–Missiquoi, Le Haut–Richelieu, Champlain, Rousillon, and Le Bas–Richelieu.
- (c) Articles and Commodities Covered. The following are hereby declared to be hosts and possible carriers of the pest quarantined against:
- (1) Soil except when commercially packaged. For the purposes of this section, soil shall mean all growing media;
- Humus, compost, and manure (except when commercially packaged);
- (3) All plants with roots (except bareroot plants free from soil). "Free from soil" as used in this regulation shall mean free from soil in amounts that could contain concealed Japanese beetle larvae or pupae;
 - (4) Grass sod:
 - (5) Plant crowns or roots for propagation (except when free from soil);
- (6) Bulbs, corms, tubers, and rhizomes of ornamental plants (except when free from soil);
- (7) Any other plant, plant part, article, or means of conveyance when it is determined by a California State Plant Quarantine Officer to present a hazard of spreading live Japanese beetle due to infestation or exposure to infestation by Japanese beetle.
- (d) Restrictions. All articles and commodities covered are prohibited entry into California from the area under quarantine with the following exceptions:
- (1) Certificate of Treatment. All of the articles and commodities covered are approved for entry into California when accompanied by a certificate issued by an authorized state agricultural official stating that the article or shipment was treated for Japanese beetle prior to shipment or by a certificate issued by an authorized state agricultural official at origin stating that the article or commodity shipped was grown in accordance with methods and procedures approved and prescribed by the Secretary.
- (2) Certificate of Origin. Commercial plant shipments with soil may be shipped from the area under quarantine into California provided such shipments are accompanied by a certificate issued by an authorized state agricultural official at origin. Such certificates shall be issued only if the shipment conforms fully with either (A), (B) or (C) below:
- (A) The greenhouse in which the plants were produced was tightly constructed so that adult Japanese beetles would not gain entry, the plants and greenhouses were inspected and found to be free from all stages of Japanese beetle, and the plants and soil were protected from subsequent infestation while being stored, packed and shipped; or
- (B) The plants were not produced in the regulated area, were transported into the regulated area in a closed conveyance or closed containers and at all times thereafter were protected from becoming infested with Japanese beetle; or
- (C) States or portions of states listed in the area under quarantine may have counties that are not infested with Japanese beetle. Shipments of articles and commodities covered will be accepted from these noninfested counties if annual surveys are made in such counties and the results of such surveys are negative for Japanese beetle. A list of counties so approved will be maintained by the Secretary. The agricultural officials of other states may recommend a noninfested county be placed on the approved county list by writing for such approval and stating how the surveys were made giving the following information:
 - I. Area surveyed.
 - II. How survey was carried out.
 - III. Personnel involved.
 - IV. If county was previously infested, give date of last infestation.

The recommendation for approval of such counties will be evaluated by Pest Exclusion, Division of Plant Industry, California Department of Food and Agriculture.

If heavy infestations occur in neighboring counties, approval may be denied. To be maintained on the approved list, each county must be reapproved every twelve (12) months. Shipments of articles and commodities covered from noninfested counties will only be allowed entry into California if the noninfested county has been placed on the approved list prior to the arrival of the shipment in California.

(3) Privately owned houseplants grown indoors may be inspected and passed by California State Plant Quarantine Officers if found free from Japanese beetle.

NOTE: Authority cited: Sections 407, 5301 and 5302, Food and Agricultural Code. Reference: Sections 5301 and 5302, Food and Agricultural Code.

HISTORY

- 1. New section filed 9–12–77; effective thirtieth day thereafter (Register 77, No. 38).
- Repealer of subsection (e) filed 10–13–78 as an emergency; effective upon filing (Register 78, No. 41).
- 3. Certificate of Compliance filed 1-19-79 (Register 79, No. 3).
- Repealer and new section filed 3–29–83; effective thirtieth day thereafter (Register 83, No. 14).
- Amendment filed 7-11-84; effective thirtieth day thereafter (Register 84, No. 28).
- 6. Amendment of section heading and section filed 8–1–96; operative 8–31–96 (Register 96, No. 31).
- 7. Amendment of subsection (c)(3) filed 4–2–97; operative 4–2–97 pursuant to Government Code section 11343.4(d). Submitted to OAL for printing only (Register 97, No. 14).

§ 3281. Hydrilla Exterior Quarantine.

A quarantine is established against the following pest, its hosts, and possible carriers:

- (a) Pest. Hydrilla, *Hydrilla verticillata*, an aquatic weed that can, by its thick growth, restrict water flow and make recreational lakes and ponds unusable.
- (b) Area Under Quarantine. All States, Districts and Territories of the United States.
 - (c) Articles and Commodities Covered.
- (1) Hydrilla plants or parts of plants capable of growing, including parts of stems, tubers, and turions.
- (2) Any products, articles, implements, conveyances (including boats), or any appliances capable of transporting viable plant parts of hydrilla.
- (3) Aquatic plants including those used as vegetation in shipments of live fish.
 - (d) Restrictions.
- (1) Articles and commodities covered in (c)(1) are prohibited entry into California from the area under quarantine.
- (2) Articles and commodities covered in (c)(2) from the area under quarantine are subject to inspection upon entry into California and, if found contaminated with hydrilla, shall be cleaned to eliminate hydrilla, treated for hydrilla by a method approved by the director, or returned out–of–state to the shipper.
- (3) Articles and commodities covered in (c)(3) are prohibited entry into California from the area under quarantine unless accompanied by a certificate, issued by a plant regulatory official of the state of origin, verifying the shipment is free of hydrilla.

NOTE: Authority cited: Sections 407, 5301 and 5302, Food and Agricultural Code. Reference: Sections 5301 and 5302.

HISTORY

- 1. New section filed 9–12–77; effective thirtieth day thereafter (Register 77, No. 38).
- Repealer and new section filed 3–29–83; effective thirtieth day thereafter (Register 83, No. 14).
- Amendment filed 4–8–86; effective thirtieth day thereafter (Register 86, No. 15).

§ 3282. Lethal Yellowing and Lethal Decline of Palm Exterior Quarantine.

A quarantine is established against the following pest, its hosts and possible carriers:

- (a) Pest. The pest is a pathogen, a non-cultivable mollicute (formerly called a mycoplasma-like organism), which causes lethal yellowing of palm in Florida and Texas.
 - (b) Areas Under Quarantine.
- (1) Florida. The counties of Broward, Collier, Dade, Hendry, Lee, Martin, Monroe, and Palm Beach.
 - (2) Texas. The counties of Cameron, Hidalgo, and Willacy.
- (c) Articles and Commodities Covered. Susceptible palm trees, screw pine, and hosts of *Myndus crudus* (the vector of lethal yellowing of palm), and all parts capable of propagation, except seed, are the articles and commodities covered. The following species of palm and screw pine are considered susceptible and the following grasses and sedges may host *Myndus crudus*:
 - (1) Aiphanes lindeniana
 - (2) Allagoptera arenaria
 - (3) Andropogon virginicus, broomsedge
 - (4) Arenga engleri
 - (5) Arikuryroba schizophylla, Arikury palm
 - (6) Borassus flabellifer, Palmyra palm
 - (7) Caryota mitis, Cluster fishtail palm
 - (8) Chrysalidocarpus cabadae, Cabada palm
 - (9) Cocos nucifera, Coconut palm
 - (10) Corypha elata, Buri palm
 - (11) Cynodon dactylon, bermudagrass
 - (12) Cyperus spp., sedges
 - (13) Dictyosperma album, Princess palm
 - (14) Eremochloa ophiuroides, centipedegrass
 - (15) Gaussia attenuata, Puerto Rican gaussia
 - (16) Howea belmoreana, Belmore sentry palm
 - (17) Hyophorbe verschaffeltii [Mascarena v.], Spindle palm
 - (18) Latania spp., Latan palm
 - (19) Livistona chinensis, Chinese fan palm
 - (20) Livistona rotundifolia
 - (21) Nannorrhops ritchiana, Mazari palm
 - (22) Panicum purpurascens, paragrass
 - (23) Panicum bartowense
 - (24) Pandanus utilis, screw pine
 - (25) Paspalum notatum, bahiagrass
 - (26) Neodypsis decaryi, Triangle palm
 - (27) Phoenix canariensis, Canary Island date palm
 - (28) Phoenix dactylifera, Date palm
 - (29) Phoenix reclinata, Senegal date palm
 - (30) Phoenix sylvestris, Wild date palm
 - (31) Pritchardia spp.
 - (32) Ravenea hildebrandtii
 - (33) Setaria spp., foxtail
 - (34) Stenotaphrum secundatum, St. Augustine grass
 - (35) Syagrus schizophylla
 - (36) Trachycarpus fortunei, Japanese fan palm
 - (37) Veitchia spp.
 - (d) Restrictions.
- (1) Prohibited. All articles and commodities covered, listed in (c) above, are prohibited entry into California when grown in or shipped from the areas under quarantine. Grasses and sedges covered may be admissible if each shipment is accompanied by an official certificate evidencing treatment for *Myndus crudus*, as indicated in (d)(2), below.
- (2) Certificate of Treatment. Grasses and sedges covered may be shipped to California from the area under quarantine subject to prior approval by the Secretary of the method of treatment to be used. Each ship-

ment must be accompanied by an official certificate issued by and bearing an original or facsimile signature of an authorized agricultural official of the state of origin indicating the method of treatment, quantity of commodity covered, identification or license number of carrier, and the names and addresses of the shipper and consignee.

NOTE: Authority cited: Sections 407, 5301 and 5302, Food and Agricultural Code. Reference: Sections 5301 and 5302, Food and Agricultural Code.

HISTORY

- 1. New section filed 10–13–78; effective thirtieth day thereafter (Register 78, No. 41).
- 2. Amendment filed 11–13–81; effective thirtieth day thereafter (Register 81, No. 46)
- 3. Amendment of section heading and section filed 10–16–95; operative 11–15–95 (Register 95, No. 42).

§ 3283. Soybean Cyst Nematode Exterior Quarantine.

NOTE: Authority cited: Sections 407, 5301 and 5302, Food and Agricultural Code. Reference: Sections 5301 and 5302, Food and Agricultural Code.

HISTORY

- 1. New section filed 7–3–80; effective thirtieth day thereafter (Register 80, No. 27).
- 2. Amendment filed 7–17–85; effective thirtieth day thereafter (Register 85, No. 29).
- 3. Amendment of subsection (b)(1) filed 5–27–86; effective thirtieth day thereafter (Register 86, No. 22).
- 4. Repealer filed 6-28-94; operative 7-28-94 (Register 94, No. 26).

§ 3284. Asparagus Aphid Exterior Quarantine (Quarantine Proclamation 39).

NOTE: Authority cited: Sections 407, 5301 and 5302, Food and Agricultural Code. Reference: Sections 5301 and 5302, Food and Agricultural Code.

HISTORY

- 1. New section filed 3–31–83 as an emergency; effective upon filing (Register 83, No. 14). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 7–29–83.
- 2. Certificate of Compliance filed 7-28-83 (Register 83, No. 31).
- 3. Amendment of subsection (d) filed 10–17–84; effective thirtieth day thereafter (Register 84, No. 42).
- 4. Repealer filed 3–5–97; operative 4–4–97 (Register 97, No. 10).

§ 3285. Gypsy Moth Exterior Quarantine (Quarantine Proclamation 40).

NOTE: Authority cited: Sections 407, 5301 and 5302, Food and Agricultural Code. Reference: Sections 5301 and 5302, Food and Agricultural Code.

HISTORY

- New section filed 9-12-84 as an emergency; effective upon filing (Register 84, No. 40). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 1-10-85.
- 2. Repealed by operation of Government Code Section 11346.1(g) (Register 85, No. 3)

§ 3286. Tomato Yellow Leaf Curl Virus Exterior Quarantine.

A quarantine is established against the following pest, its hosts, and possible carriers:

- (a) Pest. Tomato yellow leaf curl virus, a virus which causes tomato vellow leaf curl, a serious disease of tomatoes.
 - (b) Area Under Quarantine. The entire state of Florida.
- (c) Articles and Commodities Covered. All plants and plant parts of tomato (*Lycopersicon esculentum*), except fruit and seed.
- (d) Restrictions. Articles and commodities covered are prohibited entry into California from the area under quarantine.

NOTE: Authority cited: Sections 407, 5301 and 5302, Food and Agricultural Code. Reference: Sections 5301 and 5302, Food and Agricultural Code.

HISTORY

- 1. New section filed 12–3–97 as an emergency; operative 12–3–97 (Register 97, No. 49). A Certificate of Compliance must be transmitted to OAL by 4–2–98 or emergency language will be repealed by operation of law on the following
- 2. Certificate of Compliance as to 12–3–97 order transmitted to OAL 3–13–98 and filed 4–22–98 (Register 98, No. 17).

Article 4. Interior Quarantine (Regulations)

§ 3400. Peach Mosaic Disease Interior Quarantine (Quarantine Regulation 1).

A quarantine is established against the following pest, its hosts, and possible carriers.

- (a) Pest. Peach mosaic virus disease.
- (b) Area Under Quarantine.
- (1) Los Angeles County. All that portion of Los Angeles County bounded on the north by the township line separating Townships 2 and 3 North, and bounded on the west by a line drawn in a generally southerly direction, starting at the point of intersection of said township line separating Townships 2 and 3 North with the range line separating Ranges 9 and 10 West; then south along said range line to its intersection with the San Gabriel River; then southwesterly along the center of the San Gabriel River channel (or wash) to its intersection with Valley Blvd.; then southeasterly along Valley Blvd. to its intersection with Sunset Ave.; then northeasterly along Sunset Ave. to its intersection with Merced Ave.; then southeasterly along Merced Ave. to its intersection with Glendora Ave.; then southerly along Glendora Ave. to its intersection with Merced Ave.; then east along Merced Ave. to its intersection with Azusa Ave.; then southerly along Azusa Ave. and its southerly extension (west boundary of Section 35, Township 1 South, Range 10 West) to its intersection with the township line separating Townships 1 and 2 South; then east along said township line to its intersection with the range line separating Ranges 9 and 10 West; then south along said range line to its intersection with the Los Angeles-Orange County boundary line.
- (2) Riverside County. All that portion of Riverside County lying west of the range line separating Ranges 9 and 10 East.
- (3) San Bernardino County. All that portion of San Bernardino County lying west of the range line between Ranges 2 and 3 East, and south of the township line between Townships 2 and 3 North.
 - (4) San Diego County. Entire County.
 - (All township and range lines are S.B.B.M.)
- (c) Articles and Commodities Covered. All species including the flowering forms of almond, apricot, nectarine, peach, plum, and prune trees or parts thereof capable of propagation, except fruit pits, are declared to be hosts or possible carriers of said pest.
 - (d) Restrictions.
 - (1) Definition of Terms—as used in this regulation:
 - (A) "Trees" means any kind of tree named in subsection (c).
- (B) "Growing ground" means any property within the area under quarantine on which trees are produced from seeds or grafts for movement or distribution therefrom as nursery stock.
- (C) "Sales yard" or "distribution point" means any property within the area under quarantine onto which finished trees have been moved under permit as provided in (4) below and from which such trees are to be moved as nursery stock.
- (2) Conditions Governing Movement of Articles and Commodities Covered.
- (A) Unless authorized movement under permit as hereinafter provided, articles and commodities covered, including budwood and cuttings, and trees for planting in commercial orchards, shall not be transported or moved by any means from the area under quarantine.
- (B) No restrictions are placed on movements of trees within the area under quarantine for planting on properties not containing commercial orchards.
- (3) Property and Environs Inspection. Wherever official inspection of a property and its environs is required as a condition of certifying or permitting movements of restricted products in this section, an inspection shall be made of trees on the property and its environs within four–tenths mile. The inspection shall be made at the proper time in relation to the disease and host, and shall be completed during the growing season previous to moving trees from the property or taking buds from the source

tree. The certificate or permit may be issued if there is no peach mosaic disease found and there is no record of said disease having occurred on the property or its environs within one year previous to the date restricted products are moved.

- (4) Seasonal Dealer Permits for Handling Dormant Trees Secured Outside Area Under Quarantine. The county agricultural commissioner may issue dealer permits valid for one season, authorizing dealers within the area under quarantine to handle dormant trees, secured outside the area under quarantine for distribution to any point in this state, without certificate. In consideration of such permit, the dealer shall sign an agreement with the agricultural commissioner, designating the sales yard or distribution point property from which all such trees shall be distributed, and shall agree to abide by the following conditions:
- (A) That dealer controls all movements of nursery stock to and from said property.
- (B) That during the period of such permit, all host nursery stock trees on said property shall be dormant stock secured directly from sources outside the area under quarantine.
- (C) That immediately on arrival on said property of each shipment of such trees, the dealer will notify the agricultural commissioner, and hold the shipment intact together with the shipping permit, intercounty nursery stock certificate, waybill, and other identifying papers and markings until released by the agricultural commissioner.
- (D) That immediately when any host stock on the property breaks dormancy, the dealer will notify the agricultural commissioner and either destroy all remaining host stock on the property or thereafter restrict distribution of that stock to points within the area under quarantine.
- (5) Conditions Governing Movement of Budwood Into Area Under Quarantine From Points Outside Thereof. All budwood or cuttings secured from points outside the area under quarantine shall be reported to the agricultural commissioner of the county in the area under quarantine in which such budwood or cuttings will be propagated. Said commissioner will cause a record to be kept of origin, kind, amount, and date of arrival and of trees into which such budwood or cuttings are placed.
- (6) Movement in Transit Through Area Under Quarantine. Articles and commodities covered may be moved from points outside the area under quarantine, through the area under quarantine without delay or diversion while within said area, to points outside thereof only in tightly wrapped bales, bundles, or containers, or in a similarly tight conveyance while within the area under quarantine.

NOTE: Authority cited: Sections 407, 5301, 5302 and 5322, Food and Agricultural Code. Reference: Sections 5301, 5302 and 5322, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 2–7–63; effective thirtieth day thereafter (Register 63, No. 3). For prior history see Register 60, No. 1.
- Amendment filed 10–16–64; effective thirtieth day thereafter (Register 64, No. 21).
- 3. Amendment of subsection (d)(6) and (7) filed 7–28–77 as organizational and procedural; effective upon filing (Register 77, No. 31).
- 4. Repealer and new section filed 3–29–83; effective thirtieth day thereafter (Register 83, No. 14).

§ 3401. Ozonium Root Rot Interior Quarantine (Quarantine Regulation 2).

A quarantine is established against the following pest, its hosts, and possible carriers:

- (a) Pest. Ozonium root rot (*Phymatotrichum [Ozonium] omnivorum*), a fungus carried on the roots of plants and in moist soil.
 - (b) Area Under Quarantine.

Imperial County: The entire county.

Riverside County: All that portion of Riverside County described as follows:

Palo Verde Area: Beginning at the point of intersection of the north line of Township 5 South, San Bernardino Meridian, and the mid–line of the Colorado River; then running due west along said north line of Township 5 South to the west line of Range 21 East; then south on said west line of Range 21 East to the south line of Township 8 South; then east on the south line of Township 8 South to the mid–line of the Colorado River;

Page 312 Register 98, No. 49; 12-4-98

then northerly along the mid-line of the Colorado River to the point of beginning.

Coachella Valley Area: (1) Beginning 548 feet south of northwest corner of the northwest one–fourth Section 22 in Township 5 South, Range 7 East, San Bernardino Meridian; then south 528 feet; then east 2.625 feet; then north 528 feet; then west 2,625 feet to the point of beginning; and (2) all that portion of Riverside County described as follows: The south 50 feet of the 5–acre tract located in the northwest one–fourth of Section 22 in Township 5 South, Range 7 East, San Bernardino Meridian, described as follows: Beginning 20 feet south and 427.5 feet west of the northeast corner of the northwest one–fourth of Section 22 in Township 5 South, Range 7 East, San Bernardino Meridian; then west 412.5 feet; then south 528 feet; then east 412.5 feet; then north 528 feet to the point of beginning.

San Diego County: All that portion of San Diego County described as follows:

Jacumba Area: Sections 4, 5, 7, 8, and 9, in Township 18 South, Range 8 East, San Bernardino Meridian.

- (c) Articles and Commodities Covered. All soil, nursery stock, or plants with roots except as provided in subsection (d) (2) are declared to be hosts or possible carriers of the pest quarantined against.
 - (d) Restrictions.
- (1) Certification Requirements. Except for those exemptions provided in subsection (d) (2), articles and commodities covered are prohibited movement from the area under quarantine unless accompanied by a certificate issued by the agricultural commissioner. The certificate shall be issued when (a) articles and commodities originate on premises free from ozonium root rot; or (b) articles and commodities originate from outside the area under quarantine and were safeguarded against infection by ozonium root rot while within the area under quarantine; or (c) articles and commodities were protected from infection by ozonium root rot and proper safeguard actions had been completed to the satisfaction of the commissioner.
- (2) Exceptions. No restrictions are placed by this regulation upon the movement of the following articles and commodities from the area under quarantine to points outside thereof:
 - (A) House plants grown in the home and not for sale.
- (B) Smooth root vegetables such as potatoes, sweet potatoes, carrots, onions, turnips, and beets if not for planting and free from moist clods of soil, except that this exemption does not apply to mangels and sugar beets
- (C) Sugar beets for processing, provided the beets are screened prior to or while loading to remove moist clods of soil.
 - (D) Cactus plants with roots, provided the roots are dry and free of soil.
- (E) Aquatic plants such as water hyacinth and water lilies; dry resurrection plants; orchid plants growing in osmunda fibre; and air—layered rooted cuttings, if free from soil.

NOTE: Authority cited: Sections 407, 5301, 5302 and 5322, Food and Agricultural Code. Reference: Sections 5301, 5302 and 5322, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 7–2–71; effective thirtieth day thereafter (Register 71, No. 27).
- Amendment of subsection (d) filed 7–28–77 as organizational and procedural; effective upon filing (Register 77, No. 31).
- 3. Repealer and new section filed 3–29–83; effective thirtieth day thereafter (Register 83, No. 14).

§ 3402. Hawthorn—Juniper Rust Interior Quarantine (Quarantine Regulation 3).

NOTE: Authority cited: Sections 407, 5301, 5302 and 5322, Food and Agricultural Code. Reference: Sections 5301, 5302 and 5322, Food and Agricultural Code.

HISTORY

- 1. Repealer and new section filed 3-29-83; effective thirtieth day thereafter (Register 83, No. 14). For prior history, see Register 77, No. 31.
- 2. Repealer filed 7-20-94; operative 8-19-94 (Register 94, No. 29).
- 3. Editorial correction of HISTORY (Register 94, No. 29).

§ 3403. Branched Broomrape Interior Quarantine (Quarantine Regulation 4).

NOTE: Authority cited: Sections 407, 5301, 5302 and 5322, Food and Agricultural Code. Reference: Sections 5301, 5302 and 5322, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–31–72; effective thirtieth day thereafter (Register 72, No. 6). For prior history, see Register 65, No. 23.
- 2. Amendment of subsection (d) filed 7–28–77 as organizational and procedural; effective upon filing (Register 77, No. 31).
- 3. Amendment filed 7–3–78 as an emergency; effective upon filing (Register 78, No. 27).
- 4. Certificate of Compliance filed 9–12–78 (Register 78, No. 37).
- 5. Editorial correction adding NOTE filed 6-3-83; effective thirtieth day thereafter (Register 83, No. 23).
- 6. Repealer filed 9-26-96; operative 10-26-96 (Register 96, No. 39).

§ 3404. Comstock Mealybug Interior Quarantine (Quarantine Regulation 5).

NOTE: Authority cited: Sections 407, 5301, 5302, and 5322, Food and Agricultural Code. Reference: Sections 5301, 5302, and 5322, Food and Agricultural Code. HISTORY

- 1. Repealer and new section filed 3–29–83; effective thirtieth day thereafter (Register 83, No. 14). For prior history, see Register 74, No. 20.
- 2. Repealer filed 7-20-94; operative 8-19-94 (Register 94, No. 29).
- 3. Editorial correction of HISTORY (Register 94, No. 29).

§ 3405. Dutch Elm Disease Interior Quarantine (Quarantine Regulation 6).

NOTE: Authority cited: Sections 407, 5301, 5302 and 5322, Food and Agricultural Code. Reference: Sections 5301, 5302 and 5322, Food and Agricultural Code; and Section 4799.10, Public Resources Code.

HISTORY

- 1. Amendment of subsections (b) and (d) filed 10–20–77, as an emergency; designated effective 10–21–77 (Register 77, No. 43). For prior history, see Register 77, No. 32.
- 2. Certificate of Compliance as to 8–2–77 filing filed 11–29–77 (Register 77, No. 49)
- 3. Amendment of subsection (d) filed 12–6–77 as an emergency; effective upon filing (Register 77, No. 50).
- 4. Certificate of Compliance as to 10–20–77 filing filed 2–7–78. Printed in Register 78, No. 13 for technical reasons.
- 5. Certificate of Compliance as to 12–6–77 filing filed 2–7–78. Printed in Register 78, No. 13 for technical reasons.
- Amendment of subsection (b)(4) and repealer of subsection (d)(4)(c) filed 9-12-78 as an emergency; effective upon filing (Register 78, No. 37).
- 7. Certificate of Compliance as to filing of 9–12–78 filed 11–17–78 (Register 78, No. 46).
- 8. Amendment of subsection (b) filed 5-25-79; effective thirtieth day thereafter (Register 79, No. 21).
- 9. New subsection (d)(4)(C) filed 6-25-79 as an emergency; effective upon filing (Register 79, No. 26).
- Certificate of Compliance filed 9–28–79 (Register 79, No. 39).
- 11. Amendment filed 2–15–80; effective thirtieth day thereafter (Register 80, No. 7).
- 12. Amendment of subsection (b) filed 7–21–82 as an emergency; effective upon filing (Register 82, No. 30). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 11–18–82.
- 13. Certificate of Compliance as to 7–21–82 order filed 11–5–82 (Register 82, No. 45).
- 14. Amendment of subsection (b) filed 10–26–90 as an emergency; operative 10–26–90 (Register 90, No. 48). A Certificate of Compliance must be transmitted to OAL by 2–25–91 or emergency language will be repealed by operation of law on the following day.
- Reinstatement of section as it existed prior to emergency amendment filed 10-26-90 by operation of Government Code section 11346.1(f) (Register 91, No. 47).
- 16. Repealer filed 2-10-94; operative 3-14-94 (Register 94, No. 6).

§ 3406. Mediterranean Fruit Fly Interior Quarantine (Quarantine Regulation 7).

A quarantine is established against the following pest, its hosts, and possible carriers:

- (a) Pest. Mediterranean fruit fly (*Ceratitis capitata*) of the family Tephritidae is a notorious pest of most fleshy fruit and many vegetables. The adult has banded wings and is smaller than a house fly.
- (b) Quarantine Area. The area under quarantine for Mediterranean fruit fly in California is:

Page 313

(1) In the Dixon area of Solano County: Beginning at the intersection of Boyce Road and Putah Creek Road; then, northeasterly, southeasterly and northeasterly along Putah Creek Road to its intersection with Stevenson Bridge Road; then, northeasterly and northwesterly along Stevenson Bridge Road to its intersection with Putah Creek; then, southeasterly, easterly, southeasterly, easterly and southeasterly along Putah Creek to its intersection with the South Fork of Putah Creek; then, southeasterly and easterly along the South Fork of Putah Creek to its intersection with Old Davis Road; then, southerly, westerly and southerly along Old Davis Road to its intersection with Tremont Road; then, easterly along Tremont Road to its intersection with Bulkley Road; then, southerly along Bulkley Road to its intersection with Midway Road; then, westerly along Midway Road to its intersection with Sikes Road; then, southerly along Sikes Road to its intersection with Swan Road; then, westerly along Swan Road to its intersection with Bunker Station Road; then, southerly along Bunker Station Road to its intersection with Binghamton Road; then, westerly along Binghamton Road to its intersection with State Highway 113; then, northerly along State Highway 113 to its intersection with Hawkins Road; then, westerly along Hawkins Road to its intersection with Lewis Road; then, northerly along Lewis Road to its intersection with Weber Road; then, westerly and northwesterly along Weber Road to its intersection with N Meridian Road; then, northwesterly and northerly along N Meridian Road to its intersection with Sweeny Road; then, westerly along Sweeny Road to its intersection with Halley Road; then, northerly, southwesterly and northwesterly along Halley Road to its intersection with Wolfskill Road; then, southwesterly along Wolfskill Road to its intersection with Boyce Road; then northwesterly along Boyce Road to the point of beginning.

(2) In the San Jose area of Santa Clara County: Beginning at the intersection of US Interstate 880 and Montague Expressway; then, northeasterly and easterly along Montague Expressway to its intersection with Trade Zone Boulevard; then, southeasterly and northeasterly along Trade Zone Boulevard to its intersection with Cropley Avenue; then, northeasterly along Cropley Avenue to its intersection with Old Piedmont Road; then, northwesterly along Old Piedmont Road to its intersection with Berryessa Creek; then, northeasterly, easterly, southeasterly, northeasterly, southeasterly, northeasterly, easterly and northeasterly along Berryessa Creek to its bifurcation with Berryessa Creek Branch; then, southeasterly along an imaginary line to its intersection with the intersection of Sierra Road and the boundary line of the City of San Jose; then, northerly, northeasterly, southeasterly, easterly, southwesterly, southeasterly, northeasterly, southeasterly, southwesterly and southeasterly along the boundary line of the City of San Jose to its intersection with Alum Rock Falls Road; then, southeasterly, northeasterly, southeasterly, southerly, southwesterly, southeasterly, northeasterly, southeasterly, northeasterly, easterly, southeasterly, southwesterly, northwesterly, southwesterly, southerly, southwesterly, northwesterly, southwesterly, southeasterly, easterly, southwesterly, northwesterly, westerly, southeasterly, northwesterly, westerly and southwesterly along Alum Rock Falls Road to its intersection with State Highway 130; then, southeasterly, southerly, southerly, easterly, southerly, southeasterly, easterly, southeasterly, southeasterly, southerly, easterly, southeasterly, easterly, southeasterly, southwesterly, easterly, southeasterly, northeasterly and southeasterly along State Highway 130 to its intersection with Ouimby Road; then, southwesterly, northwesterly, southwesterly, northwesterly, southwesterly and southerly along Quimby Road to its intersection with Buckeye Ranch; then, southeasterly and southwesterly along Buckeye Ranch to its southwestern most point; then, southwesterly along an imaginary line to its intersection with the northeastern most point of Fowler Road; then, southwesterly, southeasterly, easterly, southeasterly, northwesterly, southwesterly, southerly, southeasterly, southerly, westerly, northwesterly and westerly along Fowler Road to its intersection with Yerba Buena Road; then, southeasterly, southwesterly, westerly, northwesterly and southwesterly along Yerba Buena Road to its intersection with San Felipe Road; then, southeasterly, southerly and southeasterly along San Felipe Road to its intersection with Farnsworth Drive; then, southwesterly, northwesterly and southwesterly along Farnsworth Drive to its intersection with Silver Creek Valley Road; then, southeasterly, southwesterly, southeasterly, southwesterly, southeasterly, southwesterly and westerly along Silver Creek Valley Road to its intersection with Blossom Hill Road; then, westerly and southwesterly along Blossom Hill Road to its intersection with State Highway 82; then, northwesterly along State Highway 82 to its intersection with Southside Drive; then, southeasterly along an imaginary line to the northeastern most point of Hillsdale Drive; then, southwesterly along Hillsdale Drive to its intersection with Hillsdale Avenue; then, northwesterly, southwesterly, westerly, northwesterly and southwesterly along Hillsdale Avenue to its intersection with State Highway 87; then, northwesterly along State Highway 87 to its intersection with US Interstate 880; then, northeasterly and northerly along US Interstate 880 to the point of beginning.

(3) In the Rolling Hills area of Los Angeles County: Beginning at the intersection of 1st Street and 2nd Street; then, northeasterly and easterly along 2nd Street to its intersection with N Dianthus Street; then, northerly along N Dianthus Street to its intersection with 8th Street; then, easterly along 8th Street to its intersection with Aviation Boulevard; then, northerly along Aviation Boulevard to its intersection with Manhattan Beach Boulevard; then, easterly along Manhattan Beach Boulevard to its intersection with Inglewood Avenue; then, southerly along Inglewood Avenue to its intersection with W 162nd Street; then, easterly along W 162nd Street to its eastern most point; then, southeasterly along an imaginary line to the western most point of W 163rd Street; then, easterly along W 163rd Street to its intersection with Prairie Avenue; then, southerly along Prairie Avenue to its intersection with W Redondo Beach Boulevard; then, northeasterly along W Redondo Beach Boulevard to its intersection with Yukon Avenue; then, southerly along Yukon Avenue to its intersection with W 170th Street; then, easterly along W 170th Street to its intersection with Crenshaw Boulevard; then, southerly along Crenshaw Boulevard to its intersection with State Highway 91; then, easterly along State Highway 91 to its intersection with Van Ness Avenue; then, southerly along Van Ness Avenue to its intersection with W 180th Place; then, easterly along W 180th Place to its intersection with Gramercy Place; then, southeasterly and southerly along Gramercy Place to its intersection with 182nd Street; then, easterly along 182nd Street to its intersection with Western Avenue; then, southerly along Western Avenue to its intersection with W 190th Street; then easterly and northeasterly along W 190th Street to its intersection with W Victoria Street; then, northeasterly along W Victoria Street to its intersection with E Victoria Street; then, northeasterly and easterly along E Victoria Street to its intersection with Avalon Boulevard; then, southerly along Avalon Boulevard to its intersection with E University Drive; then, easterly along E University Drive to its intersection with Central Avenue; then, southerly along Central Avenue to its intersection with E Del Amo Boulevard; then, easterly along E Del Amo Boulevard to its intersection with S Alameda Street; then, southwesterly along S Alameda Street to its intersection with US Interstate 405; then, easterly along US Interstate 405 to its intersection with Santa Fe Avenue; then, southerly along Santa Fe Avenue to its intersection with W 9th Street; then, northwesterly along W 9th Street to its intersection with Edison Avenue; then, southerly, southeasterly, southwesterly and southeasterly along Edison Avenue to its southeastern most point; then, southwesterly along an imaginary line to its intersection with the northeastern most point of Carrack Avenue; then, southwesterly along an imaginary line to its intersection with W Ocean Boulevard and the eastern shoreline of Terminal Island; then, southeasterly, southwesterly, southeasterly and southerly along the shoreline of Terminal Island to its southeastern most point; then, southerly along an imaginary line to its intersection with the southeastern most point of Nimitz Road; then, southwesterly and northwesterly along Nimitz Road to its intersection with Reeves Avenue; then, southwesterly along Reeves Avenue to its intersection with Terminal Way; then, due south along an imaginary line to its intersection with the shoreline of Terminal Island; then, southwesterly, southeasterly, southeasterly, northeasterly, south-

Mangifera indica

Vitis vinifera

easterly, southwesterly, northwesterly, southwesterly, northeasterly, northerly, westerly, northwesterly, northeasterly, northerly, northwesterly, southwesterly, southeasterly, northeasterly, southeasterly, northeasterly, southeasterly and southwesterly along the shoreline of Terminal Island to its southwestern most point; then, southwesterly along an imaginary line to its intersection with the southern most point of Signal Street; then, northwesterly along Signal Street to its intersection with E 22nd Street; then, southwesterly along E 22nd Street to its intersection with W 22nd Street; then, southwesterly and westerly along W 22nd Street to its intersection with S Pacific Avenue; then, southerly along S Pacific Avenue to its intersection with the northern boundary of Point Fermin Park; then, northeasterly and southeasterly along the boundary line of Point Fermin Park to its intersection with the California coastline; then, southwesterly, northerly, northwesterly, westerly, southwesterly, northwesterly, southwesterly, northwesterly, southwesterly, northwesterly, westerly, northwesterly, southwesterly, northwesterly, southwesterly, southerly, westerly, northerly, northwesterly, southwesterly, northwesterly, northeasterly, northerly, northwesterly, southwesterly, northwesterly, southwesterly, northerly, northwesterly, southwesterly, northeastnorthwesterly, northerly, northwesterly, northwesterly, northerly, northwesterly, northwesterly, westerly, northwesterly, northwesterly, westerly, northwesterly, northwesterly, southwesterly, northwesterly, northeasterly, northerly, northeasterly, northerly, northwesterly, northerly, northwesterly, southwesterly, northerly, northeasterly and northerly along the California coastline to its intersection with the southern boundary line of Redondo Beach State Park; then, northerly along the boundary line of Redondo Beach State Park to its northern most point; then, northwesterly along an imaginary line to its intersection with the southern most point of the Redondo Beach peninsula; then, northwesterly, northeasterly, northerly and northwesterly along the California coastline to its intersection with the southern boundary line of Manhattan Beach County Park; then, northeasterly and northwesterly along the boundary line of Manhattan Beach County Park to its intersection with 1st Street; then, northeasterly along 1st Street to the point of beginning.

(c) Commodities Covered.

Malus sylvestris

(1) All fruit, nuts, vegetables, or berries of the following agricultural, wild, or ornamental plants:

Actinidia chinensis Kiwi Capsicum frutescens; C. annuum Peppers Carica papaya Papaya Casimiroa edulis White sapote Citrus aurantiifolia Lime Citrus aurantium Sour orange Citrus grandis Pummelo, shaddock Citrus limon* Lemon Citrus medica Citron Citrus mitis Calamondin orange Citrus paradisi Grapefruit Citrus reticulata Mandarin orange, tangerine Citrus sinensis Sweet orange Cydonia oblonga Quince Diospyros kaki Japanese persimmon Eriobotrya japonica Eugenia brasiliensis; E. dombeyi Spanish cherry, Brazilian plum Eugenia jambos (Syzygium jambos) Rose-apple Eugenia malaccensis (Syzygium mallaccense) Mountain apple Eugenia uniflora Surinam cherry Feijoa sellowiana Feijoa, pineapple guava Ficus carica Fig Kumquat Fortunella japonica Juglans spp. (with or in husk) Walnuts and butternuts Tomato (pink and red ripe) Lycopersicon esculentum

Apple

Murraya exotica Mock orange Olea europaea Olive Opuntia spp. Pricklypear, Tuna pricklypear, Indian-fig, and Opuntia cactus Persea americana Avocado Phoenix dactylifera Date palm Prunus americana Native American plum Prunus amygdalus (P. duleis) Almond Prunus armeniaca Apricot Prunus avium Sweet cherry Prunus cerasus Sour cherry Prunus domestica Plum, prune Peach Prunus persica Prunus persica nectarina Nectarine Prunus salicina Japanese plum Psidium cattleianum Strawberry guava Psidium guajava Common guava Psidium guajava pomiferum Pomiform guajava Psidium guajava pyriferum Pyriferm guajava Punica granatum Pomegranate Pyrus communis Pear Terminalia chebula; Carissa macrocarpa Natal plum Thevetia peruviana Yellow oleander, bestill

Mango

- *Except commercial smooth lemon that have been cleaned and waxed.
- (2) Soil within the drip area of plants producing, or which have produced fruit, vegetables or berries as listed in (c)(1) above.

Grape

- (d) Restriction on Movement, Possession and Sale of Commodities Covered.
- (1) Movement of Commodities Covered; Commercial Production and Wholesale Distribution. It is unlawful to move within or from the quarantine area any commodity covered involving a commercial shipment at the production or wholesale level except in accordance with the following provisions:
- (A) The commodity was produced inside or outside the quarantine area, has been commercially processed and packaged, or after commercial processing is being transported in bulk in a manner approved by the Director specifying conditions precluding infestation;
- (B) The commodity was produced inside the quarantine area, is in unprocessed form and is moved under permit of the Director specifying conditions precluding infestation;
- (C) The commodity was produced outside the quarantine area, is in unprocessed form and is being transported:
- 1. through the area by direct route and without delay in closed vehicles or containers:
- 2. to a commercial processing plant inside or outside the quarantine area; or
- 3. under permit of the Director specifying conditions precluding infes-
- (2) Movement of Commodities Covered from Commercial Sources; Retail Level. Retail size purchases of commodities covered obtained from commercial retail sources may be moved into, within or from the quarantine area, if the person in possession has a sales slip or other comparable document showing the purchase was made from a commercial retail establishment. Other transportation of such commodities is prohibited.
- (3) Movement of Commodities Covered; Not from Commercial Sources.
- (A) Within the quarantine area, no commodity covered, including "backyard" production, shall be moved from the premises where grown without a permit from the Director;
- (B) Commodities covered not obtained from commercial sources may be transported into the quarantine area only if the person in possession

has a signed statement showing the commodity, amount, place of origin, destination and date of transportation.

- (4) Restrictions on Wholesale and Retail Sales. Within the quarantine area, no wholesale or retail establishment shall handle, sell or offer for sale any commodity covered unless such commodities at all times are maintained in such a way or manner as to preclude pest exposure as determined by the Director. No commodity covered shall be held for sale or sold from a truck, trailer or other mobile vehicle.
- (5) No person shall transport, possess, handle or sell any commodity covered in violation of the provisions of this section. No person shall knowingly prepare, possess, or use any false document, or knowingly make any false statement to any enforcement officer, in connection with the possession, sale or transportation of any commodity covered.

NOTE: Authority cited: Sections 407, 5301, 5302 and 5322, Food and Agricultural Code. Reference: Sections 5301, 5302 and 5322, Food and Agricultural Code.

HISTORY

- 1. Amendment of subsection (b) filed 10–16–91 as an emergency; operative 10–16–91 (Register 92, No. 5). A Certificate of Compliance must be transmitted to OAL 2–13–92 or emergency language will be repealed by operation of law on the following day. For prior history, see Register 91, No. 24.
- 2. Certificate of Compliance as to 10–16–91 order transmitted to OAL 2–5–92 and filed 3–12–92 (Register 92, No. 13).
- 3. New subsection (b)(2) filed 8-4-92 as an emergency; operative 8-4-92 (Register 92, No. 32). A Certificate of Compliance must be transmitted to OAL 12-2-92 or emergency language will be repealed by operation of law on the following day.
- 4. New subsection (b)(1)(B) filed 9-17-92 as an emergency; operative 9-17-92 (Register 92, No. 38). A Certificate of Compliance must be transmitted to OAL 1-15-93 or emergency language will be repealed by operation of law on the following day.
- 5. Amendment of subsection (b)(1)(B) filed 10–2–92 as an emergency; operative 10–2–92 (Register 92, No. 40). A Certificate of Compliance must be transmitted to OAL 2–1–93 or emergency language will be repealed by operation of law on the following day.
- 6. Repealer of text in subsection (b)(1)(A) and deletion of subsection (B) designator, and amendment of new subsection (b)(1)(A) filed 10-8-92 as an emergency; operative 10-8-92 (Register 92, No. 41). A Certificate of Compliance must be transmitted to OAL 2-5-93 or emergency language will be repealed by operation of law on the following day.
- 7. New subsection (b)(1)(B) filed 11–24–92 as an emergency; operative 11–24–92 (Register 92, No. 48). A Certificate of Compliance must be transmitted to OAL 3–24–92 or emergency language will be repealed by operation of law on the following day.
- 8. Amendment of subsection (b)(1)(A) filed 12–2–92 as an emergency; operative 12–2–92 (Register 92, No. 49). A Certificate of Compliance must be transmitted to OAL 4–5–93 or emergency language will be repealed by operation of law on the following day.
- New subsection (b)(3)(A) filed 12–15–92 as an emergency; operative 12–15–92 (Register 92, No. 51). A Certificate of Compliance must be transmitted to OAL 4–14–93 or emergency language will be repealed by operation of law on the following day.
- 10. Amendment of subsections (b)(1)–(b)(1)(A) and repeal of subsection (b)(1)(B) filed 12–17–92 as an emergency; operative 12–17–92 (Register 92, No. 51). A Certificate of Compliance must be transmitted to OAL by 4–16–93 or emergency language will be repealed by operation of law on the following day.
- 11. Certificate of Compliance as to 8–4–92 order including amendment of subsection (b)(2)(A) transmitted to OAL 12–2–92 and filed 1–7–93 (Register 93, No. 2).
- 12. Editorial correction of printing error in subsection (b)(2)(A) (Register 93, No. 2).
- 13. Certificate of Compliance as to 9-17-92 order transmitted to OAL 1-7-93 and filed 2-4-93 (Register 93, No. 6).
- 14. Editorial correction amending HISTORY 13 (Register 93, No. 9).
- 15. Certificate of Compliance as to 10–2–92 order transmitted to OAL 1–12–93 and filed 2–22–93 (Register 93, No. 9).
- 16. Certificate of Compliance as to 10-8-92 order transmitted to OAL 1-28-93 and filed 2-23-93 (Register 93, No. 9).
- 17. Certificate of Compliance as to 11–24–92 order transmitted to OAL 3–9–93 and filed 4–2–93 (Register 93, No. 14).
- 18. Certificate of Compliance as to 12-2-92 order transmitted to OAL 4-4-93 and filed 4-7-93 (Register 93, No. 15).
- 19. Editorial correction amending HISTORY 15, 16 and 17 (Register 93, No. 15).
- Certificate of Compliance as to 12–17–92 order transmitted to OAL 3–23–93 and filed 4–23–93 (Register 93, No. 17).
- 21. Certificate of Compliance as to 12-15-92 order transmitted to OAL 3-17-93 and filed 4-28-93 (Register 93, No. 18).

- 22. Editorial correction of printing errors deleting subsection (b)(1)(B) and correcting HISTORY 10, 17, 20 and 21 (Register 93, No. 31).
- 23. New subsection (b)(1)(B) filed 7-26-93 as an emergency; operative 7-26-93 (Register 93, No. 31). A Certificate of Compliance must be transmitted to OAL by 11-23-93 or emergency language will be repealed by operation of law on the following day.
- 24. New subsection (b)(1)(C) filed 8-12-93 as an emergency; operative 8-12-93 (Register 93, No. 33). A Certificate of Compliance must be transmitted to OAL by 12-10-93 or emergency language will be repealed by operation of law on the following day.
- 25. New subsection (b)(4) filed 8-23-93 as an emergency; operative 8-23-93 (Register 93, No. 35). A Certificate of Compliance must be transmitted to OAL by 12-21-93 or emergency language will be repealed by operation of law on the following day.
- 26. Amendment of subsection (b)(1)(A) filed 8–27–93 as an emergency; operative 8–27–93 (Register 93, No. 35). Certificate of Compliance must be transmitted to OAL by 12–26–93 or emergency language will be repealed by operation of law on the following day.
- 27. Amendment of subsection (b)(1)(C) filed 9–13–93 as an emergency; operative 9–13–93 (Register 93, No. 38). A Certificate of Compliance must be transmitted to OAL by 1–11–94 or emergency language will be repealed by operation of law on the following day.
- 28. Amendment of subsection (b)(1)(B) filed 9-15-93 as an emergency; operative 9-15-93 (Register 93, No. 38). A Certificate of Compliance must be transmitted to OAL by 1-13-94 or emergency language will be repealed by operation of law on the following day.
- 29. Amendment of subsection (b)(1)(A) filed 9–30–93 as an emergency; operative 9–30–93 (Register 93, No. 40). A Certificate of Compliance must be transmitted to OAL by 1–28–94 or emergency language will be repealed by operation of law on the following day.
- 30. Amendment of subsection (b)(4) filed 10–5–93 as an emergency; operative 10–5–93 (Register 93, No. 41). A Certificate of Compliance must be transmitted to OAL by 2–2–94 or emergency language will be repealed by operation of law on the following day.
- 31. Amendment of subsection (b)(1)(A) and repealer of subsections (b)(2)–(3) filed 10–20–93 as an emergency; operative 10–20–93 (Register 93, No. 43). A Certificate of Compliance must be transmitted to OAL by 2–17–94 or emergency language will be repealed by operation of law on the following day.
- 32. Amendment of subsection (b)(1)(A) filed 10–25–93 as an emergency; operative 10–25–93 (Register 93, No. 44). A Certificate of Compliance must be transmitted to OAL by 2–22–94 or emergency language will be repealed by operation of law on the following day.
- 33. Amendment of subsection (b)(4) filed 11–8–93 as an emergency; operative 11–8–93 (Register 93, No. 46). A Certificate of Compliance must be transmitted to OAL by 4–25–94 or emergency language will be repealed by operation of law on the following day.
- 34. Amendment of subsection (b)(1)(C) filed 11-8-93 as an emergency; operative 11-8-93 (Register 93, No. 46). A Certificate of Compliance must be transmitted to OAL by 4-25-94 or emergency language will be repealed by operation of law on the following day.
- 35. Certificate of Compliance as to 7–26–93 order transmitted to OAL 11–12–93 and filed 12–9–93 (Register 93, No. 50).
- 36. Amendment of subsection (b)(1)(A) filed 12–10–93 as an emergency; operative 12–10–93 (Register 93, No. 50). A Certificate of Compliance must be transmitted to OAL by 4–11–94 or emergency language will be repealed by operation of law on the following day.
- 37. Certificate of Compliance as to 8–10–93 order transmitted to OAL 11–3–93 and filed 12–20–93 (Register 93, No. 52).
- 38. Certificate of Compliance as to 8–23–93 order transmitted to OAL 12–16–93 and filed 12–22–93 (Register 93, No. 52).
- 39. Amendment of subsection (b)(1)(A) filed 12–24–93 as an emergency; operative 12–24–93 (Register 93, No. 52). A Certificate of Compliance must be transmitted to OAL by 4–22–94 or emergency language will be repealed by operation of law on the following day.
- 40. New subsection (b)(2) filed 1-3-94 as an emergency; operative 1-3-94 (Register 94, No. 1). A Certificate of Compliance must be transmitted to OAL by 5-3-94 or emergency language will be repealed by operation of law on the following day.
- 41. Certificate of Compliance as to 9–15–93 order transmitted to OAL 1–6–94 and filed 1–25–94 (Register 94, No. 4).
- 42. Certificate of Compliance as to 8-27-93 order transmitted to OAL 12-17-93 and filed 1-28-94 (Register 94, No. 4).
- 43. Amendment of subsection (b)(1)(A) and repealer of subsections (b)(1)(B)–(C) and (b)(4) filed 2–4–94 as an emergency; operative 2–4–94 (Register 94, No. 5). A Certificate of Compliance must be transmitted to OAL by 6–6–94 or emergency language will be repealed by operation of law on the following day.
- 44. Certificate of Compliance as to 9–13–93 order transmitted to OAL 1–6–94 and filed 2–16–94 (Register 94, No. 7).
- 45. Certificate of Compliance as to 10-20-93 order transmitted to OAL 2-3-94 and filed 2-22-94 (Register 94, No. 8).
- 46. Certificate of Compliance as to 9-30-93 order transmitted to OAL 1-19-94 and filed 2-28-94 (Register 94, No. 9).

Page 316 Register 2008, No. 19; 5-9-2008

- 47. Certificate of Compliance as to 10–5–93 order transmitted to OAL 2–3–94 and filed 2–28–94 (Register 94, No. 9).
- 48. Certificate of Compliance as to 11–8–93 order transmitted to OAL 2–25–94 and filed 3–14–94 (Register 94, No. 11).
- 49. Certificate of Compliance as to 10-25-93 order transmitted to OAL 2-3-94 and filed 3-18-94 (Register 94, No. 11).
- 50. Editorial correction of HISTORY 45 (Register 94, No. 11).
- 51. Certificate of Compliance as to 11–8–94 order transmitted to OAL 2–25–94 and filed 3–31–94 (Register 94, No. 13).
- 52. Editorial correction restoring amendments to (b)(1)(A) and deleting (b)(1)(C) and (b)(4) (Register 94, No. 14).
- 53. Certificate of Compliance as to 12–10–93 order transmitted to OAL 4–1–94 and filed 5–3–94 (Register 94, No. 18).
- 54. Certificate of Compliance as to 1-3-94 order transmitted to OAL 4-18-94 and filed 5-4-94 (Register 94, No. 18).
- 55. Certificate of Compliance as to 12–24–93 order transmitted to OAL 4–1–94 and filed 5–11–94 (Register 94, No. 19).
- 56. Certificate of Compliance as to 2–4–94 order transmitted to OAL 5–17–94 and filed 6–8–94 (Register 94, No. 23).
- 57. Repealer of subsection (b)(2) filed 7–8–94 as an emergency; operative 7–8–94 (Register 94, No. 27). A Certificate of Compliance must be transmitted to OAL by 11–7–94 or emergency language will be repealed by operation of law on the following day.
- 58. Amendment of subsection (b)(1)(A) filed 7–28–94 as an emergency; operative 7–28–94 (Register 94, No. 30). A Certificate of Compliance must be transmitted to OAL by 11–28–94 or emergency language will be repealed by operation of law on the following day.
- 59. Editorial correction of printing error in subsection (b)(1)(A) (Register 94, No. 30).
- 60. New subsection (b)(2) filed 10–6–94 as an emergency; operative 10–6–94 (Register 94, No. 40). A Certificate of Compliance must be transmitted to OAL by 2–3–95 or emergency language will be repealed by operation of law on the following day.
- 61. Certificate of Compliance as to 7-8-94 order transmitted to OAL 11-2-94 and filed 11-28-94 (Register 94, No. 48).
- 62. Certificate of Compliance as to 7–28–94 order transmitted to OAL 11–22–94 and filed 1–3–95 (Register 95, No. 1).
- 63. Certificate of Compliance as to 10–6–94 order transmitted to OAL 1–30–95 and filed 2–22–95 (Register 95, No. 8).
- 64. Repealer of subsection (b)(2) filed 8-3-95 as an emergency; operative 8-3-95 (Register 95, No. 31). A Certificate of Compliance must be transmitted to OAL by 12-1-95 or emergency language will be repealed by operation of law on the following
- 65. Certificate of Compliance as to 8–3–95 order transmitted to OAL 11–28–95 and filed 1–4–96 (Register 96, No. 1).
- 66. Repealer of subsections (b)(1) and (b)(1)(A) filed 6–18–96 as an emergency; operative 6–18–96 (Register 96, No. 25). A Certificate of Compliance must be transmitted to OAL by 10–16–96 or emergency language will be repealed by operation of law on the following day.
- 67. Certificate of Compliance as to 6–18–96 order transmitted to OAL 9–13–96 and filed 10–24–96 (Register 96, No. 43).
- 68. New subsection (b)(1) filed 10–1–97 as an emergency; operative 10–1–97 (Register 97, No. 40). A Certificate of Compliance must be transmitted to OAL by 1–29–98 or emergency language will be repealed by operation of law on the following day.
- 69. Certificate of Compliance as to 10-1-97 order transmitted to OAL 1-15-98 and filed 1-26-98 (Register 98, No. 5).
- 70. Repealer of subsection (b)(1) filed 4–22–98 as an emergency; operative 4–22–98 (Register 98, No. 17). A Certificate of Compliance must be transmitted to OAL by 8–20–98 or emergency action will be repealed by operation of law on the following day.
- 71. New subsection (b)(1) filed 8–7–98 as an emergency; operative 8–7–98 (Register 98, No. 32). A Certificate of Compliance must be transmitted to OAL by 12–7–98 or emergency language will be repealed by operation of law on the following day.
- 72. New subsection (b)(2) filed 8–7–98 as an emergency; operative 8–7–98 (Register 98, No. 32). A Certificate of Compliance must be transmitted to OAL by 12–7–98 or emergency language will be repealed by operation of law on the following day.
- 73. Certificate of Compliance as to 4-22-98 order transmitted to OAL 7-28-98 and filed 9-9-98 (Register 98, No. 37).
- 74. New subsection (b)(3) filed 11–10–98 as an emergency; operative 11–10–98 (Register 98, No. 46). A Certificate of Compliance must be transmitted to OAL by 3–10–99 or emergency language will be repealed by operation of law on the following day.
- 75. Certificate of Compliance as to 8–7–98 order transmitted to OAL 11–24–98 and filed 12–2–98 (Register 98, No. 49).
- 76. Certificate of Compliance as to 8–7–98 order transmitted to OAL 11–24–98 and filed 1–11–99 (Register 99, No. 3).

- 77. Certificate of Compliance as to 11–10–98 order transmitted to OAL 3–4–99 and filed 3–25–99 (Register 99, No. 13).
- 78. Repealer of subsection (b)(1) and subsection renumbering filed 6–9–99 as an emergency; operative 6–9–99 (Register 99, No. 24). A Certificate of Compliance must be transmitted to OAL by 10–7–99 or emergency language will be repealed by operation of law on the following day.
- 79. Repealer of subsection (b)(2) filed 8-17-99 as an emergency; operative 8-17-99 (Register 99, No. 34). A Certificate of Compliance must be transmitted to OAL by 12-15-99 or emergency language will be repealed by operation of law on the following day.
- 80. Repealer of subsection (b)(1) filed 8–31–99 as an emergency; operative 8–31–99 (Register 99, No. 36). A Certificate of Compliance must be transmitted to OAL by 12–29–99 or emergency language will be repealed by operation of law on the following day.
- 81. Certificate of Compliance as to 6–9–99 order transmitted to OAL 9–30–99 and filed 11–15–99 (Register 99, No. 47).
- 82. Certificate of Compliance as to 8–17–99 order transmitted to OAL 12–15–99 and filed 1–18–2000 (Register 2000, No. 3).
- 83. Certificate of Compliance as to 8–31–99 order transmitted to OAL 12–24–99 and filed 1–19–2000 (Register 2000, No. 3).
- 84. New subsection (b)(1) filed 9–7–2001 as an emergency; operative 9–7–2001 (Register 2001, No. 36). A Certificate of Compliance must be transmitted to OAL by 1–7–2002 or emergency language will be repealed by operation of law on the following day.
- 85. Certificate of Compliance as to 9–7–2001 order transmitted to OAL 1–7–2002 and filed 1–14–2002 (Register 2002, No. 3).
- 86. Repealer of subsection (b)(1) filed 6–10–2002 as an emergency; operative 6–10–2002 (Register 2002, No. 24). A Certificate of Compliance must be transmitted to OAL by 10–8–2002 or emergency language will be repealed by operation of law on the following day.
- 87. Certificate of Compliance as 6–10–2002 order transmitted to OAL 9–27–2002 and filed 10–28–2002 (Register 2002, No. 44).
- 88. New subsection (b)(1) filed 10-7-2005 as an emergency; operative 10-7-2005 (Register 2005, No. 40). A Certificate of Compliance must be transmitted to OAL by 2-6-2006 or emergency language will be repealed by operation of law on the following day.
- 89. A mendment of subsection (b)(1) filed 10–17–2005 as an emergency; operative 10–17–2005 (Register 2005, No. 42). A Certificate of Compliance must be transmitted to OAL by 2–14–2006 or emergency language will be repealed by operation of law on the following day.
- 90. New subsection (b)(2) filed 10–19–2005 as an emergency; operative 10–19–2005 (Register 2005, No. 42). A Certificate of Compliance must be transmitted to OAL by 2–16–2006 or emergency language will be repealed by operation of law on the following day.
- 91. Amendment of subsections (b)(1)–(2) filed 10–25–2005 as an emergency; operative 10–25–2005 (Register 2005, No. 43). A Certificate of Compliance must be transmitted to OAL by 2–22–2006 or emergency language will be repealed by operation of law on the following day.
- 92. Amendment of subsection (b)(1) filed 11–23–2005 as an emergency; operative 11–23–2005 (Register 2005, No. 47). A Certificate of Compliance must be transmitted to OAL by 3–23–2006 or emergency language will be repealed by operation of law on the following day.
- 93. Amendment of subsection (b)(1) filed 12–28–2005 as an emergency; operative 12–28–2005 (Register 2005, No. 52). A Certificate of Compliance must be transmitted to OAL by 4–27–2006 or emergency language will be repealed by operation of law on the following day.
- 94. Editorial correction of subsection (b)(2) (Register 2006, No. 8).
- 95. Certificate of Compliance as to 10-7-2005 order transmitted to OAL 1-9-2006 and filed 2-22-2006 (Register 2006, No. 8).
- 96. Certificate of Compliance as to 10–17–2005 order transmitted to OAL 1–17–2006 and filed 3–1–2006 (Register 2006, No. 9).
- 97. Certificate of Compliance as to 10-19-2005 order transmitted to OAL 2-15-2006 and filed 3-28-2006 (Register 2006, No. 13).
- 98. Certificate of Compliance as to 10–25–2005 order transmitted to OAL 2–15–2006 and filed 3–30–2006 (Register 2006, No. 13).
- 99. Editorial correction of HISTORY 98 (Register 2006, No. 15).
- 100. Certificate of Compliance as to 11-23-2005 order transmitted to OAL 3-2-2006 and filed 4-10-2006 (Register 2006, No. 15).
- 101. Certificate of Compliance as to 12–28–2005 order transmitted to OAL 3–20–2006 and filed 4–27–2006 (Register 2006, No. 17).
- 102. Repealer of subsection (b)(1), subsection renumbering and amendment of newly designated subsection (b)(1) filed 9–5–2006 as an emergency; operative 9–5–2006 (Register 2006, No. 36). A Certificate of Compliance must be transmitted to OAL by 1–3–2007 or emergency language will be repealed by operation of law on the following day.
- 103. Repealer and reservation of subsection (b)(1) filed 9–12–2006 as an emergency; operative 9–12–2006 (Register 2006, No. 37). A Certificate of Compliance must be transmitted to OAL by 1–10–2007 or emergency language will be repealed by operation of law on the following day.
- 104. Certificate of Compliance as to 9–12–2006 order transmitted to OAL 12–6–2006 and filed 1–5–2007 (Register 2007, No. 1).

- 105. New subsection (b)(1) filed 9-17-2007 as an emergency; operative 9-17-2007 (Register 2007, No. 38). A Certificate of Compliance must be transmitted to OAL by 3-17-2008 or emergency language will be repealed by operation of law on the following day.
- 106. New subsection (b)(2) filed 10-15-2007 as an emergency; operative 10-15-2007 (Register 2007, No. 42). A Certificate of Compliance must be transmitted to OAL by 4-14-2008 or emergency language will be repealed by operation of law on the following day.
- 107. New subsection (b)(3) filed 10–29–2007 as an emergency; operative 10–29–2007 (Register 2007, No. 44). A Certificate of Compliance must be transmitted to OAL by 4–28–2008 or emergency language will be repealed by operation of law on the following day.
- 108. Amendment of subsection (b)(3) filed 11–6–2007 as an emergency; operative 11–6–2007 (Register 2007, No. 45). A Certificate of Compliance must be transmitted to OAL by 5–5–2008 or emergency language will be repealed by operation of law on the following day.
- 109. Amendment of subsection (b)(3) filed 11–27–2007 as an emergency; operative 11–27–2007 (Register 2007, No. 48). A Certificate of Compliance must be transmitted to OAL by 5–27–2008 or emergency language will be repealed by operation of law on the following day.
- 110. Amendment of subsection (b)(3) filed 12–10–2007 as an emergency; operative 12–10–2007 (Register 2007, No. 50). A Certificate of Compliance must be transmitted to OAL by 6–9–2008 or emergency language will be repealed by operation of law on the following day.
- 111. Amendment of subsection (b)(3) filed 1–11–2008 as an emergency; operative 1–11–2008 (Register 2008, No. 2). A Certificate of Compliance must be transmitted to OAL by 7–9–2008 or emergency language will be repealed by operation of law on the following day.
- 112. Certificate of Compliance as to 9–17–2007 order transmitted to OAL 2–11–2008 and filed 3–12–2008 (Register 2008, No. 11).
- 113. Certificate of Compliance as to 10–15–2007 order transmitted to OAL 2–26–2008 and filed 3–17–2008 (Register 2008, No. 12).
- 114. Certificate of Compliance as to 10–29–2007, 11–6–2007, 11–27–2007 and 12–10–2007 orders, including further amendment of subsection (b)(3), transmitted to OAL 3–21–2008 and filed 5–5–2008 (Register 2008, No. 19).
- 115. Certificate of Compliance as to 1–11–2008 order transmitted to OAL 6–3–2008 and filed 7–16–2008 (Register 2008, No. 29).

§ 3407. Citrus Tristeza Virus Interior Quarantine.

A quarantine is established against the following pest, its hosts and possible carriers:

- (a) Pest. All strains of the citrus tristeza virus.
- (b) Quarantine Area. That portion of the State which is known to be generally infected with citrus tristeza virus and where no significant efforts to control or suppress the disease are conducted. The quarantine area is the counties of Orange and Ventura, and portions of Los Angeles, Riverside, San Bernardino, San Diego and Santa Barbara counties as follows:
- (1) Los Angeles County. That portion of Los Angeles County lying south of a line drawn as follows: Beginning at the point where the north boundary of Township 4 north intersects the west county boundary line; then east along the north boundary of Township 4 north to its intersection with State Highway 14; then southerly along a straight line drawn to Men-denhall Peak lookout; then southeasterly along a straight line drawn to the point where the north boundary of Township 2 north intersects the Big Tujunga Wash; then east along the north boundary of Township 2 north to the east county boundary line. (All township and range lines are S.B.B.M.)

- (2) Riverside County. That portion of Riverside County lying west of a line drawn as follows: Beginning at the point on the north Riverside County boundary line where the San Bernardino Meridian intersects said boundary line; then, continuing southerly along said meridian to the south Riverside County boundary line.
- (3) San Bernardino County. That portion of San Bernardino County lying west of a line drawn as follows: Beginning at the point where the north boundary of Township 2 North, SBM, intersects the west San Bernardino County boundary line; then east along the north boundary of Township 2 North to its point of intersection with the east boundary of Range 6 West; then southeasterly along an imaginary line to the crest of Mount San Bernardino; then southeasterly to the point on the south San Bernardino County boundary line where an imaginary line from the crest of Mount San Bernardino to the crest of Baldy Mountain (in Riverside County) intersects said boundary line.
- (4) San Diego County. That portion of San Diego County lying west of the east boundary of Range 2 East, SBM.
- (5) Santa Barbara County. That portion of Santa Barbara County lying south of a line drawn as follows: Beginning at the Point Arguello lighthouse; then easterly along an imaginary line to the summit of El Tranquillon Mountain; then southeasterly along an imaginary line to the point of intersection of Jalama Creek and Escondido Creek; then easterly along an imaginary line to the point of intersection of Gaviota Creek and the summit of the Santa Ynez Range; then easterly along the summit of the Santa Ynez Range to the east Santa Barbara County boundary line.
- (c) Suppressive Area. The suppressive area is that portion of the State in which the citrus tristeza virus has been detected, in which a pest control district has been established, and where an active control or suppression program is being conducted. The suppressive area is the county of Kern and portions of Fresno, Tulare, and Riverside Counties as follows:
- (1) Fresno County. That portion of Fresno County known as the Central Valley Pest Control District bounded by a line drawn as follows: Beginning at the intersection of the Kings River and the Fresno-Tulare County line; then, northerly and northeasterly along said river to the Pine Flat Reservoir; then, northeasterly along the southern edge of said reservoir to the South Fork of the Kings River; then, easterly along said river to its intersection with the western boundary of the Kings Canyon National Park; then, southeasterly and southerly along said boundary to its intersection with the Fresno-Tulare County line; then, westerly and southerly along said county line to the point of beginning.
- (2) Tulare County. That portion of Tulare County known as the Southern Tulare County Citrus Pest Control District bounded by a line drawn as follows: Beginning at the intersection of the Tulare–Kings County line and the northwest corner of Section 7, Township 21 South, Range 23 East; then, east along section lines to the northeast corner of Section 8, Township 21 South, Range 27 East; then, south one–half mile along the section line to its intersection with the south line of the north half of Section 9, Township 21 South, Range 27 East; then, east along said line to the northwest corner of the northeast quarter of the southeast quarter of

[The next page is 317.]

- Section 10 Township 21 South, Range 27 East; then, south along an imaginary line to the northwest corner of the southeast quarter of the southeast quarter of said Section 10; then, east along an imaginary line to the northeast corner of the southeast quarter of the southeast quarter of said Section 10; then, south along an imaginary line to the southwest corner of Section 11, Township 21 South, Range 27 East; then, east along the south line of Sections 11 and 12, Township 21 South, Range 27 East; then, east along the south line of Sections 7 and 8, Township 21 South, Range 28 East to the southeast corner of Section 8, Township 21 South, Range 28 East; then, north two miles along an imaginary line to the 5th Standard Parallel South; then, east along said parallel to the Tulare–Inyo County line; then, southerly along said county line to its intersection with the Tulare-Kern County line; then westerly along the Tulare-Kern County line to its intersection with the Tulare–Kings County line; then, northerly along the Tulare-Kings County line to the point of beginning (all locations are Mt. Diablo Base and Meridian).
- (3) Riverside County. That portion of Riverside County known as the Coachella Valley and bounded by a line drawn as follows: Beginning at the intersection of the northwest corner of T.2S., R.4E., S.B.B. & M. and the Riverside County Line; then, easterly along said county line to its intersection with the northeast corner of T.2S., R.12E., S.B.B. & M.; then, southerly from said intersection along range line 12E. to its intersection with the Riverside County Line; then, westerly along said county line to its intersection with the southwest corner of T.8S., R.4E., S.B.B. & M.; then, northerly from said intersection along range line 4E. to the point of beginning.
- (d) Regulated Area. The regulated area is that portion of the State in which the citrus tristeza virus may occur but which is not generally infected and where efforts to control or suppress the disease may be conducted. The regulated area is all areas of California not described as a quarantine or suppressive area.
- (e) Articles and Commodities Covered. All plants and propagative parts (except seed), including any subspecies, variety, or ornamental form, of the genera Citrus (true citrus), Fortunella (kumquat), Poncirus (trifoliate orange), Aeglopsis (dwarf powder-flask fruit), and Afraegle (African powder-flask fruit), Atalantia, Citropsis, Clausena, Clymenia, Eremocitrus, Hesperethusa, Merrillia, Microcitrus, Pleiospermium, Severinia, Swinglea, and of any hybrid having at least one ancestor of Citrus, Fortunella, or Poncirus, are declared to be hosts or possible carriers of the pest.
 - (f) Restrictions.
- (1) Conditions of Movement. Unless accompanied by a moving permit or under a cutting permit as hereinafter provided, articles and commodities covered shall not be transported or moved:
- (A) From the quarantine area except to another portion of the quarantine area or except when authorized under permit as provided in paragraphs (7) and (8).
- (B) From the regulated area except to another portion of the regulated area or to the quarantine area or under permit to the suppressive area as provided in paragraph (3).
- (C) From the suppressive area except to the quarantine area, to another portion of the suppressive area under permit as provided in paragraphs (3) and (5), or under permit to the regulated area as provided in paragraph (3).
- (2) Propagation of Articles and Commodities Covered in this Section. All buds, cuttings, and scions used in the propagation of trees described in subsection (e) shall be taken from source trees which have been tested to the satisfaction of the department and found free from tristeza. No buds, cuttings, or scions from untested or tristeza infected source trees may be used for propagation of articles and commodities covered in this section. Records shall be maintained of each source tree, the quantity of propagative material taken from each source tree, and the progeny trees in the nursery produced therefrom for five years after production. The records shall be made available for review by the county agricultural commissioner during normal business hours.

- (3) Moving Permits for Movement into, within, or from the Suppressive Area. The agricultural commissioner at origin may issue moving permits authorizing movement of articles and commodities covered into, within, or from the suppressive area provided that the articles and commodities have been tested for tristeza to the satisfaction of the department and no evidence of tristeza was found, or all buds, cuttings, scions or top—worked trees used in the production of the trees, or being moved as such are from source trees or trees in a nursery increase block which have been so tested.
- (4) Record of Tested Source Trees and Trees Produced From Nursery Increase Blocks. In order that trees produced from buds, cuttings, or scions taken from tristeza tested source trees or nursery increase blocks may later be moved under a moving permit in accordance with paragraph (3), the agricultural commissioner shall cause a record to be kept of each source tree; the kind and amount of buds, cuttings, or scions taken from each source tree; and the kind, number, and location in the nursery of the progeny trees produced therefrom for five years after production.
- (5) Cutting Permit Required for Taking or Moving Budwood Within the Suppressive Area. No buds, cuttings, or scions of host trees described in subsection (e) shall be cut or otherwise taken from such trees within the suppressive area or moved within or from any such area for propagation, unless a cutting permit has been secured from the agricultural commissioner prior to cutting or taking or moving same. Cutting permits may be issued within the suppressive area provided the source tree has been tested for tristeza to the satisfaction of the department and no evidence of tristeza was found. Such a cutting permit shall set forth the amount and kind of buds, cuttings, and scions in the shipment accompanied thereby and the name and address of the consignee.
- (6) The issuance of cutting and moving permits under the terms of this regulation also applies to nursery increase blocks. Nursery increase block means a planting of citrus nursery stock propagated using budwood and/or scionwood from trees which have been tested for tristeza to the satisfaction of the department. Top—worked trees may qualify as nursery increase blocks provided that they are tested to the satisfaction of the department and found free of tristeza. The county agricultural commissioner at origin may approve such nursery or top—worked trees, which do not exceed 18 months from time of budding, to be used as a supplementary source of buds, cuttings or scions. The agricultural commissioner shall cause a record to be kept as provided in paragraph (4).
- (7) Permits Involving Movement into or through the Regulated Area for Fumigation. The agricultural commissioner may issue permits authorizing the movement of articles and commodities covered from the quarantine area into or through the regulated area for fumigation and prompt return to the quarantine area. The articles and commodities shall be treated for tristeza vector elimination immediately prior to such movement in a manner approved by the department and shall be moved in wrapped bales, bundles, or closed containers in a closed conveyance. Such permits shall be valid for only the time specified in the permit and shall not authorize the articles and commodities to remain outside the quarantine area longer than 48 hours.
- (8) Movement in Transit through the Quarantine Area. Articles and commodities covered originating outside of the quarantine area may be moved through such area without delay or diversion in wrapped bales, bundles, or closed containers, or in a closed conveyance into which no other articles and commodities covered are placed while within the quarantine area.

NOTE: Authority cited: Sections 407, 5301, 5302 and 5322, Food and Agricultural Code. Reference: Sections 5301, 5302 and 5322, Food and Agricultural Code.

- 1. Amendment of subsections (b) and (c) filed 6–28–74; effective thirtieth day thereafter (Register 74, No. 26). For prior history, see Register 73, No. 27.
- 2. Amendment of subsections (b)(1)(A) and (c-1) filed 9-30-76 as an emergency; effective upon filing (Register 76, No. 40).
- 3. Certificate of Compliance filed 12–10–76 (Register 76, No. 50).
- 4. Amendment of section title, subsections (a), (b-1), (d)(2) and (d)(5) filed 9-25-78; effective thirtieth day thereafter (Register 78, No. 39).

- 5. Editorial correction of Note filed 6-3-83; effective thirtieth day thereafter (Register 83, No. 23).
- Amendment filed 9–13–84; effective thirtieth day thereafter (Register 84, No. 37).
- 7. Amendment of section heading and text filed 8–2–94; operative 9–1–94 (Register 94, No. 31).
- 8. Amendment filed 11-6-98; operative 12-6-98 (Register 98, No. 45).
- Amendment of subsection (b)(2) filed 11-6-98; operative 12-6-98 (Register 98, No. 45).

§ 3408. Gypsy Moth Interior Quarantine (Quarantine Regulation 9).

NOTE: Authority cited: Sections 407, 5301, 5302 and 5322, Food and Agricultural Code. Reference: Sections 5301, 5302 and 5322, Food and Agricultural Code.

HISTORY

- 1. New subsection (b)(3) filed 12–14–83 as an emergency; effective upon filing (Register 83, No. 53). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 4–13–84. For prior history, see Register 82, No. 22.
- 2. Amendment of subsection (b) filed 2-17-84; effective thirtieth day thereafter (Register 84, No. 7).
- 3. Certificate of Compliance as to 12–14–83 order transmitted to OAL 3–20–84 and filed 4–17–84 (Register 84, No. 16).
- Amendment of subsection (b) filed 7-3-84; effective thirtieth day thereafter (Register 84, No. 27).
- 5. Amendment of subsection (b) filed 4–2–85; as an emergency; effective upon filing (Register 85, No. 15). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 7–31–85.
- Certificate of Compliance including amendment transmitted to OAL 7–19–85 and filed 8–19–85 (Register 85, No. 34).
- 7. Repealer filed 7-15-98; operative 8-14-98 (Register 98, No. 29).

§ 3409. Pink Bollworm Interior Quarantine (Quarantine Regulation 10).

A quarantine is established against the following pest, its hosts, and possible carriers:

- (a) Pest. Pink bollworm, *Pectinophora gossypiella*, a moth, family Gelechiidae, which in the laval stage feeds in cotton bolls.
 - (b) Area Under Quarantine. The entire State of California.
 - (1) Infested Areas.
- (A) Generally Infested Area. Inyo County and all that part of California south of and including Los Angeles and San Bernardino counties.
- (B) Lightly Infested Area. Fresno County, Kern County, Kings County, Madera County, Merced County, San Benito County, and Tulare County.
 - (c) Articles and Commodities Covered.
- (1) Okra (*Hibiscus esculentus*) and kenaf (*Hibiscus cannabinus*), all parts of the plants including seeds and pods.
- (2) Cotton and wild cotton of the genera Gossypium and Thurberia, including all parts of the plants.
 - (3) Seed cotton.
 - (4) Cotton lint.
 - (5) Cotton linters.
- (6) Cotton waste, all waste produced from the processing of cotton at gins, cottonseed oil mills or textile mills in any form or under any trade designation. (See also Gin Trash.)
- (7) Gin trash, all the material produced during the cleaning and ginning of seed cotton, bollies, or snapped cotton, except the cotton lint, cottonseed and cotton waste.
 - (8) Cottonseed.
 - (9) Cottonseed hulls.
- (10) Used bagging, used cotton-picker sacks, and other used containers and wrappers for any products from cotton plants.
- (11) Used cotton harvesting equipment, ginning and oil mill equipment, and other cotton processing machinery, and other farm equipment which has been used in connection with growing, harvesting, ginning, compressing, or processing raw cotton or raw cotton products.
- (12) Any other products or articles, of any character whatsoever, determined by an inspector to be infested with live pink bollworm or to present a hazard of the introduction and spread of pink bollworm.

- (d) Restrictions.
- (1) Cotton Plants and General Trash Prohibited. Cotton plants and parts thereof, such as packing or as contamination or in association with any other products, article or thing, and gin trash except for harvested seed cotton and producs derived from seed cotton are prohibited movement from the infested areas, except that movement is permitted from the lightly infested area into the generally infested area.
- (2) Treatment Certificates or Permit Required. Except as hereinafter exempted, articles and commodities covered shall not be transported or moved by any means from the infested areas unless accompanied by a certificate of treatment for pink bollworm issued by the county agricultural commissioner or a permit issued by the director.
- (3) Exemptions. The following articles and commodities may be transported or moved from the infested area without a certificate of treatment or permit under the conditions set forth below:
- (A) Compressed baled cotton lint, linters, and lint cleaner waste when such products have been given standard or equivalent compression (22 pounds per cubic foot or 352.3 kilograms per cubic meter) and are free from surface contaminants capable of harboring pink bollworm.
 - (B) Samples of cotton lint and cotton linters of the usual trade size.
- (C) Cottonseed from the lightly infested area may move anywhere within California except to feed mills or persons producing feed that contains whole cottonseed and such feed is or is likely to be shipped out of state
- (D) Cottonseed from the genrally infested area may move within the generally infested area except to feed mills or persons producing feed that contains whole cottonseed and such feed is or is likely to be shipped out of state
- (4) Fumigation Required for Mechanical Picking Machines. Mechanical cotton picking machines shall not be moved from the infested areas, or within the infested areas when moving from the generally infested area to the lightly infested area, unless the commissioner determines that the machines have been fumigated as prescribed by the director, immediately prior to shipment, and issues a fumigation certificate.
- (5) Certified Okra From the Infested Areas Permitted Movement Within California. Okra grown in the invested areas may be transported or moved within California from those areas when accompanied by a certificate issued by the county agricultural commissioner at origin. No movement is permitted from the generally infested into the lightly infested area. A grower to be eligible to be issued such a certificate must:
 - (A) Designate property where the okra was grown.
- (B) Control property where the okra was grown to the extent that on such property compliance can be guaranteed as to planting and plow-up dates, or other cultural practices, that may be required by the county agricultural commissioner.
- (C) Control the packing of the okra so that only okra three and a half inches (3 1/2"; 9.89 cm) or smaller will be packed.
- (D) Make certain a valid certificate is attached to each set of bills accompanying a shipment.
- (E) Designate the name of the individual, trucking concern, or other transportation concern that will transport the okra.

Only the grower or individuals or concerns so designated will be permitted to use the certificate and transport the okra from the infested areas.

(6) Assembly of Articles and Commodities for Inspection. Persons intending to move any article or commodity covered from the infested areas shall make application for inspection as far in advance as possible, shall so handle such articles and commodities as to safeguard them from infestation, and shall assemble them at such points and in such manner as the commissioner, his deputy or inspector shall designate to facilitate inspection.

NOTE: Authority cited: Sections 407, 5301, 5302 and 5322, Food and Agricultural Code. Reference: Sections 5301, 5302 and 5322, Food and Agricultural Code.

HISTORY

1. Amendment filed 12–10–76; effective thirtieth day thereafter (Register 76, No. 50). For prior history, see Register 74, No. 24.

- 2. Amendment of subsection (e) filed 7-28-77 as organizational and procedural; effective upon filing (Register 77, No. 31).
- 3. Repealer and new section filed 3-29-83; effective thirtieth day thereafter (Register 83, No. 14).

§ 3410. Hydrilla Interior Quarantine (Quarantine Regulation

A quarantine is established against the following pest, its hosts, and possible carriers:

- (a) Pest. Hydrilla, Hydrilla verticillata an aquatic weed that can, by its thick growth, restrict water flow and make recreational lakes and ponds unusable. It is a monocotyledonous plant of the family Hydrocharitaceae.
- (b) Area Under Quarantine. Any body of water including lake, river, stream, canal, or pond, declared by the director to be infested with hydril-
 - (c) Articles and Commodities Covered.
- (1) Commodities Covered. Hydrilla (Hydrilla verticillata) plants or parts of plants capable of growing, including parts of stems, tubers, and turions.
- (2) Articles Covered. Any products, articles, implements, conveyances (including boats), or any appliance capable of transporting viable plant parts from the area under quarantine
 - (d) Restrictions.
- (1) Movement of Commodities Covered Prohibited. The movement of commodities covered is prohibited from the area under quarantine.
- (2) Movement of Articles Covered. All covered may be restricted from access to water infested with hydrilla. In addition said articles may be restricted movement from water infested with hydrilla.

NOTE: Authority cited: Sections 407, 5301, 5302 and 5322, Food and Agricultural Code. Reference: Sections 5301, 5302 and 5322, Food and Agricultural Code. HISTORY

1. New section filed 8-24-77; effective thirtieth day thereafter (Register 77, No. 35). For former language, see Register 75, No. 51

2. Repealer and new section filed 3-29-83; effective thirtieth day thereafter (Register 83, No. 14).

§ 3411. Pear-Juniper Rust Disease Interior Quarantine (Quarantine Regulation 14).

NOTE: Authority cited: Sections 407, 5301, 5302, and 5322, Food and Agricultural Code. Reference: Sections 5301, 5302, and 5322, Food and Agricultural Code. HISTORY

- 1. New section filed 12–2–60 as an emergency; effective upon filing (Register 60, No. 24). For history of former section, see Register 30, No. 4.
- 2. Certificate of Compliance—Section 11422.1, Government Code, filed 3-2-61 (Register 61, No. 5).
- 3. Amendment filed 7–28–77 as organizational and procedural; effective upon filing (Register 77, No. 31).
- 4. Amendment filed 10–24–79; effective thirtieth day thereafter (Register 79, No.
- 5. Repealer filed 3-29-83; effective thirtieth day thereafter (Register 83, No. 14).

§ 3412. Woolly Whitefly Interior Quarantine (Quarantine Regulation 15).

NOTE: Authority cited: Sections 407, 5301, 5302 and 5322, Food and Agricultural Code. Reference: Sections 5301, 5302 and 5322, Food and Agricultural Code. HISTORY

- 1. Amendment of subsection (c)(5) filed 7-28-77 as organizational and procedural; effective upon filing (Register 77, No. 31). For prior history, see Register 76,
- No. 1) 2. Amendment of subsection (b)(3) filed 9-25-78; effective thirtieth day thereafter (Register 78, No. 39)
- 3. Amendment filed 6-8-79; effective thirtieth day thereafter (Register 79, No.
- 4. New subsection (b)(4) filed 4-18-80; effective thirtieth day thereafter (Register 80, No. 16).
- 5. Amendment filed 10-23-80 as an emergency; effective upon filing (Register 80, No. 43). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 2-20-81.
- 6. Editorial correction filed 12–12–80; effective upon filing (Register 80, No. 50). 7. Certificate of Compliance as to 10–23–80 order filed 2–19–81 (Register 81, No.
- 8. Amendment filed 5-6-82 as an emergency; effective upon filing (Register 82,
- No. 21). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 9-3-82
- 9. Certificate of Compliance as to 5-6-82 order filed 8-16-82 (Register 82, No.
- 10. Amendment of subsection (b) filed 7-20-83; effective thirtieth day thereafter (Register 83, No. 30).

11. Repealer filed 9–26–96; operative 10–26–96 (Register 96, No. 39).

§ 3413. Club Root Disease Interior Quarantine.

NOTE: Authority cited: Sections 16, 106 and 108 (renumbered 407, 5024, 5321-5323, 5761-5763, 1967 Stats. C. 15), Food and Agricultural Code.

HISTORY

- 1. Amendment filed 1-24-63; effective thirtieth day thereafter (Register 63, No. 2). For prior history, see Register 58, No. 8.
- 2. Repealer filed 3–30–72; effective thirtieth day thereafter (Register 72, No. 14).

§ 3414. Cherry Fruit Fly Interior Quarantine (Quarantine Regulation 17).

A quarantine is established effective July 18, 1950, against the following pest, its hosts, and possible carriers:

- (a) Pest. Western cherry fruit fly (*Rhagoletis indifferens*). The larva or maggot of the fly of the family Tephritidae feeds inside the cherry fruit causing severe losses in value of the crop.
- (b) Area Under Quarantine. The entire county of Siskiyou and portions of Humboldt, Shasta, and Trinity counties bounded by a line drawn as follows: Beginning at the northwest corner of Siskiyou County; thence east along the north boundary of Siskiyou County to the Siskiyou Modoc County line; thence south along the east boundary of Siskiyou County to the Shasta County line; thence east along the north boundary of Shasta County to the Lassen County line; thence south along the east boundary of Shasta County to State Highway 299; thence generally westerly along State Highway 299 to the Redding City limit line; thence along the northernmost portion of the Redding City limit line back to State Highway 299; thence continuing generally westerly along State Highway 299 to the point where the highway crosses the Trinity River; thence generally westerly along the north shoreline of the Trinity River to its intersection with the north line of Township 4 north (Humboldt Base); thence west along the north line of Township 4 north to the east line of Range 2 east (Humboldt Meridian); thence north along the east line of Range 2 east to the north line of Township 11 north (Humboldt Base); thence east along the north line of Township 11 north to the west boundary of Siskiyou County; thence northerly along the west boundary of Siskiyou County to the point of beginning.
 - (c) Commodities and Articles Covered.
 - (1) Fresh fruit of all domestic and wild varieties of cherries.
 - (2) Soil from under cherry trees and within the drip line.
 - (d) Restrictions.
- (1) Infested Property Defined. As used in this regulation, an "Infested Property" shall mean a property on which the pest herein quarantined against exists or has been known to exist in any living stage of development.
- (2) Cherry-Fruits and Soil Prohibited Movement From Infested Properties. Cherry-fruits, and soil as such or in association with plants are prohibited movement from any infested property, otherwise no restrictions are placed by this regulation on the movement of restricted articles between points within the area under quarantine involving no movement outside thereof.
- (3) Cherry-Fruits Prohibited Movement Outside Area Under Quarantine. Cherry-fruits are prohibited movement from any point within the area under quarantine to any point outside thereof.

NOTE: Authority cited: Sections 407, 5301, 5302, and 5322, Food and Agricultural Code. Reference: Sections 5301, 5302, and 5322, Food and Agricultural Code. HISTORY

- 1. Amendment of subsections (a) and (c) filed 3-13-74; effective thirtieth day thereafter (Register 74, No. 11). For prior history, see Register 64, No. 17.
- 2. Amendment of subsections (a)-(c) filed 6-14-80; effective thirtieth day thereafter (Register 80, No. 24).

§ 3415. Yellow Leaf Roll of Peach, Interior Quarantine.

NOTE: New Authority cited: Sections 407, 5301, 5302, 5322 and 5761, Food and Agricultural Code.

- 1. New section filed 1-16-51 as an emergency; effective upon filing (Register 23, No. 2)
- 2. Amendment filed 5-28-59; effective thirtieth day thereafter (Register 59, No.
- 3. Amendment filed 5-6-68 as an emergency; effective upon filing. Certificate of Compliance included (Register 68, No. 18).

 4. Repealer filed 4–19–72, effective thirtieth day thereafter (Register 72, No. 17).

Hall Scale Interior Quarantine (Quarantine § 3416. Regulation 19).

1. Repealer filed 3-21-58; effective thirtieth day thereafter (Register 58, No. 5). For prior history, see Register 57, No. 11.

§ 3417. Mexican Fruit Fly Interior Quarantine.

A quarantine is established against the following pest, its hosts and possible carriers.

- (a) Pest. Mexican fruit fly (Anastrepha ludens).
- (b) Area Under Quarantine. [Reserved]
- (c) Articles and Commodities Covered. The following are declared to be hosts and possible carriers of Mexican fruit fly.
 - (1) All fruit of the following plants:

Annona spp.

Cherimoya, Annona Sapote

Casimiroa spp.

Citrus spp. Citrus, except Lemon and Sour Lime

Cydonia oblonga Quince Eugenia spp. Rose apple Apple Malus sylvestris Mammea spp. Mamey Mangifera indica Mango Avocado Persea americana

Native American plum Prunus americana

Prunus armeniaca Apricot Prunus domestica Plum, Prune Prunus persica Peach and Nectarine

Prunus salicina Japanese plum

Psidium spp. Guava Punica granatum Pomegranate Pyrus communis Pear

Sapota, Sapote, Sapodillas Sapotaceae

Sargentia spp. Sargentia

Spondias purpurea Ciruelas, Spanish plum

- (2) Soil within the drip area of plants producing, or which have produced, fruit listed in (c)(1) above.
- (3) Any other product, article, or means of conveyance when it is determined by the director or county agricultural commissioner to present a hazard of spreading live Mexican fruit fly and the person in possession thereof has been so notified.
 - (d) Restrictions.
- (1) At the wholesale level, articles and commodities covered which have been commercially produced within the area under quarantine are prohibited movement from or within the area under quarantine except in accordance with the following provisions:
- (A) The commodity has been treated for Mexican fruit fly in a manner approved by the director, is transported in a manner approved by the director to preclude exposure to Mexican fruit fly, and is accompanied by a certificate, verifying compliance with the above requirements, issued by the director or county agricultural commissioner; or,
- (B) The commodity is moving for treatment for Mexican fruit fly or processing and in a manner approved by the director to preclude exposure to Mexican fruit fly, and is accompanied by a written document affirming that movement has been authorized by the director or county agricultural commissioner.
- (2) At the wholesale level, articles and commodities covered which have been commercially produced outside the area under quarantine are prohibited movement into the area under quarantine except when accompanied by a shipping document indicating the point of origin and destination and moved in accordance with the following provisions:
- (A) The commodity is moving directly through the area under quarantine without delay in an enclosed vehicle or completely enclosed by a covering to prevent exposure to Mexican fruit fly; or,
- (B) The commodity is destined to a permanent wholesale or retail establishment and is transported in an enclosed vehicle or completely enclosed by a covering to prevent exposure to Mexican fruit fly; or,
 - (C) The commodity is destined to a commercial processing facility.

- (3) At the retail level, articles and commodities covered which have been commercially produced are prohibited movement from or within the area under quarantine except when the person in possession has a sales slip or other comparable document showing the commodity was purchased from a commercial establishment.
- (4) Articles and commodities covered which have been noncommercially produced within the area under quarantine, including "backyard" production, are prohibited movement from the premises where grown except under written authorization of the director or county agricultural commissioner.
- (5) Articles and commodities covered which have been noncommercially produced outside the area under quarantine are prohibited movement into the area under quarantine except when the person in possession has signed a statement showing the commodity, amount, origin, destination, and date of transportation.
- (6) Within the area under quarantine, no wholesale or retail establishment shall handle, sell, or offer for sale any article or commodity covered unless such commodities at all times are maintained in a manner approved by the director to preclude exposure to Mexican fruit fly. No commodity covered shall be held for sale or sold from a truck, trailer, or other mobile vehicle.

NOTE: Authority: Sections 407, 5301, 5302 and 5322, Food and Agricultural Code. Reference: Sections 5301, 5302 and 5322, Food and Agricultural Code.

- 1. New section filed 6-4-90 as an emergency; operative 6-4-90 (Register 90, No. 29). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed by operation of law on 10-2-90. For prior history, see Register 84, No. 48.
- 2. New subsection (b)(2) filed 7–2–90 as an emergency; operative 7–2–90 (Register 90, No. 36). A Certificate of Compliance must be transmitted to OAL by 10-30-90 or emergency language will be repealed by operation of law on the following day.
- 3. Repealed by operation of Government Code section 11346.1(g) 120 days from effective date filed 5–21–91 (Register 91, No. 24).
 4. New section filed 11–22–91 as an emergency; operative 11–22–91 (Register 92,
- No. 7). A Certificate of Compliance must be transmitted to OAL 3-23-91 or
- emergency language will be repealed by operation of law on the following day. 5. Amendment of subsection (b) filed 2-27-92 as an emergency; operative 2-27-92 (Register 92, No. 15). A Certificate of Compliance must be transmitted to OAL 6-26-92 or emergency language will be repealed by operation of law on the following day
- 6. Certificate of Compliance as to 11-22-91 order transmitted to OAL 3-18-92 and filed 4-29-92 (Register 92, No. 19).
- 7. Editorial correction of printing error in HISTORY 6 (Register 92, No. 28)
- 8. Certificate of Compliance as to 2-27-92 order transmitted to OAL 6-18-92 and filed 7-1-92 (Register 92, No. 28).
- Amendment of subsection (b)(1) filed 11–9–93 as an emergency; operative 11–9–93 (Register 93, No. 46). A Certificate of Compliance must be transmitted to OAL by 3-9-94 or emergency language will be repealed by operation of law on the following day
- 10. Certificate of Compliance as to 11-9-93 order transmitted to OAL 2-25-94 and filed 3-10-94 (Register 94, No. 10).
- 11. Repealer of subsection (b)(1) filed 10-17-94 as an emergency; operative 10-17-94 (Register 94, No. 42). A Certificate of Compliance must be transmitted to OAL by 2-14-95 or emergency language will be repealed by operation of law on the following day.
- 12. Certificate of Compliance as to 10–17–94 order transmitted to OAL 2–9–95 and filed 2-23-95 (Register 95, No. 8).
- 13. New subsection (b) filed 11-22-95 as an emergency; operative 11-22-95 (Register 95, No. 47). A Certificate of Compliance must be transmitted to OAL by 3-21-96 or emergency language will be repealed by operation of law on the following day.
- 14. Amendment of subsection (b) filed 12-18-95 as an emergency; operative 12-18-95 (Register 95, No. 51). A Certificate of Compliance must be transmitted to OAL by 4-16-96 or emergency language will be repealed by operation of law on the following day.
- 15. Certificate of Compliance as to 11-22-95 order, including new subsection (b)(1) and (b)(2) designations, transmitted to OAL 3-4-96 and filed 4-15-96 (Register 96, No. 16)
- 16. Certificate of Compliance as to 12–18–95 order transmitted to OAL 3–21–96 and filed 5-1-96 (Register 96, No. 18). 17. Repealer of subsection (b)(2) filed 7-25-96 as an emergency; operative
- 7–25–96 (Register 96, No. 30). A Certificate of Compliance must be transmitted to OAL by 11–22–96 or emergency language will be repealed by operation of law on the following day.
- 18. Certificate of Compliance as to 7-25-96 order transmitted to OAL 10-31-96
- and filed 11–5–96 (Register 96, No. 45).

 19. Repealer of subsection (b)(1) filed 8–21–97 as an emergency; operative 8-21-97 (Register 97, No. 34). A Certificate of Compliance must be transmitted

- to OAL by 12-19-97 or emergency language will be repealed by operation of law on the following day
- 20. New subsection (b) filed 10–23–97 as an emergency; operative 10–23–97 (Register 97, No. 43). A Certificate of Compliance must be transmitted to OAL by 2-20-98 or emergency language will be repealed by operation of law on the following day.
- 21. Certificate of Compliance as to 8-21-97 order transmitted to OAL 12-3-97 and filed 1–14–98 (Register 98, No. 3).

 22. Certificate of Compliance as to 10–23–97 order transmitted to OAL 1–29–98
- and filed 2–9–98 (Register 98, No. 7).

 23. New subsection (b)(2) filed 7–29–98 as an emergency; operative 7–29–98 (Register 98, No. 31). A Certificate of Compliance must be transmitted to OAL by 11-30-98 or emergency language will be repealed by operation of law on the following day.
- 24. Repealer of subsection (b)(1) and subsection renumbering filed 8–24–98 as an emergency; operative 8–24–98 (Register 98, No. 35). A Certificate of Compliance must be transmitted to OAL by 12-22-98 or emergency language will be repealed by operation of law on the following day.
- 25. New subsection (b)(2) filed 9-25-98 as an emergency; operative 9-25-98 (Register 98, No. 39). A Certificate of Compliance must be transmitted to OAL by 1-25-99 or emergency language will be repealed by operation of law on the
- 26. Amendment of subsection (b)(2) filed 10-27-98 as an emergency; operative 10-27-98 (Register 98, No. 44). A Certificate of Compliance must be transmitted to OAL by 2-24-99 or emergency language will be repealed by operation of law on the following day
- 27. Editorial correction of subsection (b)(1) and HISTORY 23 (Register 99, No. 1) 28. Certificate of Compliance as to 7–29–98 order transmitted to OAL 11–20–98
- and filed 12-29-98 (Register 99, No. 1) 29. Certificate of Compliance as to 8-24-98 order transmitted to OAL 12-22-98
- and filed 1–19–99 (Register 99, No. 4).

 30. Certificate of Compliance as to 9–25–98 order transmitted to OAL 1–22–99
- and filed 3-1-99 (Register 99, No. 10). 31. Certificate of Compliance as to 10–27–98 order transmitted to OAL 2–18–99 and filed 3-1-99 (Register 99, No. 10).
- 32. Repealer of subsection (b)(1) and subsection renumbering filed 6–14–99 as an emergency; operative 6-14-99 (Register 99, No. 25). A Certificate of Compliance must be transmitted to OAL by 10-12-99 or emergency language will
- be repealed by operation of law on the following day.

 33. Repealer of subsection (b)(1) filed 8–5–99 as an emergency; operative 8–5–99 (Register 99, No. 32). A Certificate of Compliance must be transmitted to OAL by 12-3-99 or emergency language will be repealed by operation of law on the
- 34. New subsection (b)(1) filed 9-10-99 as an emergency; operative 9-10-99 (Register 99, No. 37). A Certificate of Compliance must be transmitted to OAL 1-10-2000 or emergency language will be repealed by operation of law on the following day.
- 35. Certificate of Compliance as to 6–14–99 order transmitted to OAL 10–12–99 and filed 11-12-99 (Register 99, No. 46).
- 36. New subsection (b)(2) filed 11–16–99 as an emergency; operative 11–16–99 (Register 99, No. 47). A Certificate of Compliance must be transmitted to OAL 3-15-2000 or emergency language will be repealed by operation of law on the following day.
- 37. Certificate of Compliance as to 8-5-99 order transmitted to OAL 12-3-99 and filed 1-12-2000 (Register 2000, No. 2)
- 38. Certificate of Compliance as to 9-10-99 order transmitted to OAL 1-6-2000 and filed 2-4-2000 (Register 2000, No. 5).
- 39. Repealer of subsection (b)(1) and subsection renumbering filed 3–28–2000 as an emergency; operative 3-28-2000 (Register 2000, No. 13). A Certificate of Compliance must be transmitted to OAL by 7-26-2000 or emergency language will be repealed by operation of law on the following day.
- 40. Certificate of Compliance as to 11-16-99 order transmitted to OAL
- 3–15–2000 and filed 4–20–2000 (Register 2000, No. 16).
 41. Repealer of subsection (b)(1) filed 6–8–2000 as an emergency; operative 6-8-2000 (Register 2000, No. 23). A Certificate of Compliance must be transmitted to OAL by 10-6-2000 or emergency language will be repealed by operation of law on the following day.
- 42. Certificate of Compliance as to 3-28-2000 order transmitted to OAL 7–25–2000 and filed 9–5–2000 (Register 2000, No. 36).
- 43. Certificate of Compliance as to 6–8–2000 order transmitted to OAL 10–6–2000 and filed 11–2–2000 (Register 2000, No. 44).
- 44. New subsection (b)(1) filed 11-1-2002 as an emergency; operative 11-1-2002 (Register 2002, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-3-2003 or emergency language will be repealed by operation of law on the following day.
- 45. New subsection (b)(2) filed 12-12-2002 as an emergency; operative 12-12-2002 (Register 2002, No. 50). A Certificate of Compliance must be transmitted to OAL by 4-11-2003 or emergency language will be repealed by operation of law on the following day.
- 46. Amendment of subsection (b)(1) filed 12–12–2002 as an emergency; operative 12-12-2002 (Register 2002, No. 50). A Certificate of Compliance must be transmitted to OAL by 4-11-2003 or emergency language will be repealed by operation of law on the following day.
- 47. Amendment of subsection (b)(2) filed 1-28-2003 as an emergency; operative 1-28-2003 (Register 2003, No. 5). A Certificate of Compliance must be trans-

- mitted to OAL by 5-28-2003 or emergency language will be repealed by operation of law on the following day.
- 48. Certificate of Compliance as to 12-12-2002 order transmitted to OAL 3-18-2003 and filed 4-1-2003 (Register 2003, No. 14)
- 49. Certificate of Compliance as to 11-1-2002 order transmitted to OAL 2-25-2003 and filed 4-7-2003 (Register 2003, No. 15).
- 50. Certificate of Compliance as to 12-12-2002 order transmitted to OAL 3–18–2003 and filed 4–21–2003 (Register 2003, No. 17).
- 51. Certificate of Compliance as to 1-28-2003 order transmitted to OAL 5-1-2003 and filed 6-3-2003 (Register 2003, No. 23).
- 52. Amendment of subsection (b)(1) filed 6-26-2003 as an emergency; operative 6-26-2003 (Register 2003, No. 26). A Certificate of Compliance must be transmitted to OAL by 10-24-2003 or emergency language will be repealed by operation of law on the following day.
- 53. Repealer of subsection (b)(1) and subsection renumbering filed 7-24-2003 as an emergency; operative 7–24–2003 (Register 2003, No. 30). A Certificate of Compliance must be transmitted to OAL by 11–21–2003 or emergency language will be repealed by operation of law on the following day.
- 54. Repealer of subsection (b)(1) filed 9-25-2003 as an emergency; operative 9–25–2003 (Register 2003, No. 39). A Certificate of Compliance must be transmitted to OAL by 1–23–2004 or emergency language will be repealed by operation of law on the following day.
- 55. Certificate of Compliance as to 6-26-2003 order transmitted to OAL 10–7–2003 and filed 10–27–2003 (Register 2003, No. 44).
- 56. Certificate of Compliance as to 7-24-2003 order transmitted to OAL 11-13-2003 and filed 12-26-2003 (Register 2003, No. 52).
- 57. Certificate of Compliance as to 9-25-2003 order transmitted to OAL 1–14–2004 and filed 2–5–2004 (Register 2004, No. 6).
- 58. New subsection (b)(1) filed 11-16-2007 as an emergency; operative 11–16–2007 (Register 2007, No. 46). A Certificate of Compliance must be transmitted to OAL by 5–14–2008 or emergency language will be repealed by operation of law on the following day.
- 59. Certificate of Compliance as to 11–16–2007 order transmitted to OAL 3–21–2008 and filed 5–2–2008 (Register 2008, No. 18).
- 60. Amendment of subsection (b) and repealer of subsection (b)(1) filed 7-22-2008 as an emergency; operative 7-22-2008 (Register 2008, No. 30). A Certificate of Compliance must be transmitted to OAL by 1-20-2009 or emergency language will be repealed by operation of law on the following day.

§ 3418. Khapra Beetle Interior Quarantine (Quarantine Regulation 21).

NOTE: Authority cited: Sections 407, 5301, 5302 and 5322, Food and Agricultural Code. Reference: Sections 5301, 5302, 5322, Food and Agricultural Code.

HISTORY

- 1. New section filed 2-6-81 as an emergency; effective upon filing (Register 81, No. 6). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed 6-5-81 (Register 81, No. 6). For prior history, see Registers 67, No. 47; and 61, No. 19
- Certificate of Compliance transmitted to OAL 5-27-81 and filed 6-17-81 Register 81, No. 2:
- 3. Repealer filed 2–17–84; effective thirtieth day thereafter (Register 84, No. 7).

§ 3419. Date Palm Disease Interior Quarantine (Quarantine Regulation 24).

A quarantine is established against the following pest, its hosts, and

- (a) Pest. A form of the fungus, Fusarium oxysporum, which initiates a serious disease in Canary Island date palm, Phoenix canariensis, and clump palm, P. reclinata. Seedlings of the date palm, P. dactylifera, are killed when injected with, or planted in soil infested with, the pathogen. There is reasonable cause to presume that this fungus isolate will be pathogenic to mature date palms, P. dactylifera, and other palms of the genus Phoenix.
- (b) Quarantine Area. The quarantine area shall be all of California except the protected area. The protected area is:
 - (1) Imperial County—the entire county.
- (2) Inyo County—Township 27 north, Range 1 east, which includes the Furnace Creek Ranch of Death Valley.
- (3) Riverside County—all of Riverside County east of the eastern boundary of Range 2 east. (This boundary line runs north and south just east of the Town of Cabazon in Riverside County.)
 - (c) Commodities Covered and Articles Covered.
- (1) All plants and parts for propagation, including seed, of the palm genus Phoenix.
- (2) Saws, knives, or other tools used for trimming or pruning palms of the genus Phoenix.
- (d) Restrictions. The commodities covered are prohibited movement into the protected area, except that trimming or pruning tools will be al-

lowed movement into the protected area when certified by a plant quarantine officer as being sterilized in an approved manner. The movement of the commodities and articles covered is not restricted in any way when such movement is entirely within the quarantine area or entirely within the protected area.

- (e) Exceptions.
- (1) There are no restrictions of movement through the area as long as the commodities covered are neither in transit more than 48 hours nor off-loaded enroute.
- (2) The Director may issue special permits allowing entry of commodities otherwise prohibited. The permit shall state any and all mandatory provisions or conditions under which entry will be allowed.

NOTE: Authority cited: Sections 407, 5301, 5302, and 5322, of the Food and Agricultural Code. Reference: Sections 5301, 5302, and 5322 of the Food and Agricultural Code.

HISTORY

1. New section filed 7-3-80; effective thirtieth day thereafter (Register 80, No. 27). For prior history, see Register 58, No. 17.

§ 3420. Japanese Beetle Interior Quarantine (Quarantine Regulation 25).

NOTE: Authority cited: Sections 407, 5301, 5302 and 5322, Food and Agricultural Code. Reference: Sections 5301, 5302 and 5322, Food and Agricultural Code.

HISTORY

- 1. New section filed 7-7-83 as an emergency; effective upon filing (Register 83, No. 29). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 11–4–83. For history of former section, see Registers 83, No. 14; 77, No. 31; and 57, No. 21.
- 2. Amendment of subsection (b) filed as an emergency 8-1-83; effective upon filing (Register 83, No. 33). A Certificate of Compliance must be transmitted to
- OAL within 120 days or emergency language will be repealed on 11–29–83.

 3. Certificate of Compliance as to 7–7–83 order transmitted to OAL 10–18–83 and filed 11-14-83 (Register 83, No. 47)
- 4. Certificate of Compliance as to 8–1–83 order transmitted to OAL 11–4–83 and filed 12-1-83 (Register 83, No. 51).
- 5. Amendment of subsection (b) filed 6-22-84 as an emergency; effective upon filing (Register 84, No. 27). A Certificate of Compliance must be transmitted
- to OAL within 120 days or emergency language will be repealed on 10–20–84. 6. Certificate of Compliance as to 6–22–84 order filed 10–10–84 (Register 84, No.
- 7. Repealer filed 7-15-98; operative 8-14-98 (Register 98, No. 29).

§ 3421. Apple Maggot Interior Quarantine (Quarantine Regulation 26).

NOTE: Authority cited: Sections 407, 5301, 5302 and 5322, Food and Agricultural Code. Reference: Sections 5301, 5302 and 5322, Food and Agricultural Code.

HISTORY

- New section filed 9-21-83 as an emergency; effective upon filing (Register 83, No. 40). A Certificate of Compliance must be transmitted to OAL within 120
- days or emergency language will be repealed on 1–19–84. 2. Certificate of Compliance as to 9–21–83 order transmitted to OAL 12–13–83
- 3. Amendment of subsection (b) filed 8–28–84 as an emergency; effective upon filing (Register 84, No. 36). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 12–26–84.
- 4. Amendment of subsection (b) filed 9–6–84 as an emergency; effective upon filing (Register 84, No. 39). A Certificate of Compliance must be transmitted to
- OAL within 120 days or emergency language will be repealed on 1-4-85. 5. Amendment of subsection (b) filed 9-19-84 as an emergency; effective upon filing (Register 84, No. 39). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 1–17–85.
- 6. Certificate of Compliance as to 8-28-84 order, 9-6-84 order and 9-19-84 order
- transmitted to OAL 11-30-84 and filed 1-2-85 (Register 85, No. 1).

 7. New subsections (b)(1) and (2) filed 9-16-86 as an emergency; effective upon
- filing (Register 86, No. 39). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 1-14-87.

 8. New subsection (b)(3) filed 9-22-86 as an emergency; effective upon filing (Register 86, No. 39). A Certificate of Compliance must be transmitted to OAL
- within 120 days or emergency language will be repealed on 1–20–87. 9. Emergency language filed 9–16–86 and 9–22–86 repealed by operation of Gov-
- ernment Code section 11346.1 (Register 87, No. 25).

 10. Amendment of subsection (b) filed 6–10–87 as an emergency; operative 6–10–87 (Register 87, No. 25). A Certificate of Compliance must be transmitted
- to OAL within 120 days or emergency language will be repealed on 10–8–87.

 11. Amendment of subsection (b)(2) filed 8–7–87 as an emergency; operative 8–7–87 (Register 87, No. 33). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 12–7–87.

 12. Emergency language filed 6–10–87 repealed by operation of Government Code section 11346.1 on 10–9–87 (Register 88, No. 35).

 13. Emergency language filed 8–7–87 repealed by operation of Government Code section 11346.1 on 12–8. 87 (Register 88, No. 35).
- section 11346.1 on 12-8-87 (Register 88, No. 35).

14. Repealer filed 6-30-94; operative 8-1-94 (Register 94, No. 26).

§ 3422. Caribbean Fruit Fly Interior Quarantine (Quarantine Regulation 27).

NOTE: Authority cited: Sections 407, 5301, 5302 and 5322, Food and Agricultural Code. Reference: Sections 5301, 5302 and 5322, Food and Agricultural Code.

- 1. New section filed 2-10-84 as an emergency; effective upon filing (Register 84, No. 7). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 6-11-84.
- 2. Certificate of Compliance transmitted to OAL 5-8-84 and filed 6-5-84 (Register 84, No. 23)
- 3. Repealer filed 11-29-84; effective thirtieth day thereafter (Register 84, No. 48).

§ 3423. Oriental Fruit Fly Interior Quarantine (Quarantine Regulation 28).

A quarantine is established against the following pest, its hosts, and possible carriers.

- (a) Pest. Oriental fruit fly (Dacus dorsalis).
- (b) Area Under Quarantine.
- (1) [Reserved]
- (c) Articles and Commodities Covered. The following are declared to be hosts and possible carriers of Oriental fruit fly.
 - (1) All fruit of the following plants:

Akia Wikstroemia phyllyraefolia Alexander laurel Calophyllum inophyllum Apple, common Malus sylvestris Apricot Prunus armeniaca Avocado Persea americana Banana Musa paradisica var. sapientum = (Musa x paradisiaca) Banana, dwarf Musa nana Barbados cherry Malphighia glabra Brazil cherry Eugenia dombeyi Breadfruit Artocarpus altilis Cactus

Cereus coerulescens Caimitillo Chrysophyllum oliviforme Cashew Anacardium occidentale Cherimova Anonna cherimola

Cherry, Catalina Prunus ilicifolia (ornamental) Chili Capsicum frutescens var. longum Coffee, Arabian Coffea arabica

Country gooseberry Averrhoa carambola Cucumber Cucumis sativas Custard apple Annona squamosa Custard apple, Annona Annona reticulata Date palm Phoenix dactylifera Dragon tree Dracena draco Eggfruit tree

Pouteria campechiana = (Lucuma nervosa) Elengi tree Mimusops elengi Fig, common Ficus carica Gourka Garcinia celebica Granadilla, sweet Passiflora ligularis

Granadilla, yellow Passiflora lauriflora Grape Vitis spp. Grapefruit Citrus paradisi Guava Psidium guajava Guava, pineapple Feijoa sellowiana Guava, red strawberry Psidium littorale

Guava, yellow strawberry Psidium cattleianum lucidum

Imbu Spondias tuberosa Jackfruit Artocarpus heterophyllus Jerusalem Cherry Solanum pseudocapiscum Kitembilla Dovyalis hebecarpa Kumquat Fortunella japonica Lemon Citrus limon Lime, sour Citrus aurantiifolia Longan Euphoria longan Eriobotrya japonica Loquat Lychee Lychee chinensis

Malay apple Eugenia malaccensis Mammee apple Mammea americana Mandarin (tangerine) Citrus reticulata Mangifera indica Mango Mangosteen Garcinia mangostana Mock orange Murraya exotica Mulberry, black Morus nigra Myrtle, downy rose Rhodomyrtus tomentosa

Natal plum Carissa grandiflora Nectarine Prunus persica var. nectarina

Oleander, yellow Thevetia peruviana

Orange, calamondin Citrus japonica and Citrus mitis

Orange, Chinese Citrus japonica hazara Orange, king Citrus, nobilis Orange, sour Citrus aurantium Orange, sweet Citrus sinensis Orange, unshu Citrus unshu Otaheite apple Spondias dulcis Palm, date Phoenix spp. Palm, syrup Jubaea spectabilis Papaya, common Carica papaya Passionflower, Passiflora mollissima

Passionfruit (yellow lilikoi) Passiflora edulis flavicarpa Prunus persica Peach Pear Pyrus communis Solanum muricatum Pepino

Pepper, oriental bush red Capiscum frutescens var. abbreviatum Capiscum frutescens var. grossum

Pepper, sweet Persimmon Diospyros spp.

Persimmon, Japanese Diospyros kaki Plum, American Prunus americana Plum, garden (common

European prune) Prunus domestica Pomegranate Punica granatum Prickly pear, mission Opuntia megacantha Pummelo Citrus grandis Quince Cydonia oblonga

Rose apple $Eugenia\ jambos = (Syzygium\ jambos)$

Sandalwood Santalum paniculatum Sandalwood, white Santalum album Sandericum koetjape Santol Sapodilla Manilkara zapota Sapodilla chiku Achras zapota Sapote, white Casimiroa edulis Coccoloba uvifera Seagrape Soursop Annona muricata Star apple Chrysophyllum cainito Surinam cherry Eugenia uniflora Tomato Lycopersicon esculentum Tropical almond Terminalia catappa Terminalia Terminalia chebula Velvet apple Diospyros discolor

Walnut, California black Juglans hindsii Walnut, English Juglans regia Wampi Citrus lansium West Indian cherry Malpighia punicifolia Cananga odorata Ylang-ylang

(2) Any other product, article, or means of conveyance when it is determined by the director or county agricultural commissioner to present a hazard of spreading live Oriental fruit fly and the person in possession thereof has been so notified.

(d) Restrictions.

(1) At wholesale level, articles and commodities covered which have been commercially produced within the area under quarantine are prohibited movement from or within the area under quarantine except in accordance with the following provisions:

(A) The commodity has been treated for Oriental fruit fly in a manner approved by the director, is transported in a manner approved by the director to preclude exposure to Oriental fruit fly, and is accompanied by a certificate, verifying compliance with above requirements, issued by the director or county agricultural commissioner; or,

- (B) The commodity is moving for treatment for Oriental fruit fly or processing and in a manner approved by the director to preclude exposure to Oriental fruit fly, and is accompanied by a written document affirming that movement has been authorized by the director or county agricultural commissioner.
- (2) At the wholesale level, articles and commodities covered which have been commercially produced outside the area under quarantine are prohibited movement into the area under quarantine except when accompanied by a shipping document indicating the point of origin and destination and moved in accordance with the following provisions:
- (A) The commodity is moving directly through the area under quarantine without delay in an enclosed vehicle or completely enclosed by a covering to prevent exposure to Oriental fruit fly; or,
- (B) The commodity is destined to a wholesale or retail establishment and, if moving between 9:00 a.m. and sunset, is transported in an enclosed vehicle or completely enclosed by a covering to prevent exposure to Oriental fruit fly; or,
 - (C) The commodity is destined to a commercial processing facility.
- (3) At the retail level, articles and commodities covered which have been commercially produced are prohibited movement from or within the area under quarantine except when the person in possession has a sales slip or other comparable document showing the commodity was purchased from a commercial establishment.
- (4) Articles and commodities covered which have been noncommercially produced within the area under quarantine, including "backyard" production, are prohibited movement from the premises where grown except under written authorization of the director or county agricultural commissioner.
- (5) Articles and commodities covered which have been noncommercially produced outside the area under quarantine are prohibited movement into the area under quarantine except when the person in possession has signed a statement showing the commodity, amount, origin, destination, and date of transportation.
- (6) Within the area under quarantine, no wholesale or retail establishment shall handle, sell or offer for sale any article or commodity covered unless such commodities at all times are maintained in a manner approved by the director to preclude exposure to Oriental fruit fly.

NOTE: Authority cited: Sections 407, 5301, 5302 and 5322, Food and Agricultural Code. Reference: Sections 5301, 5302 and 5322, Food and Agricultural Code.

- 1. New subsection (b)(4) filed 10-5-87 as an emergency; operative 10-5-87 (Register 87, No. 41). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 2-2-88. For prior history, see Register 87, No. 33.
- 2. New subsection (b)(5) filed 8–1–89 as an emergency; operative 8–1–89 (Register 89, No. 31). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 11–29–89.

 3. New subsection (b)(6) filed 9–12–89 as an emergency; operative 9–12–89.
- (Register 89, No. 43). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 1–10–90.

 4. New subsection (b)(7) filed 10–16–89 as an emergency; operative 10–16–89
- (Register 89, No. 43). A Certificate of Compliance must be transmitted to OAL
- within 120 days or emergency language will be repealed on 2–13–90.

 5. Reinstatement of subsection (b)(1) as it existed prior to emergency amendment filed 7–7–87 by operation of Government Code section 11346.1(f) (Register 89,
- 6. Subsection (b)(3) filed as an emergency 7-22-87 repealed by operation of Government Code section 11346.1(g) (Register 89, No. 51).
- Repealer of subsection (b)(5) by operation of Government Code section 11346.1 effective 11–29–89 (Register 90, No. 5).
- 8. Certificate of Compliance as to 10–16–89 order transmitted to OAL 2–13–90 and filed 3-14-90 (Register 90, No. 11).
- 9. New subsection (b)(5) filed 8-6-90 as an emergency; operative 8-6-90 (Register 90, No. 39). A Certificate of Compliance must be transmitted to OAL by 12-4-90 or emergency language will be repealed by operation of law on the following day.
- 10. Reinstatement of subsection (b) as it existed prior to 8-6-90 emergency amendment filed 5-21-91 by operation of Government Code section 11346.1(f) 120 days from effective date (Register 91, No. 41).

- 11. New subsection (b)(3) filed 10-11-91 as an emergency; operative 10-11-91 (Register 91, No. 51). A Certificate of Compliance must be transmitted to OAL -10-92 or emergency language will be repealed by operation of law on the fol-
- 12. Certificate of Compliance as to 10-11-91 order transmitted to OAL 1-22-92 and filed 2-20-92 (Register 92, No. 12)
- 13. Repealer of subsections (b)(1)-(6) and new subsection (b)(1) filed 12-15-92 as an emergency; operative 12-15-92 (Register 92, No. 51). A Certificate of Compliance must be transmitted to OAL 4-14-93 or emergency language will be repealed by operation of law on the following day.
- 14. Certificate of Compliance as to 12–15–92 order transmitted to OAL 4–14–93 and filed 4–28–93 (Register 93, No. 18).
- 15. Repealer and new subsection (b)(1) filed 9–16–93 as an emergency; operative 9-16-93 (Register 93, No. 38). A Certificate of Compliance must be transmitted to OAL 1-14-94 or emergency language will be repealed by operation of law on the following day.
- 16. Certificate of Compliance as to 9–16–93 order transmitted to OAL 1–6–94 and filed 1-12-94 (Register 94, No. 2).
- 17. Repealer of subsection (b)(1) filed 6-28-94 as an emergency; operative 6-28-94 (Register 94, No. 26). A Certificate of Compliance must be transmitted to OAL by 10-26-94 or emergency language will be repealed by operation of law on the following day
- 18. New subsection (b)(1) filed 10-25-94 as an emergency; operative 10-25-94 (Register 94, No. 43). A Certificate of Compliance must be transmitted to OAL by 3-6-95 or emergency language will be repealed by operation of law on the following day.
- 19. Certificate of Compliance as to 6-28-94 order transmitted to OAL 10-12-94 and filed 11-8-94 (Register 94, No. 45).
- 20. Certificate of Compliance as to 10-25-94 order transmitted to OAL 2-21-95 and filed 3-16-95 (Register 95, No. 11).
- 21. Repealer and new subsection (b)(1) filed 7–30–97 as an emergency; operative 7–30–97 (Register 97, No. 31). A Certificate of Compliance must be transmitted to OAL by 12-1-97 or emergency language will be repealed by operation of law on the following day.
- 22. New subsection (b)(2) filed 8-27-97 as an emergency; operative 8-27-97 (Register 97, No. 35). A Certificate of Compliance must be transmitted to OAL 12-26-97 or emergency language will be repealed by operation of law on the following day.
- 23: Amendment of subsection (b)(2) filed 9–19–97 as an emergency; operative 9-19-97 (Register 97, No. 38). A Certificate of Compliance must be transmitted to OAL by 1-20-98 or emergency language will be repealed by operation of law on the following day
- 24. Certificate of Compliance as to 7-30-97 order transmitted to OAL 11-18-97 and filed 12-2-97 (Register 97, No. 49).
- 25. Certificate of Compliance as to 9-19-97 order transmitted to OAL 12-18-97 and filed 12-31-97 (Register 98, No. 1).
- 26. Certificate of Compliance as to 8-27-97 order transmitted to OAL 12-18-97 and filed 1-5-98 (Register 98, No. 2).
- 27. Repealer of subsection (b)(1) and subsection renumbering filed 2-11-98 as an emergency; operative 2-11-98 (Register 98, No. 7). A Certificate of Compliance must be transmitted to OAL by 6-11-98 or emergency language will be repealed by operation of law on the following day.
- 28. Repealer of subsection (b)(1) filed 3-30-98 as an emergency; operative -30–98 (Register 98, No. 14). A Certificate of Compliance must be transmitted to OAL by 7-28-98 or emergency language will be repealed by operation of law on the following day
- 29. Certificate of Compliance as to 2-11-98 order transmitted to OAL 5-6-98 and filed 5-27-98 (Register 98, No. 22).
- 30. Certificate of Compliance as to 3-30-98 order transmitted to OAL 7-7-98 and filed 8-13-98 (Register 98, No. 33).
- 31. New subsection (b)(1) filed 9-2-99 as an emergency; operative 9-2-99 (Register 99, No. 36). A Certificate of Compliance must be transmitted to OAL by 12-31-99 or emergency language will be repealed by operation of law on the following day.
- 32. Certificate of Compliance as to 9-2-99 order, including further amendment of subsection (b)(1), transmitted to OAL 12-31-99 and filed 2-1-2000 (Register
- 33. Repealer of subsection (b)(1) filed 3-14-2000 as an emergency; operative 3-14-2000 (Register 2000, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-12-2000 or emergency language will be repealed by operation of law on the following day.
- 34. Certificate of Compliance as to 3-14-2000 order transmitted to OAL 7-11-2000 and filed 7-25-2000 (Register 2000, No. 30).
- 35. New subsection (b)(1) filed 8-7-2001 as an emergency; operative 8-7-2001 (Register 2001, No. 32). A Certificate of Compliance must be transmitted to OAL by 12–5–2001 or emergency language will be repealed by operation of law on the following day.
- 36. New subsection (b)(2) filed 10-4-2001 as an emergency; operative 10-4-2001 (Register 2001, No. 40). A Certificate of Compliance must be transmitted to OAL by 2-1-2002 or emergency language will be repealed by operation of law on the following day.

- 37. Certificate of Compliance as to 8-7-2001 order transmitted to OAL 12-4-2001 and filed 1-14-2002 (Register 2002, No. 3).
- 38. Certificate of Compliance as to 10-4-2001 emergency transmitted to OAL 2-1-2002 and filed 3-12-2002 (Register 2002, No. 11).
- 39. Repealer of subsection (b)(2) filed 3-12-2002 as an emergency; operative 3-12-2002 (Register 2002, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-10-2002 or emergency language will be repealed by operation of law on the following day.
- 40. Repealer of subsection (b)(1) filed 4-12-2002 as an emergency; operative 4-12-2002 (Register 2002, No. 15). A Certificate of Compliance must be transmitted to OAL by 8-12-2002 or emergency language will be repealed by operation of law on the following day.
- 41. Certificate of Compliance as to 3-12-2002 order transmitted to OAL 7-2-2002 and filed 7-25-2002 (Register 2002, No. 30).
- 42. Certificate of Compliance as to 4-12-2002 order transmitted to OAL 7-2-2002 and filed 8-13-2002 (Register 2002, No. 33).
- 43. New subsection (b)(1) filed 8-30-2002 as an emergency; operative 8-30-2002 (Register 2002, No. 35). A Certificate of Compliance must be transmitted to OAL by 12-30-2002 or emergency language will be repealed by operation of law on the following day
- 44. New subsection (b)(2) filed 12-2-2002 as an emergency; operative 12-2-2002 (Register 2002, No. 49). A Certificate of Compliance must be transmitted to OAL by 4-1-2003 or emergency language will be repealed by operation of law on the following day.
- 45. Repealer of subsection (b)(1) and subsection renumbering filed 12–12–2002 as an emergency; operative 12–12–2002 (Register 2002, No. 50). A Certificate of Compliance must be transmitted to OAL by 4–11–2003 or emergency language will be repealed by operation of law on the following day
- 46. Certificate of Compliance as to 12-2-2002 order transmitted to OAL 3-7-2003 and filed 4-15-2003 (Register 2003, No. 16).
- 47. Certificate of Compliance as to 12-12-2003 order transmitted to OAL 3-18-2003 and filed 4-21-2003 (Register 2003, No. 17).
- 48. Repealer of subsection (b)(1) filed 6-12-2003 as an emergency; operative 6-12-2003 (Register 2003, No. 24). A Certificate of Compliance must be transmitted to OAL by 10-10-2003 or emergency language will be repealed by operation of law on the following day.
- 49. Certificate of Compliance as to 6-12-2003 order transmitted to OAL 9-16-2003 and filed 10-14-2003 (Register 2003, No. 42)
- 50. New subsection (b)(1) filed 10-27-2003 as an emergency; operative 10–27–2003 (Register 2003, No. 44). A Certificate of Compliance must be transmitted to OAL by 2–24–2004 or emergency language will be repealed by operation of law on the following day.
- 51. Certificate of Compliance as to 10-27-2003 order transmitted to OAL 2-24-2004 and filed 3-23-2004 (Register 2004, No. 13).
- 52. Repealer of subsection (b)(1) filed 5-27-2004 as an emergency; operative 5–27–2004 (Register 2004, No. 22). A Certificate of Compliance must be transmitted to OAL by 9-24-2004 or emergency language will be repealed by operation of law on the following day.
- 53. New subsection (b)(1) filed 7-9-2004 as an emergency; operative 7-9-2004 (Register 2004, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-8-2004 or emergency language will be repealed by operation of law on the following day.
- 54. New subsection (b)(2) filed 9-8-2004 as an emergency; operative 9-8-2004 (Register 2004, No. 37). A Certificate of Compliance must be transmitted to OAL by 1-6-2005 or emergency language will be repealed by operation of law on the following day.
- 55. Certificate of Compliance as to 5-27-2004 order transmitted to OAL 9-3-2004 and filed 10-14-2004 (Register 2004, No. 42).

 56. Certificate of Compliance as to 7-9-2004 order transmitted to OAL
- 10-19-2004 and filed 11-29-2004 (Register 2004, No. 49).
- 57. Reinstatement of section as it existed prior to 9-8-2004 emergency amendment by operation of Government Code section 11346.1(f) (Register 2005, No.
- 58. Repealer of subsection (b)(1) filed 2-23-2005 as an emergency; operative 2-23-2005 (Register 2005, No. 8). A Certificate of Compliance must be transmitted to OAL by 6-23-2005 or emergency language will be repealed by operation of law on the following day.
- 59. Certificate of Compliance as to 2-23-2005 order transmitted to OAL 5-31-2005 and filed 7-11-2005 (Register 2005, No. 28).
- 60. New subsection (b)(1) filed 9–8–2006 as an emergency; operative 9–8–2006 (Register 2006, No. 36). A Certificate of Compliance must be transmitted to OAL by 1-8-2007 or emergency language will be repealed by operation of law on the following day
- 61. New subsection (b)(2) filed 11-13-2006 as an emergency; operative 11-13-2006 (Register 2006, No. 46). A Certificate of Compliance must be transmitted to OAL by 3-13-2007 or emergency language will be repealed by operation of law on the following day.
- 62. Repealer of subsection (b)(1) and subsection renumbering filed 12-20-2006 as an emergency; operative 12-20-2006 (Register 2006, No. 51). A Certificate of Compliance must be transmitted to OAL by 4-19-2007 or emergency language will be repealed by operation of law on the following day.
- 63. Certificate of Compliance as to 9-8-2006 order transmitted to OAL 12-29-2006 and filed 1-18-2007 (Register 2007, No. 3).

Page 324

- 64. Certificate of Compliance as to 11–13–2006 order transmitted to OAL 2–20–2007 and filed 3–7–2007 (Register 2007, No. 10).
 65. Repealer and reservation of subsection (b)(1) filed 7–20–2007 as an emergency; operative 7–20–2007 (Register 2007, No. 29). A Certificate of Compliance must be transmitted to OAL by 1–16–2008 or emergency language will be repealed by operation of law on the following day.
- 66. Certificate of Compliance as to 7–20–2007 order, including further amendment of subsection (b)(1) [Reserved], transmitted to OAL 12–6–2007 and filed 1–18–2008 (Register 2008, No. 3).

[The next page is 325.]

§ 3424. Bactrocera zonata Interior Quarantine.

A quarantine is established against the following pest, its hosts and possible carriers.

- (a) Pest. Peach Fruit Fly (Bactrocera zonata),
- (b) Area Under Quarantine.

[Reserved]

- (c) Articles and Commodities Covered. The following are declared to be hosts and possible carriers of peach fruit fly.
 - (1) All fruit, vegetables or berries of the following:

Scientific Name Common Name Okra Abelmoschus esculentus Aegle marmelos Indian bael Annona cherimola Cherimoya Soursop Annona muricata Custard apple, annona Annona reticulate Custard apple Annona squamosa Patana oak, kumbhi Careya arborea Carica papaya Papaya, common Citrofortunella japonica Calamondin orange Citrullus lanatus Watermelon Citrus aurantilifolia Sour lime Citrus aurantium Sour orange *Citrus limon *Lemon *(except commercially produced clean and waxed smooth lemon)

Citrus medica Citron
Citrus maxima Pummelo

King orange, Tangor Citrus nobilis Grapefruit Citrus paradisi Citrus reticulata Mandarin (tangerine) Orange, sweet Gourd, ivy Citrus sinensis Coccinia grandis Cucumis melo Cantaloupe Cucumber Cucumis sativus Cucumis utilissimus Melon, long Cydonia oblonga Ouince

Elaeocarpus angustifolius

Blue marbletree; New
Guinea-quandong
Elaeocarpus grandiflorus

Lily of the valley tree

Ma-kok-nam Elaeocarpus madopetalus Eriobotrya japonica Loquat Eugenia brasiliensis Brazil cherry Eugenia uniflora Surinam cherry Felijoa sellowiana Pineapple guava Ficus benghalensis Banyan fig Ficus carica Fig, common Ficus macrophylla Moreton Bay fig Ficus retusa Glossy leaf fig Ficus rubiginosa Port Jackson fig Ficus spp. Fig Fortunella japonica Kumauat

Grewia asiatica Phalsa
Lagenaria siceraria (= L. vulgaris) Bottle or calabash gourd
Luffa acutangula Ribbed or ridged gourd,

Luffa aegyptiaca Luffa Smooth loofah, sponge gourd Lycopersicum esculentum Tomato

Lycopersicum esculentum 10mato
Madhuca indica (=Bassia latifolia) Mahua, mowra-buttertree
Malus spp. Apple
Malus (=domestica) sylvestris Apple, common

 Malus (=domestica) sylvestris
 Apple, common

 Mangifera foetida
 Bachang mango

 Mangifera indica
 Mango

 Mangifera odorata
 Kuine

 Manilkara emarginata
 a Sapodilla

 Manilkara hexandra
 Balata sapodilla

 Manilkara zapota
 Sapodilla

 Manordica balsamina
 Balsam apple hawthor

Momordica balsamina
Momordica charantia
Balsam apple hawthorn
Balsam pear, bitter melon, bitter
gourd

a Balsam apple Momordica cochinchinensis Bourbon orange Ochrosia elliptica Persea americana Avocado Phoenix dactvlifera Date palm Prunus americana American plum Prunus armeniaca Apricot Sweet cherry Prunus avium Prunus cerasifera Plum

Prunus domestica European prune (plum)
*Prunus dulcis *Almond

*(except harvested almonds with dried husks)

Prunus ilicifolia Cherry, hollyleaf
Prunus lusitanica Portuguese laurel cherry

Prunus lyonii Prunus persica

Prunus persica var. nectarine Prunus salicia x Prunus cerasifera Prunus salicina

Psidium cattleianum Psidium cattleianum littorale Psidium cattleianum lucidum

Psidium cattleianum lucidi Psidium guajava Punica granatum Putranjiva roxburghii

Pyrus communis Pyrus pashia Pyrus pyrifolia Solanum aculeatissimum

Solanum auriculatum Solanum melongena Solanum muricatum Solanum pseudocapsicum Solanum seaforthianum

Solanum seaforthianum Solanum verbascifolium Syzygium aquea

Syzygium cumini Syzygium jambos Syzygium malaccense

Syzygium samarangense Terminalia bellirica Terminalia catappa

Terminalia calappa Terminalia chebula Ziziphus mauritiana Catalina cherry Peach-, Nectarine Methley plum Japanese plum Strawberry guava Red strawberry guava Yellow strawberry guava

Yellow strawberry Guava Pomegranate

Wild Olive, Indian amulet plant

Pear, sand a Nightshade Wild tobacco Eggplant Pepino

Pepino
Jerusalem cherry
Brazilian nightshade
Mullein nightshade

Water apple, watery roseapple

Java plum, jambolana Rose-apple Malay-apple

Java apple, water apple

Myrobalan

Tropical or Indian almond

Chinese-date, jujube

(2) Soil within the drip area of plants producing, or which have produced fruit, vegetables, or berries as listed in (c)(1) above.

- (3) Any other product, article, or means of conveyance when it is determined by the Secretary or county agricultural commissioner to present a hazard of spreading live life stages of peach fruit fly and the person in possession thereof has been so notified.
 - (d) Restrictions.
- (1) At the wholesale level, articles and commodities covered in Section (c) are prohibited movement within or from the area under quarantine except as provided in (A) or (B) below:
- (A) If the article or commodity has been treated in a manner approved by the department to eliminate peach fruit fly, is transported in a manner to preclude exposure to peach fruit fly, and is accompanied by a written certificate issued by an authorized State or county agricultural official affirming compliance with this subsection; or,
- (B) The article or commodity is moving for treatment for peach fruit fly or processing and in a manner approved by the department to preclude exposure to peach fruit fly and is accompanied by a written certificate issued by an authorized State or county agricultural official affirming such movement has been authorized under this subsection.
- (2) At the wholesale level, articles and commodities covered in Section (c) which have been commercially produced outside the area under quarantine are prohibited movement into the area under quarantine except when accompanied by a shipping document indicating the point of origin and destination and moved in compliance with (A), (B) or (C) below:
- (A) If the article or commodity is moving directly through the area under quarantine without delay and by a direct route in an enclosed vehicle or container or completely enclosed by a covering to prevent exposure to the peach fruit fly while en route through the area; or,
- (B) The article or commodity is destined to a wholesale or retail establishment within the quarantined area and, if moving between 9:a.m. and sunset, is transported in an enclosed vehicle or container or completely enclosed by a covering to prevent exposure to the peach fruit fly; or
- (C) The article or commodity is destined to a commercial processing facility.
- (3) At the retail level, articles and commodities covered which have been commercially produced are prohibited movement from or within the area under quarantine except when the person in possession has a sales slip or other comparable document showing the commodity was purchased from a commercial establishment.

- (4) Articles and commodities covered which have been noncommercially produced within the area under quarantine, including "backyard" production, are prohibited movement from the premises where grown except under written authorization of the department or county agricultural commissioner.
- (5) Articles and commodities covered which have been noncommercially produced outside the area under quarantine are prohibited movement into the area under quarantine except when the person in possession has signed a statement showing the commodity, amount, origin, destination, and date of transportation.
- (6) Within the area under quarantine, no wholesale or retail establishment shall handle, sell, or offer for sale any article or commodity covered unless such commodities at all times are maintained in a manner approved by the department to preclude exposure to peach fruit fly. No commodity covered shall be held for sale or sold from a truck, trailer, or other mobile vehicle.

NOTE: Authority cited: Sections 407, 5301, 5302 and 5322, Food and Agricultural Code. Reference: Sections 407, 5301, 5302 and 5322, Food and Agricultural Code.

HISTORY

- New section filed 5-23-2006 as an emergency; operative 5-23-2006 (Register 2006, No. 21). A Certificate of Compliance must be transmitted to OAL by 9-20-2006 or emergency language will be repealed by operation of law on the following day.
- Repealer and reservation of subsection (b) filed 8-1-2006 as an emergency; operative 8-1-2006 (Register 2006, No. 31). A Certificate of Compliance must be transmitted to OAL by 11-29-2006 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 5–23–2006 order transmitted to OAL 9–1–2006 and filed 10–12–2006 (Register 2006, No. 41).
- 4. Certificate of Compliance as to 8-1-2006 order transmitted to OAL 11-22-2006 and filed 1-3-2007 (Register 2007, No. 1).

§ 3425. Melon Fruit Fly Interior Quarantine.

A quarantine is established against the following pest, its hosts, and possible carriers.

- (a) Pest. Melon fruit fly (Bactrocera cucurbitae).
- (b) Area Under Quarantine.

[Reserved]

- (c) Commodities Covered.
- (1) All fruit, vegetables or berries of the following agricultural, wild, or ornamental plants:

Common Name

Apple
Apple, Custard
Avacado
Bean, hyacinth

Common Name

Scientific Name
Anlos sylvestris
Annona reticulata
Annona reticulata
Persea americana
Dolichos lablab

Common Name
Scientific Name

Bean, lima Phaseolus lunatus [Phaseolus limensis]

Bean, mung Phaseolus radiatus
Bean, string Phaseolus vulgaris
Cantaloupe Cucumis melo

Cauliflower Cucumis melo var. cantalupensis

Brassica oleracea var. botrytis

Chayote Sechium edule
Colocynth Citrullus colocynthis

Cowpea Vigna unguiculata Cowpea, yardlong Vigna sesquipedalis Cucumber Cucumis sativus Cucumber, bur Sicvos sp. Cucumis pubescens Cucurbit Cucumis trigonis Date palm Phoenix dactylifera Eggplant Solanum melongena Fig, common Ficus carica Gourds Coccinia spp. Cresentia spp. Lagenaria spp. Luffa spp. Momordica spp. Trichosanthes spp.

Grape Vitis trifolia
Guava Psidium guajava
Guava, cattley Psidium cattleianum
Mango Mangifera indica
Melon Citrullus sp.
Melon, Chinese Benincasa hispida

Melon, Oriental pickling Cucumis melo var. conomon

Mustard, leaf Brassica juncea Orange, king Citrus nobilis Orange, mandarin Citurs reticulata Orange, sweet Citrus sinensis Carica papaya Papaya, common Passion fruit Passiflora edulis Peach Prunus persica Pyrus communis Čapsicum annum Pepper Pepper, chili Capsicum annum Pepper, tabasco Capsicum frutescens Pumpkin Cucurbita pepo Pumpkin, Canada Cucurbita moschata Scarlet wisteria tree Sesbania grandiflora Soursop Annona muricata Cucurbita maxima Squash Tomato Lycopersicon esculentum Tomato, tree Čypĥomandra betaceae Water lemon Passiflora laurifolia

Watermelon Citrullus lanatus [Citrullus vulgaris]
(2) Soil within the drip area of plants producing, or which have produced fruit, vegetables, or berries as listed in (c)(1) above.

(3) Plants of the following species in the Cucurbitaceae:

Chayote Sechium edule Colocynth Citrullus colocynthis Cucumber Cucumis sativus Cucumber, bur Sicyos sp. Cucurbit, wild Gherkin, West Indian Cucumis trigonis Cucumis angaria Gourd, angled luffa Luffa acutangula Gourd, balsam-apple Momordica balsaminia Gourd, balsam-pear Momordica charantia Gourd, ivy Gourd, kakari Coccinia grandis Momordica cochinchiensis Gourd, pointed Trichosanthes dioica Gourd, serpent cucumber Trichosanthes anguina Gourd, snake Trichosanthes cucumeroides Gourd, sponge Luffa aegyptiaca

Gourd, sponge
Gourd, white-flowered
Melon
Melon, Chinese
Melon, long
Pumpkin

Lagenaria siceraria
Citrullus melo
Benincasa hispida
Cucumis utllissimus
Cucurbita pepo

Pumpkin, Canada Squash Cucurbita moschata Cucurbita maxima

Watermelon Citrullus lanatus [Citrullus vulgaris]

- (4) Any other product, article, or means of conveyance when it is determined by the department or county agricultural commissioner to present a hazard of spreading live melon fruit fly and the person in possession thereof has been so notified.
 - (d) Restrictions.
- (1) At the wholesale level, articles and commodities covered which have been commercially produced within the area under quarantine are prohibited movement from or within the area under quarantine except in accordance with the following provisions:
- (A) The commodity has been treated in a manner approved by the department to eliminate melon fruit fly, is transported in a manner approved by the department to preclude exposure to melon fruit fly, and is accompanied by a certificate, verifying compliance with the above requirements, issued by the department or county agricultural commissioner; or,
- (B) The commodity is moving for treatment for melon fruit fly or processing and in a manner approved by the department to preclude exposure to melon fruit fly and is accompanied by a written document affirming that movement has been authorized by the department or county agricultural commissioner.
- (2) At the wholesale level, articles and commodities covered which have been commercially produced outside the area under quarantine are prohibited movement into the area under quarantine except when accompanied by a shipping document indicating the point of origin and destination and moved in accordance with the following provisions:
- (A) The commodity is moving directly through the area under quarantine without delay in an enclosed vehicle or completely enclosed by a covering to prevent exposure to melon fruit fly; or,
- (B) The commodity is destined to a wholesale or retail establishment and, if moving between 9:00 a.m. and sunset, is transported in an enclosed vehicle or completely enclosed by a covering to prevent exposure to melon fruit fly; or,
 - (C) The commodity is destined to a commercial processing facility.
- (3) At the retail level, articles and commodities covered which have been commercially produced are prohibited movement from or within the area under quarantine except when the person in possession has a sales slip or other comparable document showing the commodity was purchased from a commercial establishment.
- (4) Articles and commodities covered which have been noncommerically produced within the area under quarantine, including "backyard" production, are prohibited movement from the premises where grown except under written authorization of the department or county agricultural commissioner.
- (5) Articles and commodities covered which have been noncommercially produced outside the area under quarantine are prohibited movement into the area under quarantine except when the person in possession has signed a statement showing the commodity, amount, origin, destination, and date of transportation.
- (6) Within the area under quarantine, no wholesale or retail establishment shall handle, sell or offer for sale any article or commodity covered unless such commodities at all times are maintained in a manner approved by the department to preclude exposure to melon fruit fly.

 NOTE: Authority cited: Sections 407, 5301, 5302 and 5322, Food and Agricultural

NOTE: Authority cited: Sections 407, 5301, 5302 and 5322, Food and Agricultural Code. Reference: Sections 5301, 5302 and 5322, Food and Agricultural Code.

HISTORY

- New section filed 12-10-87 as an emergency; operative 12-10-87 (Register 87, No. 51). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 4-11-88.
- Repealed by operation of Government Code Section 11346.1(g) (Register 89, No. 51).
- 3. Amendment of section heading and new section filed 1–5–2000 as an emergency; operative 1–5–2000 (Register 2000, No. 1). A Certificate of Compliance must be transmitted to OAL by 5–4–2000 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 1–5–2000 order transmitted to OAL 5–2–2000 and filed 6–1–2000 (Register 2000, No. 22).
- 5. Repealer of subsection (b)(1) filed 6–11–2002; operative 7–11–2002 (Register 2002, No. 24).

§ 3426. White Garden Snail Interior Quarantine.

NOTE: Authority cited: Sections 407, 5301, 5302 and 5322, Food and Agricultural Code. Reference: Sections 5301, 5302 and 5322, Food and Agricultural Code.

- HISTORY
 1. New section filed 12–21–88; operative 1–20–89 (Register 89, No. 2).
- 2. Repealer filed 5–7–93; operative 6–7–93 (Register 93, No. 19).

§ 3427. Whitefringed Beetle Interior Quarantine.

NOTE: Authority cited: Sections 407, 5301 and 5322, Food and Agricultural Code. Reference: Sections 5301, 5302 and 5322, Food and Agricultural Code.

HISTORY

- New section filed 11–23–88 as an emergency; operative 11–23–88 (Register 88, No. 51). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 3–23–89.
- 2. Repealed by operation of Government Code section 11346.1(g) filed 1–15–91 (Register 91, No. 19).

§ 3428. Chrysanthemum White Rust Disease Interior Quarantine.

A quarantine is established against the following pest, its hosts, and possible carriers.

- (a) Pest, Chrysanthemum white rust disease (Puccinia horiana).
- (b) Area. [Reserved]
- (c) Articles and Commodities Covered. The following are declared to be hosts and possible carriers of the disease:
- (1) Plants and plant parts of all species, hybrids, botanical and horticultural varieties of the genera *Chrysanthemum* and *Dendranthema*, except those determined by the director not to be susceptible to infection by the pest.
- (2) All equipment, trucks, tractors, or other articles used in the production, harvest, transportation, or storage of the plant materials in (1) above.
 - (d) Restrictions.
- (1) Articles and commodities covered in subsection (c)(1) are prohibited movement within or from the regulated areas except as provided in (A), (B), or (C) below:
- (A) If accompanied by a certificate issued by an authorized agricultural official affirming that the articles and commodities have been treated and inspected in a manner approved by the director.
- (B) If purchased at a retail sales location and accompanied by a sales receipt.
- (C) If the commodity was produced outside the regulated areas and is being moved through a regulated area by direct route and without delay in closed vehicles or containers.
- (2) Articles and commodities covered in subsection (c)(1) are prohibited entry into the regulated area for propagation purposes except if treated upon arrival in a manner approved by the director.
- (3) Articles and commodities covered in subsection (c)(2) are prohibited movement within or from the regulated area except if free from all non-certified plant material of the kinds designated in (c)(1).
- NOTE: Authority cited: Sections 407, 5301, 5302, and 5322, Food and Agricultural Code. Reference: Sections 5301, 5302, and 5322, Food and Agricultural Code. HISTORY
- New section filed 1-5-93 as an emergency; operative 1-5-93 (Register 93, No.
 A Certificate of Compliance must be transmitted to OAL 5-5-93 or emergency language will be repealed by operation of law on the following day.
- Amendment of subsection (b) filed 1-14-93 as an emergency; operative 1-14-93 (Register 93, No. 3). A Certificate of Compliance must be transmitted to OAL 5-14-93 or emergency language will be repealed by operation of law on the following day.
- 3. Certificate of Compliance as to 1–14–93 order transmitted to OAL 5–12–93 and filed 5–17–93 (Register 93, No. 21).
- Certificate of Compliance as to 1–5–93 order transmitted to OAL 4–28–93 and filed 6–2–93 (Register 93, No. 23).
- 5. Amendment of subsection (b) filed 1-18-94 as an emergency; operative 1-18-94 (Register 94, No. 3). A Certificate of Compliance must be transmitted to OAL by 5-18-94 or emergency language will be repealed by operation of law on the following day.
- 6. Certificate of Compliance as to 1–18–94 order transmitted to OAL 4–18–94 and filed 5–31–94 (Register 94, No. 22).
- 7. Repealer of subsection (b) filed 5–27–2004; operative 6–26–2004 (Register 2004, No. 22).

§ 3429. Sweetpotato Weevil Interior Quarantine.

A quarantine is established against the following pest, its hosts, and possible carriers.

- (a) Pest. Sweetpotato weevil (Cylas formicarius elegantulus).
- (b) Area Under Ouarantine.
- (1) That portion of San Diego County bounded by a line drawn as follows: Beginning at the intersection of Sunset Cliffs Boulevard and Interstate Highway 8; then, easterly along Interstate Highway 8 to its intersection with Japatul Road; then, southwesterly along said road to its intersection with Lyons Valley Road; then, southwesterly along Lyons Valley Road to its intersection with Barrett Lake Road; then, southeasterly and southerly along Barrett Lake Road to its intersection with State Highway 94; then, southeasterly along said highway to its intersection with State Highway 188; then, southerly along State Highway 188 to its intersection with the United States—Mexico border; then, westerly along said border to its intersection with the Pacific Ocean coastline; then, northerly along said coastline to its intersection with the San Diego River; then, easterly along said river to its intersection with Sunset Cliffs Boulevard; then, southwesterly along said boulevard to the point of beginning.
 - (c) Articles and Commodities Covered.
- (1) Hosts. Sweet potato plants and all plant parts except seed and including vines, draws, and slips, and sweet potato roots, also called yams, camote, batatas, boniatos, buniatos, and moniato (*Ipomoea batatas*), and morning–glory plants (*Ipomoea* spp., *Calystegia* spp., and *Convolvulus* spp.).
- (2) Possible Carriers. Possible carriers include all appliances used in the growing, harvesting, processing, storage, and movement of hosts including, but not limited to field bins, trucks, tractors, harvesting equipment, and any other thing which the Department determines to be capable of spreading any stage of sweetpotato weevil.
 - (d) Restrictions.
- (1) Articles and commodities covered in subsection (c)(1) are prohibited movement within or from the area under quarantine except as provided in (A), (B), (C) or (D) below:
- (A) If accompanied by a certificate issued by an authorized agricultural official affirming that the articles and commodities originated from a site or facility which is apparently free from sweetpotato weevil.
- (B) If accompanied by a certificate issued by an authorized agricultural official affirming that the articles and commodities have been inspected or treated in a manner approved by the Department and are apparently free from sweetpotato weevil.
- (C) If purchased at a retail sales location and accompanied by a sales receipt.
- (D) If the article or commodity was produced outside the area under quarantine and is being moved through the area under quarantine by direct route and without delay in vehicles or containers which prevent spillage of the article or commodity while en route through the area.
- (2) Articles and commodities covered in subsection (c)(2) are prohibited movement within or from the area under quarantine except if cleaned and treated to the satisfaction of the county agricultural commissioner. NOTE: Authority cited: Sections 407, 5301, 5302 and 5322, Food and Agricultural Code. Reference: Sections 5301, 5302 and 5322, Food and Agricultural Code.
- 1. New section filed 5-30-97 as an emergency; operative 5-30-97 (Register 97, No. 22). A Certificate of Compliance must be transmitted to OAL by 9-29-97 or emergency language will be repealed by operation of law on the following day. For prior history, see Register 94, No. 46.
- Certificate of Compliance as to 5–30–97 order transmitted to OAL 9–23–97 and filed 10–1–97 (Register 97, No. 40).

§ 3430. Karnal Bunt Disease Interior Quarantine.

A quarantine is established against the following pest, its hosts, and possible carriers.

- (a) Pest. Karnal bunt disease (Tilletia indica).
- (b) Quarantine Area. The area under quarantine for Karnal bunt disease is:
- (1) That portion of Riverside County known as the Palo Verde Valley (in part) bounded by a line drawn as follows: Beginning at the intersection of Neighbours Boulevard and W Hobsonway; then, easterly along W Hobsonway to its intersection with Arrowhead Boulevard; then, northerly along said boulevard to its intersection with W 11th Avenue; then, east-

erly along said avenue to its intersection with Defrain Boulevard; then, northerly along said boulevard to its intersection with 10th Avenue; then, easterly along said avenue to its intersection with the south boundary line of Township 6 South, Range 23 East and Sections 23 and 24; then, easterly along the said south boundary line to its intersection with the California-Arizona State Line; then, southerly along said state line to its intersection with the south boundary line of Township 8 South, Range 22 and Sections 25, 26 and 27; then, westerly along the said south boundary line to its intersection with 36th Avenue; then, westerly along said avenue to its intersection with Stephenson Boulevard; then, northerly along said boulevard to its intersection with 34th Avenue; then westerly along said avenue to its intersection with Keim Boulevard; then, northerly along an imaginary line from said intersection to the intersection of 28th Avenue and Keim Boulevard; then, northerly along Keim Boulevard to its northern most point; then, from that said point northeasterly along an imaginary line to its intersection with the intersection of Stephenson Boulevard and W 14th Avenue; then, easterly along W 14th Avenue to its intersection with Neighbours Boulevard; then, northerly along said boulevard to the point of beginning.

- (c) Articles and Commodities Covered. The following are declared to be hosts and possible carriers of the disease:
- (1) Conveyances, including trucks, railroad cars, and other containers used to move wheat, durum wheat, or triticale;
- (2) Grain elevators/equipment/structures used for storing and handling wheat, durum wheat, and triticale;
 - (3) Milling products or byproducts, except flour;
- (4) Plants, or plant parts, including grain, seed, or straw of all varieties of the following species: wheat (*Triticum aestivum*); durum wheat (*Triticum durum*); and triticale (*Triticum aestivum* x *Secale cereale*);
 - (5) Root crops with soil;
 - (6) Soil from areas where field crops are produced;
- (7) Manure from animals that have fed on wheat, durum wheat, or triticale:
 - (8) Used bags, sacks and containers;
 - (9) Used farm tools;
 - (10) Used mechanized cultivating equipment;
 - (11) Used mechanized harvesting equipment;
 - (12) Used seed conditioning equipment;
 - (13) Used mechanized soil-moving equipment;
- (14) Any other product, article or means of conveyance when it is determined by the secretary that it presents a risk of spreading Karnal bunt disease due to its proximity to an infestation of Karnal bunt disease and the person in possession has been so notified.
 - (d) Restrictions.
- (1) Articles and commodities covered in subsection (c) are prohibited movement within or from portions (b)(1) and (b)(2) of the quarantine area from infested properties or if exposed to infestation by the disease except as provided in (A), (B) or (C) below:
- (A) If accompanied by a certificate issued by an authorized agricultural official affirming that the articles and commodities have been:
 - 1. treated and inspected in a manner approved by the department;
- 2. grown, produced, manufactured, stored, or handled in a manner that would prevent infestation or destroy all life stages of Karnal bunt disease;
 - 3. tested and found free from Karnal bunt disease.
- (B) If accompanied by a permit issued by an authorized agricultural official specifying the article or commodity covered; the destination; the handling, utilization, or processing which is authorized; and the conditions under which this shall be conducted.
- (C) If the article or commodity is being moved from outside the quarantine area and is being moved through the quarantine area by direct route and without delay.
- (2) Seed, as specified in (c)(4), is prohibited movement from all portions of the quarantine area except as provided in (A), (B) or (C) below:
- (A) If accompanied by a certificate issued by an authorized agricultural official affirming that the seed has been:
 - 1. treated and inspected in a manner approved by the department;

- 2. grown, produced, manufactured, stored, or handled in a manner that would prevent infestation or destroy all life stages of Karnal bunt disease;
- 3. tested in a manner approved by the department and found free from Karnal bunt disease.
- (B) If accompanied by a permit issued by an authorized agricultural official specifying the commodity covered; the destination; the handling, utilization, processing which is authorized; and the conditions under which this shall be conducted.
- (C) If the seed is being moved from outside the quarantine area and is being moved through the quarantine area by direct route and without delay.

NOTE: Authority cited: Sections 407, 5301, 5302 and 5322. Food and Agricultural Code. Reference: Sections 5301, 5302 and 5322, Food and Agricultural Code.

HISTORY

- New section filed 4–5–96 as an emergency; operative 4–5–96 (Register 96, No. 14). A Certificate of Compliance must be transmitted to OAL by 8–5–96 or emergency language will be repealed by operation of law on the following day.
- New subsection (b)(2) filed 4–10–96 as an emergency; operative 4–10–96 (Register 96, No. 15). A Certificate of Compliance must be transmitted to OAL by 8–8–96 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 4–10–96 order transmitted to OAL 8–8–96 and filed 9–4–96 (Register 96, No. 36).
- Editorial correction of subsections (a) and (c)(4) and HISTORY 1 (Register 96, No. 38).
- 5. Certificate of Compliance as to 4–5–96 order transmitted to OAL 8–5–96 and filed 9–16–96 (Register 96, No. 38).
- 6. Amendment of subsections (b)(1) and (b)(2), new subsection (b)(3), amendment of subsections (d)(1) and (d)(1)(A)1., and new subsections (d)(2)-(d)(2)(C) filed 5-1-97 as an emergency; operative 5-1-97 (Register 97, No. 18). A Certificate of Compliance must be transmitted to OAL by 8-29-97 or emergency language will be repealed by operation of law on the following day.
- 7. Certificate of Compliance as to 5–1–97 order transmitted to OAL 8–7–97 and filed 9–9–97 (Register 97, No. 37).
- 8. Repealer of subsection (b)(3) filed 7–2–2001 as an emergency; operative 7–2–2001 (Register 2001, No. 27). A Certificate of Compliance must be transmitted to OAL by 10–30–2001 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 7-2-2001 order transmitted to OAL 10-30-2001 and filed 11-28-2001 (Register 2001, No. 48).
- 10. Amendment of subsection (b)(1) and repealer of subsection (b)(2) filed 2–17–2004 as an emergency; operative 2–17–2004 (Register 2004, No. 8). A Certificate of Compliance must be transmitted to OAL by 6–16–2004 or emergency language will be repealed by operation of law on the following day.
- 11. Certificate of Compliance as to 2-17-2004 order transmitted to OAL 5-21-2004 and filed 7-6-2004 (Register 2004, No. 28).
- 12. Amendment of subsection (b)(1) filed 9–22–2004 as an emergency; operative 9–22–2004 (Register 2004, No. 39). A Certificate of Compliance must be transmitted to OAL by 1–20–2005 or emergency language will be repealed by operation of law on the following day.
- 13. Amendment of subsection (b)(1) filed 2–2–2005 as an emergency; operative 2–2–2005 (Register 2005, No. 5). A Certificate of Compliance must be transmitted to OAL by 6–2–2005 or emergency language will be repealed by operation of law on the following day.
- 14. Certificate of Compliance as to 9-22-2004 order transmitted to OAL 1-13-2005 and filed 2-28-2005 (Register 2005, No. 9).
- 15. Certificate of Compliance as to 2-2-2005 order transmitted to OAL 5-16-2005 and filed 6-22-2005 (Register 2005, No. 25).

§ 3431. Olive Fruit Fly Interior Quarantine.

NOTE: Authority cited: Sections 407, 5301, 5302 and 5322, Food and Agricultural Code. Reference: Sections 5301, 5302 and 5322, Food and Agricultural Code.

HISTORY

- 1. New section filed 11-19-98 as an emergency; operative 11-19-98 (Register 98, No. 47). A Certificate of Compliance must be transmitted to OAL by 3-19-99 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 11–19–98 order transmitted to OAL 3–15–99 and filed 4–26–99 (Register 99, No. 18).
- 3. Repealer filed 6–20–2002; operative 7–20–2002 (Register 2002, No. 25).

§ 3432. Red Imported Fire Ant Interior Quarantine.

A quarantine is established against the following pest, its hosts, and possible carriers:

- (a) Pest. Red imported fire ant (Solenopsis invicta).
- (b) Quarantine Area. The area under quarantine for red imported fire ant in California is:

- (1) The entire county of Orange.
- (2) Los Angeles County:
- (A) That portion of the county in the Cerritos area bounded by a line drawn as follows: Beginning at the intersection of Artesia Boulevard and Marquardt Avenue; then, southerly along said avenue to its intersection with the Los Angeles—Orange County Line; then, southerly and westerly along said line to its intersection with Carson Street; then, westerly along said street to its intersection with Norwalk Boulevard; then, northerly along said boulevard to its intersection with Pioneer Boulevard; then, northerly along said boulevard to its intersection with South Street; then, easterly along said boulevard to its intersection with Norwalk Boulevard; then, northerly along said boulevard to its intersection with 183rd Street; then, easterly along said street to its intersection with Bloomfield Avenue; then, northerly along said avenue to its intersection with Artesia Boulevard; then, easterly along said boulevard to the point of beginning.
- (B) That portion of the county in the Azusa area bounded by a line drawn as follows: Beginning at the intersection of Foothill Boulevard and Irwindale Avenue; then, easterly along said boulevard to its intersection with Azusa Avenue; then, southerly along said avenue to its intersection with East Fifth Street; then easterly along said street to its intersection with North Cerritos Avenue; then, southerly along said avenue to its intersection with Arrow Highway; then, westerly along said highway to its intersection with Azusa Avenue; then southerly along said avenue to its intersection with Covina Boulevard; then, westerly along an imaginary line from said intersection to the intersection of Irwindale Avenue and Martinez Street; then, northerly along said avenue to the point of beginning.
 - (3) Riverside County:
- (A) That portion of the county in the Moreno Valley area bounded by a line drawn as follows: Beginning at the intersection of Reche Vista Drive and Canyon Ranch Road; then, southeasterly along Canyon Ranch Road to its intersection with Valley Ranch Road; then, easterly along Valley Ranch Road to its intersection with Michael Way; then, southerly along said way to its intersection with Casey Court; then, easterly along said court to its intersection with the Moreno Valley City Limits; then, southerly and easterly along said city limits to its intersection with Pico Vista Way; then, southwesterly along said way to its intersection with Los Olivos Drive; then, southerly along said drive to its intersection with Jaclyn Avenue; then, westerly along said avenue to its intersection with Perris Boulevard; then, southerly along said boulevard to its intersection with Kalmia Avenue; then, westerly along said avenue to its intersection with Hubbard Street; then, northerly along said street to its intersection with Nightfall Way; then, westerly and southerly along said way to its intersection with Sundial Way; then, westerly along Sundial Way to its intersection with Indian Avenue; then, southerly along said avenue to its intersection with Ebbtide Lane; then, westerly along said lane to its intersection with Ridgecrest Lane; then, southerly along Ridgecrest Lane to its intersection with Moonraker Lane; then, westerly along Moonraker Lane to its intersection with Davis Street; then, southerly along said street to its intersection with Greogory Lane; westerly along said lane to its intersection with Heacock Street; then, northwesterly from said intersection along an imaginary line to the intersection of Lake Valley Drive and Breezy Meadow Drive; then, northwesterly along Breezy Meadow Drive to its intersection with Stony Creek; then, northeasterly from said intersection along an imaginary line to the intersection of Old Lake Drive and Sunnymead Ranch Parkway; then, northwesterly along said parkway to its intersection with El Granito Street; then, easterly along said street to its intersection with Lawless Road; then, easterly from said intersection along an imaginary line to the intersection of Heacock Street and Reche Vista Drive; then, northerly along said drive to the point of beginning.
- (B) That portion of the county in the Indio area bounded by a line drawn as follows: Beginning at the intersection of Avenue 50 and Jackson Street; then, southerly along said street to its intersection with 54th Avenue; then, westerly along said avenue to its intersection with Madi-

son Street; then, northerly along said street to its intersection with Avenue 50; then, easterly along said avenue to the point of beginning.

(C) That portion of the county in the Rancho Mirage, Palm Desert, and Bermuda Dunes areas bounded by a line drawn as follows: Beginning at the intersection of Ramon Road and Bob Hope Drive; southerly along said drive to its intersection with Dinah Shore Drive; then, easterly along Dinah Shore Drive to its intersection with Key Largo Avenue; then, southerly along said avenue to its intersection with Gerald Ford Drive; then, westerly along said drive to its intersection with Bob Hope Drive; then, southerly along Bob Hope Drive to its intersection with Frank Sinatra Drive; then easterly along Frank Sinatra Drive to its intersection with Vista Del Sol; then, southerly along Vista Del Sol to its intersection with Country Club Drive; then, easterly along said drive to its intersection with Adams Street; then, southerly along said street to its intersection with 42nd Avenue; then, easterly along said avenue to its intersection with Tranquillo Place; then, southerly along said place to its intersection with Harbour Court; then, southwesterly from said intersection along an imaginary line to the intersection of Granada Drive and Caballeros Drive; then, southeasterly along Caballeros Drive to its intersection with Kingston Drive; then, westerly along Kingston Drive to its intersection with Mandeville Road; then, easterly along said road to its intersection with Port Maria Road; then, southerly along Port Maria Road to its intersection with Fred Waring Drive; then, westerly along said drive to its intersection with the Dune Palms Road; then, southwesterly from said intersection along an imaginary line to the intersection of Adams Street and Miles Avenue; then, westerly along said avenue to its intersection with Washington Street; then, northwesterly along said street to its intersection with Fred Waring Drive; then, westerly along said drive to its intersection with Joshua Road; then, northerly along said road to its intersection with Park View Drive; then, westerly along said drive to its intersection with State Highway 111; then, northwesterly along said highway to its intersection with Magnesia Fall Drive; then, westerly along said drive to its intersection with Gardess Road; then, northwesterly along said road to its intersection with Dunes View Road; then, northeasterly along Dunes View Road to its intersection with Halgar Road; then, northwesterly along Halgar Road to its intersection with Indian Trail Road; then, northeasterly along Indian Trail Road to its intersection with Mirage Road; then, northerly along Mirage Road to its intersection with State Highway 111; then, northwesterly along said highway to its intersection with Frank Sinatra Drive; then, easterly along said drive to its intersection with Da Vall Drive; then, northerly along said Da Vall Drive to its intersection with Ramon Road; then, easterly along said road to the point of beginning.

(D) That portion of the county in the Palm Springs area bounded by a line drawn as follows: Beginning at the intersection of State Highway 111 and and San Rafael Drive; then, easterly along said drive to its intersection with Indian Canyon Drive; then, southerly along Indian Canyon Drive to its intersection with Francis Drive; then, easterly along Francis Drive to its intersection with North Farrell Drive; then southerly along North Farrell Drive to its intersection with Verona Road; then, easterly along said road to its intersection with Whitewater Club Drive; then, easterly along an imaginary line from said intersection to the intersection of Verona Road and Ventura Drive; then, easterly along said road to its intersection with Avenida Maravilla; then, easterly and southerly along said avenida to its intersection with 30th Avenue; then, westerly along said avenue to its end; then, due west along an imaginary line from the end of 30th Avenue to its intersection with the Whitewater River; then, southeasterly along said river to its intersection with Dinah Shore Drive; then, westerly from said intersection along an imaginary line to the east end of 34th Avenue; then, westerly along said avenue to its intersection with Golf Club Drive; then, southerly along said drive to its intersection with East Palm Canyon Drive; then, southerly from said intersection along an imaginary line to the intersection of Desterto Vista and Palm Hills Drive; then, southerly along said drive to its end; then, southwesterly along an imaginary line from the end of said drive to the intersection of Murray Canyon and Palm Canyon Drive; then, northwesterly along said drive to its intersection with the Palm Springs City Limits; then westerly and northerly along said city limits to its intersection with Tahquitz Creek; then, due north from said intersection along an imaginary line to its intersection with Tramway Road; then, northeasterly along said road to the point of beginning.

- (c) Commodities Covered.
- (1) Imported fire ant queens and reproducing colonies of imported fire ants.
- (2) Soil, separately or with other articles, except when commercially packaged. For the purpose of this section, soil shall include all growing media
 - (3) Baled hay and baled straw stored in direct contact with the ground.
- (4) Plants and sod with roots and soil attached, except privately owned house plants maintained indoors and not for sale.
- (5) Used soil-moving equipment, unless free of all noncompacted soil.
- (6) Any other product, article, or means of conveyance when it is determined by the department or county agricultural commissioner to present a hazard of spreading live red imported fire ant and the person in possession thereof has been so notified.
- (d) Restriction on Movement, Possession and Sale of Commodities Covered
- (1) Movement of Commodities Covered; Commercial Production and Wholesale Distribution. It is unlawful to move within or from the quarantine area a commercial shipment of any commodity covered at the production or wholesale level, except when certified by the department or county agricultural commissioner in accordance with the following provisions:
- (A) The commodity was treated in a manner approved by the department to eliminate all live red imported fire ant; or,
- (B) The commodity was inspected and determined to be free from all life stages of the red imported fire ant; or,
- (C) The commodity has been grown, produced, manufactured, stored, or handled in a manner that would prevent infestation by or destroy all life stages of the imported fire ant; or,
- (D) The commodity was produced outside the quarantine area and is being transported:
- 1. through the area by direct route and without delay in closed vehicles or containers to preclude infestation by red imported fire ant; or
- 2. under permit of the department specifying conditions to preclude infestation by red imported fire ant.
- (2) Movement of Commodities Covered from Commercial Sources; Retail Level. Retail size purchases of commodities covered obtained from commercial retail sources may be moved into, within or from the quarantine area, if the person in possession has a sales slip or other comparable document showing the purchase was made from a commercial retail establishment. Other transportation of such commodities is prohibited.
- (3) Movement of Commodities Covered; Not from Commercial Sources.
- (A) Within the quarantine area, to a specified destination for specified handling, utilization, or processing (the destination and other conditions to be listed in a permit issued by the department or county agricultural commissioner), and this movement will not result in the spread of the imported fire ant, because the imported fire ant will be destroyed by the specified handling, utilization, or processing;
- (B) Within the quarantine area, no commodity covered shall be moved from the origin premises without a certificate or permit issued by the department or county agricultural commissioner;
- (C) Commodities covered not obtained from commercial sources may be transported into the quarantine area only if the person in possession has a signed statement showing the commodity, amount, place of origin, destination and date of transportation.
- (4) Restrictions on Wholesale and Retail Sales. Within the quarantine area, no wholesale or retail establishment shall handle, sell or offer for

sale any commodity covered unless such commodities at all times are maintained in a manner approved by the department to preclude infestation by red imported fire ant.

(5) No person shall transport, possess, handle or sell any commodity covered in violation of the provisions of this section. No person shall knowingly prepare, possess, or use any false document, or knowingly make any false statement to any enforcement officer, in connection with the possession, sale or transportation of any commodity covered. NOTE: Authority cited: Sections 407, 5301, 5302 and 5322, Food and Agricultural

NOTE: Authority cited: Sections 407, 5301, 5302 and 5322, Food and Agricultura Code. Reference: Sections 5301, 5302 and 5322, Food and Agricultural Code.

HISTORY

- New section filed 2-4-99 as an emergency; operative 2-4-99 (Register 99, No. 6). A Certificate of Compliance must be transmitted to OAL by 6-4-99 or emergency language will be repealed by operation of law on the following day.
- 2. New subsections (b)(2)–(b)(2)(A) filed 2–11–99 as an emergency; operative 2–11–99 (Register 99, No. 7). A Certificate of Compliance must be transmitted to OAL by 6–11–99 or emergency language will be repealed by operation of law on the following day.
- 3. New subsections (b)(3)–(b)(3)(C) filed 2–11–99 as an emergency; operative 2–11–99 (Register 99, No. 7). A Certificate of Compliance must be transmitted to OAL by 6–11–99 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 2–4–99 order transmitted to OAL 6–4–99 and filed 7–19–99 (Register 99, No. 30).
- Certificate of Compliance as to first 2–11–99 order transmitted to OAL 6–4–99 and filed 7–19–99 (Register 99, No. 30).
- Certificate of Compliance as to second 2-11-99 order transmitted to OAL 6-4-99 and filed 7-19-99 (Register 99, No. 30).
- 7. New subsection (b)(2)(B) filed 8-19-99 as an emergency; operative 8-19-99 (Register 99, No. 34). A Certificate of Compliance must be transmitted to OAL by 12-17-99 or emergency language will be repealed by operation of law on the following day.
- 8. New subsection (b)(3)(D) filed 8–19–99 as an emergency; operative 8–19–99 (Register 99, No. 34). A Certificate of Compliance must be transmitted to OAL by 12–17–99 or emergency language will be repealed by operation of law on the following day.
- 9. Editorial correction of subsection (b)(3)(A) (Register 2000, No. 4).
- 10. Certificate of Compliance as to 8–19–99 order (amending subsection (b)(3)(D)) transmitted to OAL 12–17–99 and filed 1–25–2000 (Register 2000, No. 4).
- 11. Certificate of Compliance as to 8–19–99 order (amending subsection (b)(2)(B)) transmitted to OAL 12–17–99 and filed 1–28–2000 (Register 2000, No. 4).

§ 3433. Diaprepes Root Weevil Interior Quarantine.

A quarantine is established against the following pest, its hosts and possible carriers.

- (a) Pest. Diaprepes Root Weevil (Diaprepes abbreviatus).
- (b) Area Under Quarantine.
- (1) In the County of Los Angeles:
- (A) In the Long Beach area: Beginning at the intersection of E. 7th Street and State Highway 1; then, southeasterly along State Highway 1 to its intersection with E. 2nd Street; then, southwesterly, northwesterly and westerly along E. 2nd Street to its intersection with Mira Mar Avenue; then, northerly along Mira Mar Avenue to its intersection with E. 4th Street; then, easterly along E. 4th Street to its intersection with Termino Avenue; then, northerly along Termino Avenue to its intersection with E. 7th Street; then, easterly along E. 7th Street to the point of beginning.
- (B) In the La Mirada area: Beginning at the intersection of La Mirada Boulevard and Alicante Road; then, easterly along Alicante Road to it intersection with the western boundary line of Behringer Park; then, southerly and easterly along the boundary line of Behringer Park to its intersection with the boundary line of Los Angeles and Orange counties; then, southerly along said boundary line to its intersection with State Highway 39; then, southwesterly along State Highway 39 to its intersection with Rosecrans Avenue; then, easterly along Rosecrans Avenue to its intersection with the boundary line of Ralph B. Clark Regional Park; then, easterly and southerly along said boundary line to its intersection with Buena Tierra Place; then, westerly along Buena Tierra Place to its intersection with Los Coyotes Drive; then, southeasterly, southerly and southeasterly along Los Coyotes Drive to its intersection with Country Club Drive; than, southwesterly along Country Club Drive to its intersection

with La Mirada Boulevard; then, northwesterly along La Mirada Boulevard to the point of beginning.

- (2) In the County of Orange:
- (A) In the Newport Beach area: Beginning at the intersection of East Bluff Drive and University Drive; then, northeasterly along University Drive to its intersection with the southern boundary of Bonita Creek Park; then, southerly, easterly and northerly along said park boundary to its intersection with State Highway 73; then, southerly and southeasterly along said highway to its intersection with Bonita Canyon Drive; then, southwesterly along Bonita Canyon Drive to its intersection with Prairie Road; then, southerly and westerly along Prairie Road to its intersection with San Miguel Drive; then, southerly and southwesterly along San Miguel Drive to its intersection with Joaquin Hills Road; then, northwesterly along San Joaquin Hills Road to its intersection with Jamboree Road; then, northeasterly along Jamboree Road to its intersection with East Bluff Drive; then, northwesterly, northerly and northeasterly along East Bluff Drive to the point of beginning.
- (B) In the Newport Beach (West) area: Beginning at the intersection of Dover Drive and Irvine Avenue; then, northeasterly along Irvine Avenue to its intersection with E 20th Street; then, northwesterly along E 20th Street to its intersection with Fullerton Avenue; then, northeasterly along Fullerton Avenue to its intersection with E Bay Street; then, northwesterly along E Bay Street to its intersection with W Bay Street; then, northwesterly along W Bay Street to its intersection with Thurin Street; then, northerly along Thurin Street to its intersection with Victoria Street; then, easterly and southeasterly along Victoria Street to its intersection with Newport Boulevard; then, northeasterly along Newport Boulevard to its intersection with Vanguard Way; then, southeasterly along Vanguard Way to its intersection with Santa Isabel Avenue; then, southeasterly along Santa Isabel Avenue to its intersection with Irvine Avenue; then, southwesterly, southerly, southwesterly, southerly and southwesterly along Irvine Avenue to its intersection with the boundary line of Upper Newport Bay Regional Park; then, southeasterly, northeasterly, southeasterly, southwesterly, southeasterly, northeasterly, southeasterly, southerly, southwesterly, easterly, southwesterly, southerly, easterly, southeasterly, southwesterly, westerly, southwesterly, southeasterly, southwesterly, easterly, southwesterly and southeasterly along the boundary line of Upper Newport Bay Regional Park until its intersection with the shoreline of Upper Newport Bay; then, southerly, northwesterly, southwesterly, southeasterly, southwesterly, westerly, northwesterly, southerly, easterly, southerly, westerly and southwesterly along the shoreline of Upper Newport Bay until its intersection with the boundary line of Castaways Park; then, northwesterly along the boundary line of Castaways Park to its intersection with Dover Drive; then, northeasterly along Dover Drive to its intersection with Westcliff Drive N; then, northwesterly along Westcliff Drive N to its intersection with Irvine Avenue; then, northeasterly along Irvine Avenue to the point of beginning.
- (C) In the Yorba Linda area: Beginning at the intersection of Village Center Drive and Yorba Linda Boulevard; then, northerly and northeasterly along Village Center Drive to its intersection with Manzanita Avenue; then, southeasterly, easterly and northeasterly along Manzanita Avenue to its intersection with Cork Circle; then, northeasterly along Cork Circle to its northeastern most point; then, along an imaginary line from the northeastern most point of Cork Circle to its intersection with the northwestern most point of Alder Avenue; then, southeasterly along Alder Avenue to its intersection with San Antonio Road; then, southerly along San Antonio Road to its intersection with Yorba Linda Boulevard; then, easterly and southeasterly along Yorba Linda Boulevard to its intersection with Via De La Escuela; then, southwesterly and westerly along Via De La Escuela to its intersection with Dominguez Ranch Road; then, southerly and southwesterly along Dominguez Ranch Road to its intersection with Trailside Drive; then, westerly along Trailside Drive to its intersection with Yorba Ranch Road; then, southerly along Yorba Ranch Road to its intersection with E Esperanza Road; then, southwesterly along E Esperanza Road to its intersection with Fairmont Boulevard; then, northwesterly along Fairmont Boulevard to its intersection with Pa-

seo De Las Palomas; then, northeasterly and easterly along Paseo De Las Palomas to its intersection with Village Center Drive; then, northerly, northeasterly and northerly along Village Center Drive to the point of the beginning.

(D) In the Huntington Beach area: Beginning at the intersection of the Pacific Coast Highway and Warner Avenue; then, easterly, northerly and easterly along Warner Avenue to its intersection with Edwards Street; then southerly along Edwards Street to its intersection with the northwest border line of Harriett Weder Regional Park; then, northwesterly, southwesterly, southerly, southwesterly, southwesterly, southwesterly, southwesterly, southwesterly, southwesterly along the border line of Harriett Weder Regional Park to its intersection with the Pacific Coast Highway; then, northwesterly along the Pacific Coast Highway to the point of beginning.

(3) In the County of San Diego:

(A) In the Encinitas area: Beginning at the intersection of Encinitas Creek and Calle Acervo; then, northerly along Calle Acervo to its intersection with Camino Lindo; then, northeasterly along an imaginary line from the intersection of Calle Acervo and Camino Lindo to its intersection with the western most point of Dusty Trail; then, easterly along Dusty Trail to its eastern most point; then, northeasterly along an imaginary line from the eastern most point of Dusty Trail to its intersection with the northwestern most point of Cantle Lane; then, southeasterly and southerly along Cantle Lane to its intersection with Lone Hill Lane; then, northeasterly, southeasterly and southerly along Lone Hill Lane to its intersection with Lone Hill Estates Court; then, easterly, northerly, easterly, northerly, easterly and northerly along Lone Hill Estates Court to its intersection with Williams Trail; then, easterly along Williams Trail to its intersection with Rancho Summit Drive; then, southerly and southeasterly along Rancho Summit Drive to its intersection with Canyon De Oro; then, southwesterly along Canyon De Oro to its intersection with Fortuna Ranch Road; then, southwesterly along Fortuna Ranch Road to its intersection with Adams Run; then, southeasterly along an imaginary line to its intersection with the northern most point of Calle Ponte Bella; then, southerly, southwesterly and southeasterly along Calle Ponte Bella to its intersection with Escondido Creek; then, northeasterly, southeasterly and northeasterly along Escondido Creek to its bifurcation; then, northeasterly along an imaginary line to the northwestern most point of Seven Bridges Road; then, southeasterly, southerly and southeasterly along Seven Bridges Road to its intersection with Vista Cascada; then southwesterly, southeasterly and southerly along Vista Cascada to its intersection with Aliso Canyon Road; then, westerly and southerly along Aliso Canyon Road to its intersection with El Camino Del Norte; then, westerly, southwesterly and northwesterly along El Camino Del Norte to its intersection with Via De Fortuna; then, southerly, southwesterly, southerly and southwesterly along Via De Fortuna to its intersection with Los Mirlitos; then, southeasterly and easterly along Los Mirlitos to its eastern most point; then, easterly along an imaginary line to its intersection with the northwestern most point of Loma Linda Drive; then, southeasterly along Loma Linda Drive to its intersection with San Elijo Avenue; then, northeasterly along San Elijo Avenue to its intersection with Avenida De Acacias; then, southerly, southwesterly and southerly along Avenida De Acacias to its intersection with Via De La Cumbre; then, southeasterly along an imaginary line to its intersection with the intersection of La Valle Plateada and Paseo Delicias; then, southwesterly along Paseo Delicias to its intersection with Las Colinas; then, southeasterly, southerly, southeasterly, southwesterly and southeasterly along Las Colinas to its intersection with El Zorro Vis; then, southeasterly and southwesterly along El Zorro Vis to its southwestern most point; then, southwesterly along an imaginary line to its intersection with the northern most point of La Via Feliz; then, southerly along La Via Feliz to its intersection with El Sicomoro; then, easterly along El Sicomoro to its intersection with Via A La Casa; then, southeasterly along an imaginary line from said intersection to its intersection with the western most point of Via Barranca Del Zorro; then, easterly along Via Barranca Del Zorro to its intersection with Calle Camposeco; then, southerly and southeasterly along Calle Camposeco to its intersection with Circa Del Norte; then, northeasterly and southeasterly along Circa Del Norte to its intersection with San Dieguito Road; then, easterly and southeasterly along San Dieguito Road to its intersection with Camino Del Sur; then, southwesterly, southeasterly, easterly, southeasterly, southerly, southwesterly and southerly along Camino Del Sur to its intersection with State Highway 56; then, northwesterly, westerly and southwesterly along State Highway 56 to its intersection with Rancho Santa Fe Farms Road; then, northerly along Rancho Santa Fe Farms Road to its intersection with Carmel Valley Road; then, starting southwesterly along Carmel Valley Road to its intersection with State Highway 56; then, southeasterly along an imaginary line to the northeastern most point of Anderson Ridge Place; then, starting southwesterly along Anderson Ridge Place to its intersection with Del Mar Mesa Road; then, southwesterly along an imaginary line to its intersection with -117.19367 Longitude and 32.94122 Latitude; then, starting westerly along Meadows Del Mar to its intersection with Del Mar Meadows Road; then, starting southwesterly along Del Mar Meadows Road to its intersection with Carmel Country Road; then, starting southerly along Carmel Country Road to its intersection with Carmel Mountain Road; then, southwesterly, westerly and southwesterly along Carmel Mountain Road to its intersection with Harvest Run Drive: then, southeasterly, southerly and southeasterly along Harvest Run Drive to its southeastern most point; then, southerly along an imaginary line to its intersection with the boundary line of Los Penasquitos Canyon Preserve; then, southwesterly, southeasterly, southwesterly, northwesterly, southwesterly, northwesterly, southeasterly, southerly, southeasterly, southwesterly, southerly, southeasterly, southwesterly, southeasterly, southwesterly, southeasterly and northwesterly along the boundary line of Los Penasquitos Canyon Preserve to its intersection with Sorrento Valley Boulevard; then, southwesterly along Sorrento Valley Boulevard to its intersection with U.S. Interstate 805; then southeasterly along U.S. Interstate 805 to its intersection with Governor Drive; then, southwesterly, westerly, northwesterly, westerly, southwesterly and westerly along Governor Drive to its intersection with Regents Road; then, northerly and northwesterly along Regents Road to its intersection (over crossing) with the "Coaster" (Amtrak) railroad tracks; then, southwesterly, southerly and southeasterly along said railroad tracks to its intersection with State Highway 52; then, westerly along State Highway 52 to its intersection with Ardath Road; then, northwesterly along Ardath Road to its intersection with Hidden Valley Road; then, southerly, easterly, southerly, southwesterly, southeasterly, easterly, southeasterly and southerly along Hidden Valley Road to its intersection with Via Capri; then, northwesterly, southwesterly, northwesterly, southwesterly, southeasterly, southerly and southeasterly along Via Capri to its intersection with La Jolla Scenic Drive S; then, southwesterly along La Jolla Scenic Drive S to its intersection with Cardeno Drive; then, southeasterly, southerly, southwesterly, southeasterly and southwesterly along Cardeno Drive to its intersection with Calle Vaquero; then, southeasterly and northeasterly along Calle Vaquero to its intersection with Westknoll Drive; then, southeasterly, southwesterly and southeasterly along Westknoll Drive to its intersection with Vickie Drive; then, southwesterly along Vickie Drive to its intersection with Yost Drive; then, easterly and northeasterly along Yost Drive to its intersection with Windsor Drive; then, southeasterly, southwesterly, southerly and southeasterly along Windsor Drive to its intersection with Loring Street; then, southwesterly along Loring Street to its intersection with Foothill Boulevard; then, southeasterly along Foothill Boulevard to its intersection with Loring Street; then, southwesterly along Loring Street to its intersection with Gresham Street; then, southeasterly along Gresham Street to its intersection with Wilbur Avenue; then, southwesterly along Wilbur Avenue to its intersection with Mission Boulevard; then, northwesterly along Mission Boulevard to its intersection with La Jolla Mesa Drive; then, northwesterly along La Jolla Mesa Drive to its intersection with Linda Rosa Avenue; then, northwesterly along Linda Rosa Avenue to its intersection with Forward Street; then, southwesterly along Forward Street to its intersection with Bellevue Avenue; then, northwesterly along Bellevue Avenue to its intersection with Folsom Drive; then, northeasterly and northwesterly along Folsom Drive to its intersection with Bellevue Avenue; then, northwesterly along Bellevue Avenue to its intersection with Waverly Avenue; then, northwesterly along Waverly Avenue to its intersection with Via Del Norte; then, southwesterly, northwesterly and southwesterly along Via Del Norte to its intersection with La Jolla Boulevard; then, northwesterly, northerly, northeasterly and northwesterly along La Jolla Boulevard to its intersection with Westbourne Street; then, southwesterly along Westbourne Street to its intersection with the boundary line of Neptune Park; then, northwesterly and northeasterly along the boundary line of Neptune Park to its intersection with the coastline of California; then, northerly, northeasterly, northerly, northeasterly, southeasterly, northeasterly, southeasterly and northeasterly along the coastline of California to its intersection with the southern boundary line of the UC San Diego campus; then, easterly along the boundary line of the UC San Diego campus to its intersection with La Jolla Shores Drive; then, northeasterly, northerly, northeasterly, southeasterly and northeasterly along La Jolla Shores Drive to its intersection with N Torrey Pines Road; then, northwesterly and northerly along N Torrey Pines Road to its intersection with Torrey Pines Scenic Drive; then, northwesterly along Torrey Pines Scenic Drive to its intersection with the boundary line of Torrey Pines City Park; then, southwesterly, southeasterly, southerly, westerly, southwesterly, northerly, and northwesterly along the boundary line of Torrey Pines City Park to its intersection with the boundary line of Torrey Pines State Reserve; then, northerly along the boundary line of Torrey Pines State Reserve to its intersection with N Torrey Pines Road; then, northerly along N Torrey Pines Road to its intersection with S Camino Del Mar; then, northerly along S Camino Del Mar to its intersection with the Amtrak railroad tracks; then, northerly along the Amtrak railroad tracks to its intersection with Coast Boulevard; then, southerly along Coast Boulevard to its intersection with 15th Street; then, northeasterly, southeasterly, northeasterly, northwesterly and northeasterly along 15th Street to its intersection with Crest Road; then, southeasterly from said intersection along an imaginary line to its intersection with Oribia Road and San Dieguito Drive; then, northerly, northeasterly and southeasterly along San Dieguito Drive to its intersection with the boundary line of Crest Canyon Open Space Park; then, easterly, southerly, easterly, southerly, easterly and northeasterly along the boundary line of Crest Canyon Open Space Park to its intersection with the boundary line of Overlook Park; then, northerly, northeasterly, easterly, southerly, southwesterly, and southerly along the boundary line of Overlook Park to its intersection with High Bluff Drive; then, easterly along High Bluff Drive to its intersection with Landfair Road; then, northerly, northeasterly and southeasterly along Landfair Road to its intersection with Half Mile Drive; then, easterly along Half Mile Drive to its intersection with El Camino Real; then, northwesterly, northerly, northeasterly and northerly along El Camino Real to its intersection with Via De La Valle; then, northeasterly, northerly and northeasterly along Via De La Valle to its intersection with Las Palomas; then, northwesterly along Las Palomas to its intersection with Puerta Del Sol; then, northwesterly along Puerta Del Sol to its intersection with Linea Del Cielo; then, northerly, northeasterly and northerly along Linea Del Cielo to its intersection with Rambla De Las Flores; then, northwesterly, southwesterly, northwesterly, northerly, northeasterly, northerly and northeasterly along Rambla De Las Flores to its intersection with La Granada; then, northwesterly along La Granada to its intersection with Los Morros; then, southwesterly along Los Morros to its intersection with El Aspecto; then, northwesterly along El Aspecto to its northwestern most point; then, westerly along an imaginary line to its intersection with the southwestern most point of Los Pinos; then, northeasterly and northwesterly along Los Pinos to its intersection with La Noria; then, southwesterly along La Noria to its intersection with El Puente; then, northwesterly, northerly, northwesterly and northerly along El Puente to its intersection with Escondido Creek; then, northeasterly, southeasterly, northeasterly, northwesterly, northeasterly and northeasterly along Escondido Creek to its intersection with S Rancho Santa Fe Road; then, northwesterly along S Rancho Santa Fe Road to its intersection with

Rancho Santa Fe Road; then, northeasterly along Rancho Santa Fe Road to its intersection with 11th Street; then, northwesterly along 11th Street to its northern most point; then, northwesterly along an imaginary line from the northern most point of 11th Street to its intersection with Whitewood Place and Mountain Vista Drive; then, southwesterly, westerly, southwesterly and westerly along Mountain Vista Drive to its intersection with N El Camino Real; then, northerly along N El Camino Real to its intersection with Olivenhain Road; then, southeasterly, easterly and northeasterly along Olivenhain Road to its intersection with Rancho Santa Fe Road; then, southeasterly along Rancho Santa Fe Road to its intersection with Encinitas Creek; then, northeasterly along Encinitas Creek to the point of beginning.

(B) In the Carlsbad area: Beginning at the intersection of Ambrosia Lane and Poinsettia Lane; then, southeasterly along Poinsettia Lane to its intersection with Cassia Road; then, northeasterly along Cassia Road to its intersection with La Costa Boulevard; then, easterly, northeasterly and easterly along La Costa Boulevard to its intersection with El Camino Real; then, southerly along El Camino Real to its intersection with Carillo Way; then, northeasterly along Carillo Way to its intersection with El Fuerte Street; then, southerly, southeasterly, southerly, southwesterly along El Fuerte Street to its intersection with Babilonia Street; then, southerly along an imaginary line from said intersection to its intersection with the intersection of Romeria Street and Gibralter Street; then, southwesterly and southerly along Gibraltar Street to its intersection with La Costa Avenue; then, southwesterly, westerly, northwesterly, westerly, southwesterly and westerly along La Costa Avenue to its intersection with El Camino Real; then, northwesterly and northeasterly along El Camino Real to its intersection with Arenal Road; then, northwesterly and southwesterly along Arenal Road to its intersection with Columbine Drive; then, northwesterly and northerly along Columbine Drive to its intersection with Geranium Avenue; then, northwesterly and southwesterly along Geranium Avenue to its intersection with Mimosa Drive; then, northwesterly along Mimosa Drive to its intersection with Lupine Road; then, southwesterly along Lupine Road to its intersection with Hummingbird Road; then, westerly and northwesterly along Hummingbird Road to its intersection with Batiquitos Drive; then, northerly and northwesterly along Batiquitos Drive to its intersection with Baccharis Avenue; then, northeasterly, easterly and northerly along Baccharis Avenue to its intersection with Sand Aster Drive; then, northwesterly and northerly along Sand Aster Drive to its intersection with Cormorant Avenue; then, easterly along Cormorant Avenue to its intersection with Ambrosia Lane; then, northerly, northwesterly and northeasterly along Ambrosia Lane to the point of beginning.

(C) In the Oceanside area: Beginning at the intersection of S Pacific Street and Oceanside Boulevard; then, northeasterly along Oceanside Boulevard to its intersection with US Interstate 5; then, southeasterly along US Interstate 5 to its intersection with Jefferson Street; then, southwesterly, southerly and southwesterly along Jefferson Street to its intersection with Laguna Drive; then, westerly along Laguna Drive to its intersection with State Street; then, northwesterly along State Street to its intersection with Carlsbad Boulevard; then, northwesterly along Carlsbad Boulevard to its intersection with S Hill Street; then, northwesterly along S Hill Street to its intersection with Eaton Street; then southwesterly along Eaton Street to its southern point; then, southwesterly along an imaginary line (crossing railroad tracks) to its intersection with the northern point of Eaton Street; then, southwesterly along Eaton Street to its intersection with S Pacific Street; then, northwesterly along S Pacific Street to the point of beginning.

(D) In the Rancho Santa Fe North area: Beginning at the intersection of La Valle Plateada and Paseo Delicias; then, northeasterly along Paseo Delicias to its intersection with Del Dios Highway; then, northeasterly along Del Dios Highway to its intersection with El Camino Del Norte; then, northeasterly along an imaginary line to the eastern most point of Rancho Cielo; then, northeasterly along an imaginary line to the intersection of Camino De La Mitra and Calle Ambiente; then, southeasterly along Calle Ambiente to its intersection with Del Dios Highway; then, southwesterly along an imaginary line to its intersection with the inter-

section of the San Dieguito River and Bing Crosby Boulevard; then, southeasterly, northeasterly, southeasterly, southwesterly and southeasterly along Bing Crosby Boulevard to its intersection with Top O The Morning Way; then, southwesterly, northwesterly, westerly, southwesterly, northwesterly, and northeasterly along Top O The Morning Way to its northern most point; then, northwesterly along an imaginary line to its intersection with the eastern most point of Via Guadalupe; then, westerly along Via Guadalupe to its intersection with Vuelo; then, northwesterly, northeasterly, northwesterly and southwesterly along Vuelo to its intersection with La Valle Plateada; then, northwesterly along La Valle Plateada to the point of beginning.

- (E) In the Scripps Ranch area: Beginning at the intersection of Scripps Ranch Boulevard and Spring Canyon Road; then, southeasterly, northeasterly and southeasterly along Spring Canyon Road to its intersection with Pomerado Road; then, southerly and southwesterly along Pomerado Road to its intersection with Scripps Ranch Boulevard; then, northerly, northeasterly, northwesterly, westerly, northerly, northwesterly, northeasterly, northerly, northwesterly, northeasterly, southeasterly, northeasterly, easterly and northeasterly along Scripps Ranch Boulevard to the point of beginning.
- (F) In the Solana Beach area: Beginning at the intersection of U.S. Interstate Highway 5 and its intersection with the southern boundary line of San Elijo Lagoon County Park; then, northeasterly, easterly, southerly, easterly, northerly easterly, northerly and easterly along the southern boundary line of San Elijo Lagoon County Park to its intersection with El Camino Real; then, southeasterly along El Camino Real at its intersection with Highland Drive; then, southwesterly and southerly along Highland Drive to its intersection with Lomas Santa Fe Drive; then, westerly along Lomas Santa Fe Drive to its intersection with U.S. Interstate Highway 5; then, northerwesterly along U.S. Interstate Highway 5 to the point of beginning.
- (c) Article and Commodities Covered. The following are declared to be hosts and possible carriers of Diaprepes root weevil.
- (1) Soil, sand, gravel or growing media moved separately or with other things, and any other articles which are infested or exposed to infestation by Diaprepes abbreviatus.
- (2) All nursery stock, plants and plant parts and plant products capable of propagation.
- (3) Any other product, article, or means of conveyance when it is determined by the Secretary or county agricultural commissioner to present a hazard of spreading live life stages of *Diaprepes abbreviatus* and the person in possession thereof has been so notified.
 - (4) Dying or dead plant material without roots or soil (green waste).
- (5) Exemptions. The following articles are exempt from the provisions of this section:
 - (A) seed;
 - (B) bare rooted cacti;
 - (C) fruits and vegetables grown above ground;
 - (D) fleshy roots, corms, tubers, and rhizomes that are free of soil;
 - (E) defoliated bare-rooted nursery stock;
 - (F) privately–owned indoor decorative houseplants;
- (G) aquatic plants without soil, and those in containers with growing media if removed from water and shipped immediately;
- (H) shipments moving under special permit established by the Department to ensure such shipments do not present a pest risk; and
- (I) dying or dead plant material without roots or soil (green waste) that has been processed or handled or treated in a manner approved by the Secretary to eliminate live life stages of *Diaprepes abbreviatus* and is moved directly to a city or county sanitary landfill or State licensed compost facility within the quarantine area.
 - (d) Restrictions.
- (1) Articles and commodities covered in Section (c) are prohibited movement within or from the area under quarantine except as provided in (A), (B) (C) or (D) below:

- (A) If accompanied by a certificate issued by an authorized agricultural official affirming that the articles and commodities originated from a site or facility which is apparently free from *Diaprepes abbreviatus*.
- (B) If accompanied by a certificate issued by an authorized agricultural official affirming that the articles and commodities have been inspected or treated in a manner approved by the Department and are apparently free from Diaprepes abbreviatus.
- (C) If purchased at a retail sales location and accompanied by a sales receipt.
- (D) If the article or commodity was produced outside the area under quarantine and is being moved through the area under quarantine by direct route and without delay in vehicles or containers which prevent spillage of the article or commodity while en route through the area.
- (E) If the article or commodity covered is moved under the terms of a special permit as authorized under Title 3, Section 3154 of the California Code of Regulations.
- (2) Articles and commodities covered in subsection (c)(3) are prohibited movement within or from the area under quarantine except if cleaned and treated to the satisfaction of the county agricultural commissioner. NOTE: Authority cited: Sections 407, 5301, 5302 and 5322, Food and Agricultural Code. Reference: Sections 407, 5301, 5302 and 5322, Food and Agricultural

- $1.\ New\ section\ filed\ 10-3-2005\ as\ an\ emergency;\ operative\ 10-3-2005\ (Register$ 2005, No. 40). A Certificate of Compliance must be transmitted to OAL by -31-2006 or emergency language will be repealed by operation of law on the following day
- 2. New subsection (b)(1) and redesignation of portion of former subsection (b) to subsection (b)(2) filed 10-24-2005 as an emergency; operative 10-24-2005 (Register 2005, No. 43). A Certificate of Compliance must be transmitted to OAL by 2-21-2006 or emergency language will be repealed by operation of law on the following day.
- 3. Certificate of Compliance as to 10-3-2005 order transmitted to OAL 1-9-2006
- and filed 2-16-2006 (Register 2006, No. 7).
 Certificate of Compliance as to 10-24-2005 order transmitted to OAL 1-20-2006 and filed 2-21-2006 (Register 2006, No. 8).
- 5. New subsection (b)(3) filed 5–19–2006 as an emergency; operative 5–19–2006 (Register 2006, No. 20). A Certificate of Compliance must be transmitted to OAL by 9-18-2006 or emergency language will be repealed by operation of law on the following day.
- 6. Amendment designating a portion of subsection (b)(3) as subsection (b)(3)(A) and new subsection (b)(3)(B) filed 6-12-2006 as an emergency; operative 6–12–2006 (Register 2006, No. 24). A Certificate of Compliance must be transmitted to OAL by 10-10-2006 or emergency language will be repealed by operation of law on the following day
- 7. New subsection (b)(3)(C) filed 6-28-2006 as an emergency; operative 6-28-2006 (Register 2006, No. 26). A Certificate of Compliance must be transmitted to OAL by 10-26-2006 or emergency language will be repealed by operation of law on the following day
- 8. New subsection (b)(3)(D) filed 8–16–2006 as an emergency; operative 8–16–2006 (Register 2006, No. 33). A Certificate of Compliance must be transmitted to OAL by 12-14-2006 or emergency language will be repealed by operation of law on the following day
- Amendment of subsection (b)(3)(A) filed 8–24–2006 as an emergency; operative 8–24–2006 (Register 2006, No. 34). A Certificate of Compliance must be transmitted to OAL by 12-22-2006 or emergency language will be repealed by operation of law on the following day.

 10. New subsection (b)(3)(E) filed 8-29-2006 as an emergency; operative
- 8-29-2006 (Register 2006, No. 35). A Certificate of Compliance must be transmitted to OAL by 12-27-2006 or emergency language will be repealed by operation of law on the following day.
- 11. Certificate of Compliance as to 5-19-2006 order transmitted to OAL 9-1-2006 and filed 9-7-2006 (Register 2006, No. 36).
- 12. Redesignation of former subsection (b)(2) as new subsection (b)(2)(A), new subsections (b)(2)(B)-(C) and amendment of subsections (b)(3)(D)-(E) filed 9–19–2006 as an emergency; operative 9–19–2006 (Register 2006, No. 38). A Certificate of Compliance must be transmitted to OAL by 1-17-2007 or emergency language will be repealed by operation of law on the following day
- 13. Certificate of Compliance as to 6-12-2006 order transmitted to OAL 9-26-2006 and filed 10-5-2006 (Register 2006, No. 40).
- 14. Editorial correction of subsection (a) (Register 2006, No. 41).
- 15. Certificate of Compliance as to 6-28-2006 order transmitted to OAL 9-26-2006 and filed 10-12-2006 (Register 2006, No. 41).
- 16. Amendment of subsections (b)(3)(A)–(B) and (b)(3)(D) filed 10–12–2006 as an emergency; operative 10–12–2006 (Register 2006, No. 41). A Certificate of Compliance must be transmitted to OAL by 2–9–2007 or emergency language will be repealed by operation of law on the following day.

- 17. New subsections (b)(2)(D) and (b)(3)(F) filed 11–16–2006 as an emergency; operative 11–16–2006 (Register 2006, No. 46). A Certificate of Compliance must be transmitted to OAL by 3–16–2007 or emergency language will be repealed by operation of law on the following day.
- 18. Amendment of subsections (b)(3)(A), (D) and (E) filed 12–20–2006 as an emergency; operative 12–20–2006 (Register 2006, No. 51). A Certificate of Compliance must be transmitted to OAL by 4–19–2007 or emergency language will be repealed by operation of law on the following day.
- 19. Certificate of Compliance as to 8-24-2006 order transmitted to OAL 12-6-2006 and filed 1-5-2007 (Register 2007, No. 1).
- 20. Certificate of Compliance as to 8-16-2006 order transmitted to OAL 12-6-2006 and filed 1-9-2007 (Register 2007, No. 2).
- 21. Certificate of Compliance as to 8-29-2006 order transmitted to OAL 12-6-2006 and filed 1-18-2007 (Register 2007, No. 3).
- 22. Certificate of Compliance as to 9-19-2006 order transmitted to OAL 1-8-2007 and filed 1-18-2007 (Register 2007, No. 3).
- 23. Certificate of Compliance as to 10–12–2006 order transmitted to OAL 12–29–2006 and filed 2–8–2007 (Register 2007, No. 6).
- 24. Certificate of Compliance as to 11–16–2006 order transmitted to OAL
- 3-15-2007 and filed 4-25-2007 (Register 2007, No. 17).

 25. Certificate of Compliance as to 12-20-2006 order transmitted to OAL
- 4–13–2007 and filed 5–7–2007 (Register 2007, No. 19).

 26. Amendment of subsections (b)(1)(A), new subsection (b)(1)(B), amendment of subsections (c)(2)(A)–(C), (c)(3)(A)–(E) and new subsection (c)(3)(G) filed 7–9–2007 as an emergency; operative 7–9–2007 (Register 2007, No. 28). A Certificate of Compliance must be transmitted to OAL by 1–7–2008 or emer-
- gency language will be repealed by operation of law on the following day. 27. Amendment of subsections (b)(3)(A) and (b)(3)(D), repealer of subsection (b)(3)(E) and subsection relettering filed 9–11–2007 as an emergency; operative 9–11–2007 (Register 2007, No. 37). A Certificate of Compliance must be transmitted to OAL by 3–10–2008 or emergency language will be repealed by operation of law on the following day.
- 28. Amendment of subsections (b)(1)(A) and (b)(3)(B) filed 10–3–2007 as an emergency; operative 10–3–2007 (Register 2007, No. 40). A Certificate of Compliance must be transmitted to OAL by 3–31–2008 or emergency language will be repealed by operation of law on the following day.
- 29. Amendment of subsections (b)(3)(A)–(B) filed 10–29–2007 as an emergency; operative 10–29–2007 (Register 2007, No. 44). A Certificate of Compliance must be transmitted to OAL by 4–28–2008 or emergency language will be repealed by operation of law on the following day.
- 30. Amendment of subsections (b)(3)(A)–(B), new subsection (b)(3)(F) and subsection relettering filed 11–21–2007 as an emergency; operative 11–21–2007 (Register 2007, No. 47). A Certificate of Compliance must be transmitted to OAL by 5–19–2008 or emergency language will be repealed by operation of law on the following day.
- 31. Amendment of subsection (b)(3)(C) filed 11–27–2007 as an emergency; operative 11–27–2007 (Register 2007, No. 48). A Certificate of Compliance must be transmitted to OAL by 5–27–2008 or emergency language will be repealed by operation of law on the following day.
- 32. New subsection (b)(3)(F) and subsection relettering filed 12–19–2007 as an emergency; operative 12–19–2007 (Register 2007, No. 51). A Certificate of Compliance must be transmitted to OAL by 6–16–2008 or emergency language will be repealed by operation of law on the following day.
- 33. Amendment of subsection (b)(3)(A), repealer of subsection (b)(3)(D) and subsection relettering filed 12–26–2007 as an emergency; operative 12–26–2007 (Register 2007, No. 52). A Certificate of Compliance must be transmitted to OAL by 6–23–2008 or emergency language will be repealed by operation of law on the following day.
- 34. Certificate of Compliance as to 7-9-2007 order transmitted to OAL 12-6-2007 and filed 1-10-2008 (Register 2008, No. 2).
- 35. Certificate of Compliance as to 9-11-2007 order transmitted to OAL 12-13-2007 and filed 1-28-2008 (Register 2008, No. 5).
- 36. Certificate of Compliance as to 10-3-2007, 10-29-2007, 11-21-2007, 11-27-2007, 12-19-2007 and 12-26-2007 orders transmitted to OAL 3-21-2008 and filed 4-2-2008 (Register 2008, No. 14).
- 37. Repealer of subsection (b)(3)(A), subsection relettering and amendment of newly designated subsection (b)(3)(B) filed 4–2–2008 as an emergency; operative 4–2–2008 (Register 2008, No. 14). A Certificate of Compliance must be transmitted to OAL by 9–29–2008 or emergency language will be repealed by operation of law on the following day.
- 38. Amendment of subsection (b)(3)(A) filed 4–15–2008 as an emergency; operative 4–15–2008 (Register 2008, No. 16). A Certificate of Compliance must be transmitted to OAL by 10–14–2008 or emergency language will be repealed by operation of law on the following day.

§ 3434. Light Brown Apple Moth Interior Quarantine.

A quarantine is established against the following pest, its hosts and possible carriers.

- (a) Pest. Light brown apple moth (Epiphyas postvittana),
- (b) Area Under Quarantine.
- (1) In the counties of Alameda and Contra Costa, in the Dublin area: Beginning at the intersection of Pine Valley Place and Pine Valley Road;

then, easterly and northeasterly along Pine Valley Road to its intersection with Alcosta Boulevard; then, southeasterly along Alcosta Boulevard to its intersection with Old Ranch Road; then, northeasterly, southeasterly and northeasterly along Old Ranch Road to its intersection with Dougherty Road; then, southeasterly and southerly along Dougherty Road to its intersection with Fall Creek Road; then, southeasterly along an imaginary line to its intersection with the intersection of 15th Street and Cromwell Avenue; then, northerly and northeasterly along Cromwell Avenue to its intersection with Sebille Road; then, southeasterly and southerly along Sebille Road to its intersection with Arnold Road; then southerly along Arnold Road to its intersection with Central Parkway; then, easterly along Central Parkway to its intersection with Hacienda Drive; then, southerly, southwesterly and southerly along Hacienda Drive to its intersection with W Las Positas Boulevard; then, southwesterly, westerly and southwesterly along W Las Positas Boulevard to its intersection with Foothill Road; then, southeasterly along Foothill Road to its intersection with Santos Ranch Road; then, westerly, northwesterly, westerly, southwesterly, northwesterly, southwesterly, westerly, northwesterly, westerly, northwesterly, northerly, northwesterly, southwesterly, westerly and northwesterly along Santos Ranch Road to its intersection with Cowing Road; then, northwesterly, westerly, northwesterly, northeasterly, southwesterly, northwesterly, northeasterly, easterly, northeasterly, northwesterly, southwesterly, northerly, northeasterly, northerly, northwesterly and northeasterly along Cowing Road to its intersection with Hollis Canyon Road; then, northeasterly, northwesterly, northeasterly, southeasterly, easterly, northwesterly, westerly, northeasterly, northerly, southeasterly, northeasterly, easterly, northwesterly, northeasterly, northwesterly, northeasterly, northwesterly, northeasterly and northerly along Hollis Canyon Road to its northern most point; then, northeasterly along an imaginary line to its intersection with Pine Valley Place; then southeasterly, northeasterly and southeasterly along Pine Valley Place to the point of beginning.

(2) In the counties of Alameda, Contra Costa, Marin. San Francisco, San Mateo and Santa Clara: Beginning at the intersection of Redwood Avenue and Corte Madera Avenue; then, northwesterly along Corte Madera Avenue to its intersection with Magnolia Avenue; then, starting northwesterly, along Magnolia Avenue to its intersection with College Avenue; then, northerly along College Avenue to its intersection with Woodland Road; then, starting westerly along Woodland Road to its intersection with S Ridgewood Road; then, southwesterly along S Ridgewood Road to its intersection with Turnagain Road; then, northwesterly along Turnagain Road to its intersection with Idlewood Road; then, starting northwesterly along Idlewood Road to its intersection with Crown Road; then, starting northwesterly along Crown Road to its intersection with Goodhill Road; then, starting westerly along Goodhill Road to its intersection with the boundary line of the City of Ross; then, starting southwesterly along said boundary line to its intersection with 37.956146 latitude and -122.574792 longitude; then, southwesterly along an imaginary line to its intersection with the northeastern most point of Shafer Grade Road; then, starting southerly along Shafer Grade Road to its intersection with Old Bolinas Fairfax Road; then, starting northerly along Old Bolinas Fairfax Road to its intersection with Sky Oaks Road; then, starting westerly along Sky Oaks Road to its intersection with the boundary line of the Meadows Golf Course; then, starting southwesterly along said boundary line to its intersection with Bolinas Road; then, starting westerly along Bolinas Road to its intersection with Whites Hill Preserve; then, starting northwesterly along Whites Hill Preserve to its intersection with Sir Francis Drake Boulevard; then, starting southeasterly along Sir Francis Drake Boulevard to its intersection with Gunsight Fire Road; then, starting northeasterly along Gunsight Fire Road to its intersection with the boundary line of the Loma Alta Preserve; then, starting northwesterly along said boundary line to its intersection with Loma Alta Fire Road; then, starting northeasterly along Loma Alta Fire Road to its intersection with Nunes Fire Road; then, starting northeasterly along Nunes Fire Road to its intersection with Lucas Valley Road; then, starting southeasterly along Lucas Valley Road to its intersection with Miller Creek Road; then, starting northerly along Miller Creek Road to its intersection with US Highway 101; then, southerly along US Highway 101 to its intersection with Miller Creek; then, starting northeasterly along Miller Creek to its intersection with San Pablo Bay coastline; then, easterly along an imaginary line to its intersection with the San Pablo Bay coastline and Refugio Creek; then, starting southeasterly along Refugio Creek to its intersection with San Pablo Avenue; then, southwesterly along San Pablo Avenue to its intersection with Sycamore Avenue; then, starting southeasterly along Sycamore Avenue to its intersection with Refugio Valley Road; then, southeasterly along Refugio Valley Road to its intersection with Pheasant Drive; then starting southwesterly along Pheasant Drive to its intersection with Malachite Court; then, starting southeasterly along Malachite Court to its southwestern most point; then, southwesterly along an imaginary line to its intersection with the northern most point of Silvercrest Street; then, southwesterly along Silvercrest Street to its intersection with Victor Street; then, southeasterly along Victor Street to its intersection with Wright Avenue; then, easterly along Wright Avenue to its intersection with Marcas Street; then, starting southerly along Marcas Street to its intersection with the boundary line of the City of Pinole; then, starting southwesterly along the boundary line of the City of Pinole to its intersection with Pinole Valley Road; then, southeasterly along Pinole Valley Road to its intersection with Alhambra Valley Road; then, southeasterly along an imaginary line to its intersection with the southern most point of Hampton Road; then, southeasterly along an imaginary line to its intersection with the intersection of Bear Creek Road and Happy Valley Road; then, starting northeasterly along Bear Creek Road to its intersection with the boundary line of Briones Regional Park; then, starting northwesterly along the boundary line of Briones Regional Park to its intersection with Alhambra Valley Road; then, starting easterly along Alhambra Valley Road to its intersection Castle Creek Court; then, northerly along Castle Creek Court to its northern most point; then, northerly along an imaginary line to its intersection with the southern most point of Millthwait Drive; then northeasterly along Millthwait Drive to its intersection with Alhambra Valley Road; then, starting northeasterly along Alhambra Valley Road to its intersection with Alhambra Avenue; then, starting northwesterly along Alhambra Avenue to its intersection with State Highway 4; then, starting southwesterly along State Highway 4 to its intersection with Wolcott Lane; then, starting northerly along Wolcott Lane to its intersection with southern boundary line of Carquinez Straight Regional Park; then, starting westerly along said boundary line to its intersection with the southern shoreline of the Carquinez Straight: then, starting southeasterly along said shoreline to its intersection with Pacheco Creek; then, southeasterly along Pacheco Creek to its intersection with Waterfront Road; then, northeasterly along Waterfront Road to its intersection with Solano Way; then, starting southeasterly along Solano Way to its intersection with Olivera Road; then, starting southeasterly along Olivera Road to its intersection with E Olivera Road; then, southeasterly along E Olivera Road to its intersection with the boundary line of the US Naval Weapons Station Concord; then, starting southeasterly along said boundary line to its intersection with Denkinger Road; then, southwesterly along Denkinger Road to its intersection with Concord Boulevard; then, southeasterly along Concord Boulevard to its intersection with Yvonne Drive; then, northeasterly along Yvonne Drive to its intersection with Laurel Drive; then, southeasterly along Laurel Drive to its intersection with Old Kirker Pass Road; then, easterly along Old Kirker Pass Road to its intersection with Kirkwood Drive; then, starting southeasterly along Kirkwood Drive to its intersection with Jameson Court; then, starting northeasterly along Jameson Court to its eastern most point; then, southerly along an imaginary line to its intersection with the boundary line of the Oakhurst Country Club at 37.955812 latitude and -121.937638 longitude; then, southwesterly along said boundary line to its intersection with Oakhurst Drive; then, starting easterly along Oakhurst Drive to its intersection with Clayton Road; then, starting westerly along Clayton Road to its intersection with Marsh Creek Road; then, starting southeasterly along Marsh Creek Road to its intersection with Mountaire Parkway; then, starting southerly along Mountaire Park-

way to its intersection with Mountaire Circle; then, starting southwesterly along Mountaire Circle to its intersection with Mt Tamalpais Drive; then, southwesterly along Mt Tamalpais Drive to its intersection with the boundary line of Mount Diablo State Park; then, starting westerly along said boundary line to its intersection with point 37.902500 latitude and -121.974244 longitude; then, southwesterly along an imaginary line to its intersection with the southeastern most point of an unnamed road at 37.895716 latitude and -121.980741 longitude; then, starting northwesterly along the unnamed road to its intersection with Northgate Road; then, northwesterly along Northgate Road to its intersection with the boundary line of the City of Alamo; then, starting southwesterly along said boundary line to its intersection with Castle Rock Road; then, southwesterly along an imaginary line to its intersection with the eastern most point of Robb Road; then, starting westerly along Robb Road to its intersection with Whitecliff Way; then, southwesterly along Whitecliff Way to its intersection with Rudgear Road; then, starting westerly along Rudgear Road to its intersection with Danville Boulevard; then, northwesterly along Danville Boulevard to its intersection with Crest Avenue; then, starting westerly along Crest Avenue to its intersection with Castle Crest Road; then, starting southwesterly along Castle Crest Road to its intersection with an unnamed dirt road; then, starting southeasterly along the unnamed dirt road to its intersection with the point 37.859521 latitude and -122.049884 longitude; then, starting westerly along the unnamed dirt road to its intersection with Grey Eagle Drive; then, starting westerly along Grey Eagle Drive to its intersection with Terra Granada Drive; then, northwesterly along Terra Granada Drive to its intersection with Tice Creek Drive; then, northwesterly along Tice Creek Drive to its intersection with Avenida Sevilla; then, southwesterly along Avenida Sevilla to its southwestern most point; then, southwesterly along an imaginary line to the eastern most point of Valley Hill Drive; then, starting northwesterly along Valley Hill Drive to its intersection with Bollinger Canyon; then, southerly along an imaginary line to its intersection with the intersection of Brown Ranch Road and Miller Road; then, starting southwesterly along Miller Road to its intersection with Big Burn Road; then, starting westerly along Big Burn Road to its southern most point; then, southwesterly along an imaginary line to its intersection with the intersection of Redwood Road and Grass Valley Road; then, starting southeasterly along Redwood Road to its intersection with Miller Road; then, southeasterly along an imaginary line to its intersection with the northwestern most point of the boundary line of Cull Canyon Regional Recreation Area; then, starting northeasterly along the boundary line of Cull Canyon Regional Recreation Area to its intersection with Cull Canyon Road; then, southeasterly along an imaginary line to its intersection with the intersections of Crow Canyon Road, Norris Canyon Road and the City of Castro Valley boundary line; then, starting northeasterly along the City of Castro Valley boundary line to its intersection with Paloverde Road; then, starting southeasterly along Paloverde Road to its intersection with Palomares Road; then, southwesterly along an imaginary line to its intersection with the eastern most point of Fairweather Court; then, southwesterly along Fairweather Court to its intersection with Five Canyons Parkway; then, starting southeasterly along Five Canyons Parkway to its intersection with Fairview Avenue; then, starting southeasterly along Fairview Avenue to its intersection with the northern boundary line of Garin Regional Park; then, starting southeasterly along the northern boundary line of Garin Regional Park to its intersection with the boundary line of Dry Creek Pioneer Regional Park; then, starting southeasterly along the boundary line of Dry Creek Pioneer Regional Park to its intersection with South Dry Creek Branch; then, southerly along an imaginary line to its intersection with the intersection of Montalban Drive and Blaisdell Way; then, southwesterly along Montalban Drive to its intersection with Easterday Way; then, northwesterly along Easterday Way to its intersection with E Nursery Avenue; then, southwesterly along E Nursery Avenue to its intersection with Nursery Avenue; then, southwesterly along Nursery Avenue to its intersection with Niles Boulevard; then, northwesterly along Niles Boulevard to its intersection with Alvarado Niles Road; then, northwesterly along Alvarado Niles Road to its intersection with Osprey Drive; then, southerly along Osprey Drive to its intersection with Quarry Lakes Drive; then, starting southeasterly along Quarry Lakes Drive to its intersection with Isherwood Way; then, southwesterly along Isherwood Way to its intersection with Paseo Padre Parkway; then, starting southeasterly along Paseo Padre Parkway to its intersection with Mowry Avenue; then, northeasterly along Mowry Avenue to its intersection with Mission Boulevard; then, northwesterly along Mission Boulevard to its intersection with Niles Canyon Road; then, northeasterly along Niles Canyon Road to its intersection with Old Canyon Road, then, starting northeasterly along Old Canyon Road to its southeastern most point, then, southeasterly along an imaginary line to its intersection with the northeastern most point of Morrison Canyon Road, then, southeasterly along an imaginary line to its intersection with the intersection of U S Interstate 680 and Vargas Road, then, southwesterly along U S Interstate 680 to its intersection with Mission Boulevard, then, starting southeasterly along Mission Boulevard to its intersection with U S Interstate 880, then, starting southeasterly along U S Interstate 880 to its intersection with the boundary line of Alameda County; then, starting southwesterly along the boundary line of Alameda County to its intersection with the boundary line of San Mateo County; then, southeasterly along an imaginary line its intersection with the northern boundary line of the City of Sunnyvale and the shoreline of San Francisco Bay; then, starting southeasterly along the northern boundary line of the City of Sunnyvale to its intersection with U.S. Highway 101; then, southeasterly along U.S. Highway 101 to its intersection with E Brokaw Road; then, starting northeasterly along E Brokaw Road to its intersection with Murphy Avenue; then, northeasterly along Murphy Avenue to its intersection with Hostetter Road; then, northeasterly along Hostetter Road to its intersection with N Capitol Avenue; then, southeasterly along N Capitol Avenue to its intersection with Mckee Road; then, northeasterly along Mckee Road to its intersection with Kirk Avenue; then, southeasterly along Kirk Avenue to its intersection with Alum Rock Avenue; then, southwesterly along Alum Rock Avenue to its intersection with Fleming Avenue; then, southeasterly along Fleming Avenue to its intersection with Story Road; then, starting southwesterly along Story Road to its intersection with Clayton Road; then, starting southeasterly along Clayton Road to its intersection with Mount Pleasant Drive; then, southeasterly along Mount Pleasant Drive to its intersection with Ruby Avenue; then, starting southeasterly along Ruby Avenue to its intersection with Tully Road; then, starting southwesterly along Tully Road to its intersection with Curtner Avenue; then, southwesterly along Curtner Avenue to its intersection with State Highway 87; then, southeasterly along State Highway 87 to its intersection with Santa Teresa Boulevard; then, starting southerly along Santa Teresa Boulevard to its intersection with Snell Avenue; then, starting southerly along Snell Avenue to its southern most point; then, southeasterly along an imaginary line to its intersection with Scenic Vista Drive; then, starting westerly along Scenic Vista Drive to its intersection Via Santa Teresa; then, starting southeasterly along Via Santa Teresa to its intersection with Henwood Road; then, southeasterly along Henwood Road to its intersection with Harry Road; then, southwesterly along Harry Road to its intersection with Mckean Road; then, southwesterly along Mckean Road to its intersection with Mockingbird Hill Lane; then, southwesterly along Mockingbird Hill Lane to its intersection with the boundary line of Almaden Quicksilver Park; then, starting westerly along the said boundary line to its intersection with Hicks Road; then, starting northwesterly along Hicks Road to its intersection with Shannon Road; then, starting northwesterly along Shannon Road to its intersection with Kennedy Road; then, starting southwesterly along Kennedy Road to its intersection with Los Gatos Boulevard; then, northeasterly along Los Gatos Boulevard to its intersection with Roberts Road; then, northwesterly along Roberts Road to its intersection with Blossom Hill Road; then, southwesterly along Blossom Hill Road to its intersection with State Highway 17; then, southwesterly along State Highway 17 to its intersection with Los Gatos Saratoga Road; then, starting northwesterly along Los Gatos Saratoga Road to its intersection with Fruitvale Avenue; then, northerly along Fruitvale Avenue to its intersection with

Saratoga Avenue; then, southwesterly along Saratoga Avenue to its intersection with Crestbrook Drive; then, northwesterly along Crestbrook Drive to its intersection with Braemar Drive; then, northeasterly along Braemar Drive to its intersection with Scotland Drive; then, northwesterly along Scotland Drive to its intersection with Glen Brae Drive; then, starting northeasterly along Glen Brae Drive to its intersection with Cox Avenue; then, starting westerly along Cox Avenue to its intersection with Wardell Road; then, starting westerly along Wardell Road to its intersection with Arroyo De Arguello; then, starting southerly along Arroyo De Arguello to its intersection with Comer Drive; then, starting westerly along Comer Drive to its intersection with Star Ridge Court; then, starting westerly along Star Ridge Court to its intersection with Parker Ranch Court; then, starting easterly along Parker Ranch Court to its intersection with Parker Ranch Road; then, starting southwesterly along Parker Ranch Road to its intersection with Prospect Road; then, starting northerly along Prospect Road to its intersection with Arrowhead Lane; then, starting southwesterly along Arrowhead Lane to its northwestern most point; then, along an imaginary line to its intersection with an unnamed road at 37.295200 latitude and -122.056823 longitude; then, starting northwesterly along the unnamed road to its intersection with Regnart Road at 37.296672 latitude and -122.060084 longitude; then, northeasterly along Regnart Road to its intersection with Regnart Canyon Drive; then, starting northwesterly along Regnart Canyon Drive to its intersection with the boundary line of Stevens Creek County Park; then, starting northwesterly along the boundary line of Stevens Creek County Park to its intersection with Stevens Canyon Road; then starting northeasterly along Stevens Canyon Road to its intersection with S Foothill Boulevard; then, northerly along S Foothill Boulevard to its intersection with N Foothill Boulevard; then, northerly along N Foothill Boulevard to its intersection with Foothill Expressway; then, northwesterly along Foothill Expressway to its intersection with S El Monte Road; then, southwesterly along S El Monte Road to its intersection with U.S. Interstate 280; then, starting northwesterly along U.S. Interstate 280 to its intersection with Page Mill Road; then, southwesterly along Page Mill Road to its intersection with Arastradero Road; then, starting westerly along Arastradero Road to its intersection with Alpine Road; then, starting northeasterly along Alpine Road to its intersection with Westridge Drive; then, starting southwesterly along Westridge Drive to its intersection with Portola Road; then, starting northwesterly along Portola Road to its intersection with Old La Honda Road; then, starting southwesterly along Old La Honda Road to its intersection with Skyline Boulevard (State Highway 35); then, starting northwesterly along Skyline Boulevard (State Highway 35) to its intersection with Kings Mountain Road; then, starting southeasterly along Kings Mountain Road to its intersection with the western boundary line of Huddart County Park; then, starting southeasterly along the boundary line of Huddart County Park to its intersection with Greer Road; then, northwesterly along an imaginary line to its intersection with the western most point of Raymundo Drive; then, starting easterly along Raymundo Drive to its intersection with Runnymede Road; then, northeasterly along an imaginary line to its intersection with the intersection of Palm Circle Road and Canada Road; then, northwesterly along Canada Road to its intersection with U.S. Interstate Highway 280; then, starting northwesterly along U.S. Interstate Highway 280 to its intersection with State Highway 35; then, starting northwesterly along State Highway 35 to its intersection with Skyline Boulevard; then, starting southeasterly along Skyline Boulevard to its intersection with Muddy Road; then, southwesterly along an imaginary line to the northeastern most point of Murray Ranch Road; then, southwesterly along Murray Ranch Road to its intersection with Higgins Canyon Road; then, southwesterly along an imaginary line to its intersection with the intersection of State Highway 1 and Redondo Beach Road; then, southwesterly along Redondo Beach Road to its western most point; then, due westerly along an imaginary line to its intersection with the coast line of California; then, starting northerly along the coast line of California to its intersection with the boundary line of Half Moon Bay State Beach; then, starting northeasterly along said boundary line to its intersection State Highway 1; then, north-

westerly along State Highway 1 to its intersection with Capistrano Road; then, northeasterly along Capistrano Road to its intersection with Carmel Avenue; then, northeasterly along Carmel Avenue to its intersection with San Juan Avenue; then, northeasterly along San Juan Avenue to its northeastern most point; then, northeasterly along an imaginary line to its intersection with the western most point of Lewis Avenue; then, starting easterly along Lewis Avenue to its intersection with El Granada Boulevard; then, starting northerly along El Granada Boulevard to its intersection with Roosevelt Boulevard; then, starting southeasterly along Roosevelt Boulevard to its intersection with the boundary line of the City of Half Moon Bay; then, starting northeasterly along the boundary line of the City of Half Moon Bay to its intersection with Frenchmans Creek; then, easterly along an imaginary line to its intersection with Skyline Boulevard and Skyline; then, northwesterly along Skyline to its northern most point; then, northwesterly along an imaginary line to its intersection with 37.555234 latitude and -122.426721 longitude; then, starting northwesterly along an unnamed road to its intersection with 37.569684 latitude and -122.447534 longitude; then, starting northeasterly along an unnamed road to its intersection with the southeastern most point of Fire Trail 1; then, northwesterly along Fire Trail 1 to its intersection with Fassler Avenue; then, northwesterly along an imaginary line to its intersection with the southern most point of Berendos Avenue; then, starting northerly along Berendos Avenue to its intersection with Reina Del Mar Avenue; then, westerly along Reina Del Mar Avenue to its intersection with State Highway 1; then, northwesterly and northerly along State Highway 1 to its intersection with Clarendon Road; then, westerly along Clarendon Road to its western most point; then, westerly along an imaginary line to its intersection with the California coastline; then, starting northerly along the California coastline to its intersection with U.S. Highway 101; then, northerly along U.S. Highway 101 to its intersection with the southern boundary line of the Golden Gate National Recreation Area; then, starting westerly along the boundary line of the Golden Gate National Recreation Area to its intersection with the California coastline; then, starting northwesterly along the California coastline to its intersection with the boundary line of the Golden Gate National Recreation Area; then, starting northerly along the boundary line of the Golden Gate National Recreation Area to its intersection with Muir Woods Road; then, starting northwesterly along Muir Woods Road to its intersection with Panoramic Highway; then, starting northwesterly along the Panoramic Highway to its intersection with the boundary line of the City of Mill Valley; then, starting northeasterly along the said boundary line to its intersection with Crown Road; then, starting southeasterly along Crown Road to its intersection with North Trail; then, starting southeasterly along North Trail to its intersection with Fern Trail; then, starting easterly along Fern Trail to its intersection with Summit Drive; then, starting southwesterly along Summit Drive to its intersection with Redwood Avenue; then, starting northeasterly along Redwood Avenue to the point of beginning.

(3) In the county of Marin, in the Novato area: Beginning at the intersection of Novato Creek Road and Hicks Valley Road; then, northeasterly along an imaginary line to its intersection with the northwest point of the boundary line of the City of Novato; then, starting southeasterly along the boundary line of the City of Novato to its intersection with the boundary line of Rancho Olompali State Park; then, starting northwesterly along the boundary line of Rancho Olompali State Park to its intersection with US Highway 101; then, starting southeasterly along US Highway 101 to its intersection with Atherton Avenue; then, starting southeasterly along Atherton Avenue to its intersection with Bugeia Lane; then, southerly along an imaginary line to its intersection with the northern most point of Robinhood Drive; then, starting southwesterly along Robinhood Drive to its intersection with Olive Avenue; then, southwesterly along an imaginary line to its intersection with the intersection of Vintage Way and Rowland Boulevard; then, starting westerly along Rowland Boulevard to its intersection with S Novato Boulevard; then, southeasterly along S Novato Boulevard to its intersection with Sunset Parkway; then, starting southwesterly along. Sunset Parkway to its intersection with Ignacio Boulevard; then, starting northwesterly along Ignacio Boulevard to its intersection with College of Marin Avenue; then, starting northwesterly along the College of Marin Avenue to its western most point; then, northwesterly along an imaginary line to its intersection with Indian Valley Road and Old Ranch Road; then, southwesterly along Old Ranch Road to its intersection with Deer Trail; then, northwesterly along Deer Trail to its western most point; then, southwesterly along an imaginary line to an imaginary point at 38.086305 latitude and -122.600034 longitude; then, northwesterly along an imaginary line to its intersection with Tanglewood Lane; then, starting northerly along Tanglewood Lane to its intersection with Maestro Road; then, starting northwesterly along Maestro Road to its northern most point; then, northwesterly along an imaginary line to its intersection with the intersection of Cabro Ridge with Cabro Court; then, southwesterly along Cabro Court to its intersection with Plata Court; then starting northwesterly along Plata Court to its intersection with Santa Maria Drive; then, northwesterly along Santa Maria Drive to its intersection with Amber Court; then, northwesterly along an imaginary line from the intersection of Amber Court and Santa Maria Drive to the southern most point of W Brooke Drive; then, starting northerly along W Brooke Drive to its intersection with Wild Horse Valley Road; then, northwesterly along Wild Horse Valley Road to its intersection with Vineyard Road; then, southwesterly along Vineyard Road to its intersection with Verissimo Drive; then, northwesterly along Verissimo Drive to its intersection with Ravine Way; then, northwesterly along an imaginary line to the point of beginning.

(4) In the counties of Monterey, San Benito and Santa Cruz: Beginning at the intersection of Empire Grade and Jamison Creek Road; then, northwesterly along an imaginary line to its intersection with the intersection of Heartwood HI and the boundary line of Big Basin Redwoods State Park; then, starting northerly along the boundary line of Big Basin Redwoods State Park to its intersection with State Highway 236; then, starting southeasterly along State Highway 236 until its intersection with State Highway 9; then, starting southeasterly along State Highway 9 to its intersection with the boundary line for the City of Boulder Creek; then, starting southerly along the boundary line for the City of Boulder Creek to its intersection with Two Bar Road; then, northeasterly along Two Bar Road to its intersection with Cougar Rock Road; then, southeasterly along an imaginary line to its intersection with the northwestern most point of Whalebone Gulch Road; then, southeasterly along Whalebone Gulch Road to its intersection with Bear Creek Road; then, northeasterly along Bear Creek Road to its intersection with Amber Ridge Loop; then, starting southeasterly along Amber Ridge Loop to its eastern most point; then, southeasterly along an imaginary line to its intersection with the intersection of E Zayante Road and Fern Ridge; then, starting easterly along Fern Ridge to its northeastern most point; then, southeasterly along an imaginary line to its intersection with the intersection of Weston Road and Glenwood Drive; then, northeasterly along Glenwood Drive to its intersection with Mountain Charlie Road; then, starting northeasterly along Mountain Charlie Road to its intersection with Riva Ridge Road; then, starting westerly along Riva Ridge Road to its intersection with Hutchinson Road; then, starting northeasterly along Hutchinson Road to its intersection with State Highway 35; then, starting southeasterly along State Highway 35 to its intersection with Summit Road; then, starting northeasterly along Summit Road to its intersection with Chasewood Drive; then, starting northeasterly along Chasewood Drive to its eastern most point; then, northeasterly along an imaginary line to its intersection with the intersection of Aldercroft Heights and Metcalf Road; then, easterly along Metcalf Road to its intersection with Cothran Road; then, northeasterly along an imaginary line to its intersection with the southeastern most point of Mount Umunhum Road; then, starting northeasterly along Mount Umunhum Road to its southeastern most point; then, southerly along an imaginary line to Metcalf Road at 37.137451 latitude and -121.897744 longitude; then, starting southeasterly along Metcalf Road to its intersection with Loma Prieta Road; then, southwesterly along an imaginary line to its intersection with the intersection of Nall Lane and Lago Lomito Way; then, starting easterly along Lago Lomito

Way to its intersection with Loma Prieta Way; then, starting southeasterly along Loma Prieta Way to its intersection with Mount Bache Road; then, starting southeasterly along Mount Bache Road to its intersection with Highland Way; then, starting southerly along Highland Way to its intersection with Hihns Sulphur Springs Road; then, westerly along Hihns Sulphur Springs Road to its intersection with the boundary line of Forest of Nisene Marks State Park; then, starting southerly along the boundary of Forest of Nisene Marks State Park to its intersection with Nisene Marks State Park; then, starting northeasterly along Nisene Marks State Park to its intersection with Buzzard Lagoon Road; then, starting northerly along Buzzard Lagoon Road to its intersection with Ormsby Road; then, starting southeasterly along Ormsby Road to its intersection with Ormsby Cutoff; then, starting northeasterly along Ormsby Cutoff to its intersection with the boundary line of Santa Cruz County; then starting southeasterly along said boundary line to its intersection with an unnamed road at -121.763850 longitude and 37.048577 latititude; then, southerly along an imaginary line to its intersection with the intersection of Hazel Dell Heights and Hazel Dell Road; then, southeasterly along Hazel Dell Road to its intersection with Mt. Madonna Road; then, starting easterly along Mt. Madonna Road to its intersection with Pole Line Road; then, starting southeasterly along Pole Line Road to its intersection with State Highway 152; then, starting northeasterly along State Highway 152 to its intersection with the western boundary of M11S03E07 (Base/Meridian, Township, Range and Section); then, southerly along the western boundary of M11S03E07 to its intersection with the western boundary of M11S03E18; then, southerly along the western boundary of M11S03E18 to its intersection with the boundary line of Santa Cruz County; then, starting easterly along the boundary line of Santa Cruz County to its intersection with the boundary line of San Benito County; then, westerly along an imaginary line to its intersection with State Highway 129 at -121.58623 longitude/36.89946 latitude; then, starting northwesterly along State Highway 129 to its intersection with School Road; then starting southerly along School Road to its intersection with Forest Road; then, starting westerly along Forest Road to its intersection with Anzar Road; then, starting southeasterly along Anzar Road to its intersection with Cannon Road; then, starting southwesterly along Cannon Road to its intersection with U.S. Highway 101 (State Highway 156); then, southwesterly along an imaginary line to its intersection with the northern most point of Audrey Lane; then, southwesterly along Audrey Lane to its intersection with Crazy Horse Canyon Road; then, starting southeasterly along Crazy Horse Canyon Road to its intersection with San Juan Grade Road; then, southwesterly along San Juan Grade Road to its intersection with Herbert Road; then, starting southeasterly along Herbert Road to its intersection with Natividad Road; then, southwesterly along Natividad Road to its intersection with El Boronda Road; then, starting easterly along El Boronda Road to its intersection with Constitution Road; then, southwesterly along Constitution Road to its intersection with E Laurel Drive; then, southeasterly along E Laurel Drive to its intersection with N Sanborn Road; then, starting southwesterly along N Sanborn Road to its intersection with S Sanborn Road; then, starting southerly along S Sanborn Road to its intersection with E Blanco Road; then, starting southwesterly along E Blanco Road to its intersection with W Blanco Road; then, northwesterly along W Blanco Road to its intersection with S Davis Road; then, southwesterly along S Davis Road to its intersection with Reservation Road; then, starting northwesterly along Reservation Road to its intersection with Inter-Garrison Road; then, westerly along Inter-Garrison Road to its intersection with Schoonover Road; then, southerly along an imaginary line to its intersection with the northern most point of Belavida Road; then, southeasterly along Belavida Road to its intersection with Pasadera Drive; then, starting southerly along Pasadera Drive to its intersection with the Salinas Highway (State Highway 68); then, starting northwesterly along the Salinas Highway (State Highway 68) to its intersection with Canyon Del Rey Boulevard; then, southwesterly along an imaginary line to its intersection with the intersection of Via Malpaso and Cinquenta; then, starting southeasterly along Via Malpaso to its southeastern most point; then, southeasterly

along an imaginary line to its intersection with the intersection of Loma Del Rey and Carmel Valley Road; then, southwesterly along an imaginary line to its intersection with -121.832791 longitude and 36.497182 latitude; then, starting northwesterly along an unnamed road to its intersection with Cantera Run; then, starting southeasterly along Cantera Run to its intersection with Rancho San Carlos Road; then, starting northwesterly along Rancho San Carlos Road to its intersection with Carmel Valley Road; then, starting westerly along Carmel Valley Road to its intersection with State Highway 1; then, starting southeasterly along State Highway I to its intersection with Rio Road; then, starting northwesterly along Rio Road to its intersection with Santa Lucia Avenue; then, starting southwesterly along Santa Lucia Avenue to its intersection with the boundary line of Carmel-by-the-Sea; then, starting northwesterly along the boundary line of Carmel-by-the-Sea to its intersection with the California coastline; then, starting northeasterly along the coastline of California to its intersection with the Waddell Creek; then, starting northerly along Waddell Creek to its intersection with State Highway 1; then, southeasterly along State Highway 1 to its intersection with Canyon Road; then, northeasterly along an imaginary line to its intersection with the intersection of Fistelera Ridge Road and Last Chance Road; then, northeasterly along an imaginary line to its intersection with Purdy Ranch Road and Scott Creek; then, along an imaginary line to its intersection with the northern most point of Big Creek Road; then, northeasterly along an imaginary line to its intersection with the western most point of Blodgetts Road; then, starting southeasterly along Blodgetts Road to its intersection with Empire Grade; then, starting northwesterly along Empire Grade to the point of beginning.

(5) In the County of San Mateo in the Pescadero area: Beginning at the intersection of Stage Road and Pomponio Creek Road; then, starting northeasterly along Pomponio Creek Road to its intersection with Burns Valley Road; then, starting southwesterly along Burns Valley Road to its intersection with Pomponio Truck Trail; then, starting southwesterly along Pomponio Truck Trail to its intersection with Pescadero Creek Road; then, starting easterly along Pescadero Creek Road to its intersection with Memorial Park Road; then, starting southwesterly along Memorial Park Road to its intersection with Wurr Road; then, southeasterly along an imaginary line to its intersection with the intersection of the western boundary line of Pescadero Creek County Park and Butanoridge; then, starting southwesterly along Butano ridge to its intersection with South Ranch Road; then starting southeasterly along South Ranch Road to its intersection with Cloverdale Road; then, starting southeasterly along Cloverdale Road to its intersection with North Butano Truck Trail, then, starting northwesterly along North Butano Truck Trail to its southwestern most point; then, northwesterly along an imaginary line to its intersection with the intersection of Bean Hollow Road and Reservoir Road; then, starting northwesterly along Reservoir Road to its intersection with Pescadero Creek Road; then, northwesterly along Pescadero Creek Road to its intersection with State Highway 1: then, northeasterly along State Highway 1 to its intersection with the northwestern boundary line of Pescadero State Beach; then, easterly along an imaginary line to its intersection with Bradley Creek and Stage Road; then, starting northerly along Stage Road to the point of beginning.

(6) In the County of Santa Barbara, in the Carpinteria area: Beginning at the intersection of Paquita Drive and Arriba Street; then, starting northeasterly along Arriba Street to its northern most point; then, northerly along an imaginary line to its intersection with the intersection of 34.433 latitude and –119.550335 longitude; then, easterly along 34.433 latitude to its intersection with Carpinteria Creek; then, starting southwesterly along Carpinteria Creek to its intersection with the coastline of California; then, starting northwesterly along the coastline of California to its intersection with Arroyo Paredon Creek; then, starting northerly along Arroyo Paredon Creek to its intersection with an imaginary point at 34.41533 latitude and –119.55162 longitude; then, northerly along an imaginary line to its intersection at an imaginary point at 34.42106 latitude and –119.55162 longitude; then, easterly along an imaginary line to the point of beginning.

(7) In the Vallejo area of the County of Solano: Beginning at the intersection of State Highway 37 and Sage Street; then, starting northeasterly along State Highway 37 to its intersection with Columbus Parkway; then, starting southeasterly along Columbus Parkway to its intersection with Lake Herman Road; then, southeasterly along an imaginary line to its intersection with Ascot Parkway and Georgia Street; then, southwesterly along Georgia Street to its intersection with Columbus Parkway; then, starting southeasterly along Columbus Parkway to its intersection with State Park Road; then, southwesterly along State Park Road to its intersection with U.S. Interstate 780; then, northwesterly along U.S. Interstate 780 to its intersection with the western boundary line of Benicia State Park Recreation Area; then, starting southerly along said boundary line to its intersection with the coastline of San Francisco Bay; then, starting westerly along said coastline to its intersection with the southern most point of Maritime Academy Drive; then, northwesterly along an imaginary line to its intersection with the southeastern point of the boundary line of the Mare Island Naval Reserve; then, starting northwesterly along the boundary line of the Mare Island Naval Reserve to its intersection with State Highway 37; then, northeasterly along State Highway 37 to its intersection with the eastern shoreline of the Napa River; then, starting northerly along said shoreline to its intersection with the point 38.147849 latitude and -122.273883 longitude; then, northerly along an imaginary line to its intersection with the intersection of Meadows Drive and Severus Drive; then, starting northeasterly along Severus Drive to its intersection with Elliott Drive; then, southeasterly along Elliott Drive to its intersection with Mini Drive; then, starting northeasterly along Mini Drive to its intersection with Corcoran Avenue; then, northeasterly along Corcoran Avenue to its intersection with Fairgrounds Drive; then, southerly along Fairgrounds Drive to its intersection with Borges Lane; then, starting northeasterly along Borges Lane to its intersection with Nicole Way; then, starting southwesterly along Nicole Way to its intersection with Gateway Drive; then, starting northwesterly along Gateway Drive to its intersection with Sage Street; then, starting southeasterly along Sage Street to the point of beginning.

(8) In the Sonoma area of the County of Sonoma: Beginning at the intersection of Arnold Drive and Madrone Road; then, northeasterly along Madrone Road to its intersection with State Highway 12; then, southeasterly along State Highway 12 to its intersection with Cavedale Road; then, northeasterly along Cavedale Road to its intersection with Corey Road; then, southeasterly along an imaginary line to its intersection with Moon Mountain Road at -122.485067 longitude/38.337634 latitude; then, starting northerly along Moon Mountain Road to its intersection with Martin Road; then, starting easterly along Marin Road to its southeastern most point; then, southeasterly along an imaginary line to its intersection with an unnamed, dirt road at -122.465582 longitude/38.334148 latitude; then, southwesterly, southeasterly, southwesterly, and easterly along unnamed, dirt roads to -122.465671 longitude/38.330685 latitude; then, southeasterly along an imaginary line to its intersection with the intersection of High Road and Morada Drive; then, starting easterly along Morada Drive to its intersection with Norrbom Road; then, starting southwesterly along Norrbom Road to its intersection with the boundary line of the City of Sonoma; then, northwesterly along said boundary line to it intersection with 5th Street W; then, southwesterly along 5th Street W to its intersection with Leveroni Road; then, starting northwesterly along Leveroni Road to its intersection with Arnold Drive; then, starting northeasterly along Arnold Drive to its intersection with Sperring Road; then, southwesterly along Sperring Road to its intersection with Mocabee Road; then, southeasterly along Mocabee Road to its intersection with Felder Road; then, starting southwesterly along Felder Road to its intersection with Felder Creek; then, starting northwesterly along Felder Creek to its intersection with Lewis Creek; then, northwesterly along Lewis Creek to its point of beginning; then, northeasterly along an imaginary line to its intersection with the southern most point of Fowler Road; then, northerly along Fowler Road to its intersection with Grove Street; then, northwesterly along Grove Street to its intersection with White Alder; then, northeasterly along an imaginary line to the southwestern most

point of Adele's Way; then, starting easterly along Adele's Way to its intersection with Katie Lane; then, northwesterly along Katie Lane to its intersection with Sobre Vista Road; then, starting northeasterly along Sobre Vista Road to its intersection with Arnold Drive; then, northwesterly along Arnold Drive to the point of beginning.

- (c) Articles and Commodities Covered. The following are declared to be hosts and possible carriers of light brown apple moth.
 - (1) All nursery stock.
 - (2) All green waste residues from any plants.
- (3) All fresh garlands, wreaths, cut flowers and greens produced within the area under quarantine.
- (4) All harvested fruits and vegetables produced within the area under quarantine except the following commercially–produced crops:

Artichoke (globe)

Asparagus

Beets without tops

Bok Choy

Broccoli

Brussel sprouts

Carrots without tops

Celery

Cabbage

Cauliflower

Collard greens

Kale

Kohlrabi

Lettuce (head and leaf)

Olive

Parsley

Peppers

Potato

Pumpkin

Radish without tops

Spinach

Squash

Tomato

Walnuts

- (5) Any other harvested plant parts which by scientific investigation is shown to be capable of sustaining light brown apple moth in any stage of development.
- (6) Possible carriers shall include all appliances used in the growing, harvesting, processing and hauling of the host plants and plant parts and any green waste residues including but not limited to tractors, trailers, trucks, planting, picking and pruning equipment and processing machinery and any other article, thing or means of conveyance when it is determined by the Secretary or county agricultural commissioner to present a hazard of spreading live life stages of the light brown apple moth.
- (7) Exemptions. The following articles are exempt from the provisions of this subsection:
 - (A) Seed extracted from fruit;
 - (B) Defoliated dormant bare-rooted nursery stock;
- (C) Defoliated dormant nursery stock in containers where all leaf litter and any weeds have been removed;
 - (D) Privately-owned indoor decorative houseplants; and,
- (E) Dying or dead plant material (green waste) that has been processed or handled or treated in a manner approved by the Secretary to eliminate live life stages of the light brown apple moth and is moved directly to a city or county sanitary landfill or State licensed compost facility within the quarantine area.
 - (d) Restrictions.
- (1) Articles and commodities covered in subsection (c)(1), (2), (3), (4) and (5) are prohibited movement within or from the area under quarantine except as provided in (A), (B), (C), (D) and (E) below:
- (A) If accompanied by a certificate issued by an authorized agricultural official affirming that the articles and commodities originated from a site or facility which is apparently free from light brown apple moth.

- (B) If accompanied by a certificate issued by an authorized agricultural official affirming that the articles and commodities have been inspected or treated in a manner approved by the Department and are apparently free from light brown apple moth.
- (C) If purchased at a retail sales location and accompanied by a sales receipt.
- (D) If the article or commodity was produced outside the area under quarantine and is being moved through the area under quarantine by direct route and without delay in vehicles or containers which prevent exposure to infestation of the article or commodity to light brown apple moth while en route through the area.
- (E) If the article or commodity covered is moved under the terms of a special permit as authorized under Title 3, Section 3154 of the California Code of Regulations.
- (2) Articles and commodities covered in subsection (c)(6) are prohibited movement within or from the area under quarantine except if cleaned and treated to the satisfaction of the Department or county agricultural commissioner.

NOTE: Authority cited: Sections 407, 5301, 5302 and 5322, Food and Agricultural Code. Reference: Sections 407, 5301, 5302 and 5322, Food and Agricultural Code.

- 1. New section filed 4–20–2007 as an emergency; operative 4–20–2007 (Register 2007, No. 16). A Certificate of Compliance must be transmitted to OAL by 10–17–2007 or emergency language will be repealed by operation of law on the following day.
- 2. Repealer of subsections (b)(1)–(4) and new subsections (b)(1)–(10) filed 6–6–2007 as an emergency; operative 6–6–2007 (Register 2007, No. 23). A Certificate of Compliance must be transmitted to OAL by 12–3–2007 or emergency language will be repealed by operation of law on the following day.
- 3. New subsection (b)(9) and subsection renumbering filed 6-7-2007 as an emergency; operative 7-7-2007 (Register 2007, No. 23). A Certificate of Compliance must be transmitted to OAL by 12-4-2007 or emergency language will be repealed by operation of law on the following day.
- 4. Amendment of subsections (b)(1), (b)(7) and (c)(4) filed 6-21-2007 as an emergency; operative 6-21-2007 (Register 2007, No. 25). A Certificate of Compliance must be transmitted to OAL by 12-18-2007 or emergency language will be repealed by operation of law on the following day.
- Amendment filed 7–18–2007 as an emergency; operative 7–18–2007 (Register 2007, No. 29). A Certificate of Compliance must be transmitted to OAL by 1–14–2008 or emergency language will be repealed by operation of law on the following day.
- 6. Amendment of subsection (b)(1), repealer of subsection (b)(1)(A) designator and subsection (b)(1)(B), amendment of subsections (b)(2)(A)-(B), (b)(5), (b)(6), (b)(8)-(9) and (b)(10)(A), repealer of subsection (b)(10)(C) and amendment of subsections (b)(11)-(b)(11)(A) and (b)(12)-(13) filed 8-21-2007 as an emergency; operative 8-21-2007 (Register 2007, No. 34). A Certificate of Compliance must be transmitted to OAL by 2-19-2008 or emergency language will be repealed by operation of law on the following day.
- Amendment filed 9–28–2007 as an emergency; operative 9–28–2007 (Register 2007, No. 39). A Certificate of Compliance must be transmitted to OAL by 3–26–2008 or emergency language will be repealed by operation of law on the following day.
- 8. Amendment of subsections (b)(8) and (b)(10)(A)–(B) filed 11–9–2007 as an emergency; operative 11–9–2007 (Register 2007, No. 45). A Certificate of Compliance must be transmitted to OAL by 5–7–2008 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 4–20–2007, 6–6–2007, 6–7–2007, 6–21–2007 and 7–18–2007 orders transmitted to OAL 10–2–2007 and filed 11–15–2007 (Register 2007, No. 46)
- 10. Amendment of subsection (b)(3), repealer of subsections (b)(5)–(7), (b)(9)(A)–(B) and (b)(11), subsection renumbering and amendment of newly designated subsections (b)(6)(A) and (b)(7) filed 11–29–07 as an emergency; operative 11–29–07 (Register 2007, No. 48). A Certificate of Compliance must be transmitted to OAL by 5–27–08 or emergency language will be repealed by operation of law on the following day.
- 11. Amendment of subsection (b)(4), repealer of subsection (b)(4)(A) designator and subsection (b)(4)(B) and amendment of subsection (b)(7) filed 12–3–2007 as an emergency; operative 12–3–2007 (Register 2007, No. 49). A Certificate of Compliance must be transmitted to OAL by 6–2–2008 or emergency language will be repealed by operation of law on the following day.
- 12. Amendment of subsections (b)(3) and (b)(7) filed 12–21–2007 as an emergency; operative 12–21–2007 (Register 2007, No. 51). A Certificate of Compliance must be transmitted to OAL by 6–18–2008 or emergency language will be repealed by operation of law on the following day.
- 13. Amendment of subsection (b)(3) filed 2–4–2008 as an emergency; operative 2–4–2008 (Register 2008, No. 6). A Certificate of Compliance must be trans-

- mitted to OAL by 8-4-2008 or emergency language will be repealed by operation of law on the following day.
- 14. Amendment of subsections (b)(3) and (b)(7) filed 2–11–2008 as an emergency; operative 2–11–2008 (Register 2008, No. 7). A Certificate of Compliance must be transmitted to OAL by 8–11–2008 or emergency language will be repealed by operation of law on the following day.
- 15. New subsection (b)(5) and subsection renumbering filed 2–22–2008 as an emergency; operative 2–22–2008 (Register 2008, No. 8). A Certificate of Compliance must be transmitted to OAL by 8–20–2008 or emergency language will be repealed by operation of law on the following day.
- 16. Amendment of subsections (b)(3), repealer of subsection (b)(4) and subsection renumbering filed 3–12–2008 as an emergency; operative 3–12–2008 (Register 2008. No. 11). A Certificate of Compliance must be transmitted to OAL by 9–8–2008 or emergency language will be repealed by operation of law on the following day.
- 17. Amendment of subsection (b)(3) filed 3-17-2008 as an emergency; operative 3-17-2008 (Register 2008. No. 12). A Certificate of Compliance must be transmitted to OAL by 9-15-2008 or emergency language will be repealed by operation of law on the following day.
- 18. Amendment of subsection (b)(5), new subsection (b)(7) and subsection relettering filed 3–21–2008 as an emergency; operative 3–21–2008 (Register 2008, No. 12). A Certificate of Compliance must be transmitted to OAL by 9–17–2008 or emergency language will be repealed by operation of law on the following day.
- 19. Certificate of Compliance as to 8–21–2007 order, including further amendment of subsection (b)(5), transmitted to OAL 2–11–2008 and filed 3–26–2008 (Register 2008, No. 13).
- 20. Amendment of subsection (b)(3) filed 4–8–2008 as an emergency; operative 4–8–2008 (Register 2008, No. 15). A Certificate of Compliance must be transmitted to OAL by 10–6–2008 or emergency language will be repealed by operation of law on the following day.
- 21. Certificate of Compliance as to 9–28–2007, 11–9–2007, 11–29–2007 and 12–3–2007 orders transmitted to OAL 3–4–2008 and filed 4–16–2008 (Register 2008, No. 16).
- 22. Amendment of subsection (b)(8) filed 4–18–2008 as an emergency; operative 4–18–2008 (Register 2008, No. 16). A Certificate of Compliance must be transmitted to OAL by 10–15–2008 or emergency language will be repealed by operation of law on the following day.
- 23. Amendment of subsection (b)(5) and new subsection (b)(10) filed 5-2-2008 as an emergency; operative 5-2-2008 (Register 2008, No. 18). A Certificate of Compliance must be transmitted to OAL by 10-29-2008 or emergency language will be repealed by operation of law on the following day.
- 24. Amendment of subsection (b)(3), new subsection (b)(4), subsection renumbering, repealer of subsection (b)(8) and amendment of subsection (b)(9) filed 5–7–2008 as an emergency; operative 5–7–2008 (Register 2008, No. 19). A Certificate of Compliance must be transmitted to OAL by 11–3–2008 or emergency language will be repealed by operation of law on the following day.
- 25. Amendment of subsection (b)(3), repealer of subsection (b)(4), subsection renumbering and amendment of newly designated subsections (b)(5) and (b)(7) filed 5-23-2008 as an emergency; operative 5-23-2008 (Register 2008, No. 21). A Certificate of Compliance must be transmitted to OAL by 11-19-2008 or emergency language will be repealed by operation of law on the following day.
- 26. Repealer of subsection (b)(1), subsection renumbering, amendment of newly designated subsections (b)(2) and (b)(3), new subsections (b)(3)(A)–(B) and amendment of newly designated subsections (b)(4) and (b)(6) filed 6–4–2008 as an emergency; operative 6–4–2008 (Register 2008, No. 23). A Certificate of Compliance must be transmitted to OAL by 12–1–2008 or emergency language will be repealed by operation of law on the following day.
- 27. Amendment of subsection (b)(2), repealer of subsection (b)(5)(A) and redesignation of former subsection (b)(5)(B) as subsection (b)(5) filed 6–11–2008 as an emergency; operative 6–11–2008 (Register 2008, No. 24). A Certificate of Compliance must be transmitted to OAL by 12–8–2008 or emergency language will be repealed by operation of law on the following day.
- 28. Amendment of subsection (b)(2), repealer of subsection (b)(3)(A), redesignation and amendment of former subsection (b)(3)(B) as subsection (b)(3) and amendment of subsections (b)(5) and (b)(7) filed 6–16–2008 as an emergency; operative 6–16–2008 (Register 2008, No. 25). A Certificate of Compliance must be transmitted to OAL by 12–15–2008 or emergency language will be repealed by operation of law on the following day.
- 29. Certificate of Compliance as to 12–21–2007, 2–4–2008, 2–11–2008, 2–22–2008 and 3–12–2008 orders transmitted to OAL 5–27–2008 and filed 7–9–2008 (Register 2008, No. 28).
- 30. Amendment of subsection (b)(4) filed 7–11–2008 as an emergency; operative 7–11–2008 (Register 2008, No. 28). A Certificate of Compliance must be transmitted to OAL by 1–7–2009 or emergency language will be repealed by operation of law on the following day.
- 31. Amendment of subsection (b)(2) filed 7-28-2008 as an emergency; operative 7-28-2008 (Register 2008, No. 31). A Certificate of Compliance must be transmitted to OAL by 1-26-2009 or emergency language will be repealed by operation of law on the following day.

Article 5. Miscellaneous Rulings

§ 3550. Plant Products Exempt from Holding for Inspection.

HISTORY

- 1. Amendment filed 9–19–58 as an emergency; effective upon filing (Register 58, No. 17). For prior history, see Register 56, No. 3.
- Certificate of Compliance—Section 11422.1, Government Code, filed 11-18-58 (Register 58, No. 22).
- Amendment filed 3–15–72; effective thirtieth day thereafter (Register 72, No. 12).
- 4. Amendment filed 5-7-74; effective thirtieth day thereafter (Register 74, No. 19)
- 5. Amendment filed 10–15–74; effective thirtieth day thereafter (Register 74, No. 42)
- 6. Repealer filed 3-29-83; effective thirtieth day thereafter (Register 83, No. 14).

§ 3551. Pear Decline Is "Pest."

NOTE: Authority cited: Sections 16 and 100(a)(1), Food and Agricultural Code.

HISTORY

- New section filed 12–28–60 as an emergency; effective upon filing. Certificate
 of Compliance—Sec. 11422.1, Government Code, included (Register 61, No.
 1).
- 2. Repealer filed 3-5-71; effective thirtieth day thereafter (Register 71, No. 10).

§ 3552. Hold Used Cotton Machinery for Inspection in San Joaquin Valley Quality Cotton District.

NOTE: Authority cited: Sections 407 and 52901, Food and Agricultural Code. Reference: Sections 52851–52855, 52901, and 52971–52976, Food and Agricultural Code.

HISTORY

- 1. New section filed 3–25–63; effective thirtieth day thereafter (Register 63, No. 5).
- 2. Amendment of subsection (c) filed 7-28-77 as organizational and procedural; effective upon filing (Register 77, No. 31).
- 3. Amendment filed 1–17–80; effective thirtieth day thereafter (Register 80, No. 3)
- 4. Amendment filed 3-11-92; operative 4-10-92 (Register 92, No. 12).
- 5. Renumbering of former section 3552 to new section 3821.1 filed 5–7–97; operative 6–6–97 (Register 97, No. 19).

§ 3555. Dissemination of Pests Through the Agency of Appliances.

NOTE: Authority cited: Sections 407 and 5741, Food and Agricultural Code.
HISTORY

- 1. Amendment filed 8–30–65 as an emergency; effective upon filing (Register 65, No. 16). For prior history see Register 63, No. 18.
- 2. Certificate of Compliance—Section 11422.1, Government Code, filed 11-10-65 (Register 65, No. 21).
- 3. Editorial change of cited authority to conform to Food and Agricultural Code, 1967 Stats., c. 15 (Register 68, No. 13).
- Amendment of subsection (a) and new subsection (e) filed 3–15–72; effective thirtieth day thereafter (Register 72, No. 12).
- 5. Repealer filed 3-29-83; effective thirtieth day thereafter (Register 83, No. 14).

§ 3556. Dissemination of Weed Pests Through the Movement of Feed Grain.

The Secretary of the California Department of Food and Agriculture designates feed grain as a thing liable to be infested with pests.

Any person receiving or moving feed grain from within the state shall notify the county agricultural commissioner of the arrival of such grain, and hold the same for inspection by the commissioner, without unnecessarily moving or placing such grain where it may grow or be disseminated or contaminate clean grain. The commissioner may waive the requirement of notification of arrival and holding for inspection at destination on shipments which are accompanied by a certificate of cleanliness or the commissioner may waive the requirement of holding uncertified shipments for inspection if any such shipment is destined to a mill or establishment which has been approved by the Secretary or Commissioner as being capable of processing or storing feed grain infested with weed seed pests in such a manner that no contamination of clean grain or dissemination of the pests would result. The Secretary will

issue a list of approved mills and establishments showing their locations, weed seed pests each may receive, and the approved methods of handling infested feed grain.

- (a) Definitions. As used in this section:
- (1) "Feed grain" means the whole seed or seed–like fruits of grain, including wheat, barley, oat, rye, sorghum, and corn, for any use other than planting
- (2) "Restricted weed seed pests liable to be disseminated through the movement of feed grain" means viable seed or propagule of the following weeds: Acroptilon repents, Russian knapweed; Alhagi maurorum, camelthorn; Cardaria chalepensis, lens-podded hoary cress; Cardaria draba, heart-podded hoary cress; Cardaria pubescens, globe-podded hoary cress; Centaurea solstitialis, yellow starthistle; Cirsium avense, Canada thistle; Convolvulus arvensis, field bindweed; Elytrigia repens, quackgrass; Euphorbia esula, leafy spurge; Gaura coccinea, scarlet gaura; Gaura drummondii, scented gaura; Gaura sinuata, wavyleaf gaura; Helianthus ciliaris, blueweed; Lepidium latifolium, perennial peppercress; Rorippa austriaca, Austrian fieldcress; Salvia virgata, meadow sage; Setaria faberi, giant foxtail; Solanum carolinense. Carolina horse nettle; Solanum elaeagnifolium, white horsenettle; Sonchus arvensis, perennial sowthistle; Sorghum halepense, Johnsongrass.
- (b) Standards of Cleanliness for Feed Grain. To be eligible for certification under provisions of this section, feed grain shall be free of mature seed or propagule of restricted weed seed pests liable to be disseminated through the movement of feed grain, as listed in subsection (a)(1), except that a tolerance shall be allowed of up to five (5) seeds each of Johnsongrass, field bindweed, and yellow starthistle, per pound of feed grain examined.
- (c) Certificates of Cleanliness may be issued by the commissioner whenever adequate inspection has been made of the field or when samples are drawn from any conveyance, mill, or storage facility and it has been determined that the feed grain meets the standard of cleanliness. Continued identity of all such certified feed grain shall be maintained to prevent commingling with uninspected or infested feed grain.
- (d) Inspection Counties. Any commissioner who elects to accept certificates of cleanliness issued in compliance with this section, shall so notify the Secretary in writing. The Secretary will issue a list of counties where certificates of cleanliness will be accepted.
- (e) Disposition of Infested Shipments. Any shipment of feed grain found to be infested with the seed of any pest not of common occurrence in the county or locality into which such shipment is brought is subject to the provisions of Sections 6341 to 6344, inclusive, of the Food and Agricultural Code. With the approval of the commissioner at destination, such shipments may be allowed to move in quarantine to an approved mill or establishment.

NOTE: Authority cited: Sections 407 and 5721, Food and Agricultural Code. Reference: Sections 5721 and 6501, Food and Agricultural Code.

HISTORY

- 1. Amendment of section and filed 1-13-78; effective thirtieth day thereafter (Register 78, No. 2). For prior history, see Register 68, No. 13.
- Repealer and new section filed 3–29–83; effective thirtieth day thereafter (Register 83, No. 14).
- 3. Amendment filed 5-7-97; operative 6-6-97 (Register 97, No. 19).

§ 3557. Seed Screenings and Cleanings.

The Secretary of the Department of Food and Agriculture promulgates this regulation pertaining to seed screenings and cleanings for the purpose of preventing the dissemination of the seed of any pest through the movement of seed screenings or cleanings from crop seed.

- (a) Definitions. As used in this Section:
- (1) "Screenings" means seed screenings or cleanings from crop seeds, and includes all products or materials removed from crop seed by any means whatsoever.
- (2) "Pest" means any form of vegetable life that is or is liable to be dangerous or detrimental to the agricultural industry of the state.
- (3) "Crop seed" means the seed or seed-like fruit of grain, beans, flax, beets, onions or any other crop, whether or not intended for planting purposes.

- (4) "Processing" means cleaning, grinding or other treatment, including destruction, of screenings to prevent the dissemination of the seed of any pest or render the seed of any pest present or liable to be present incapable of reproduction.
 - (b) Inspection.
- (1) If upon inspection the county agricultural commissioner finds the screenings to be free of the seed of any pest and the screenings will be utilized in his county, he shall release the screenings with an inspection and release stamp. The lot of screenings shall be marked or segregated in order to maintain its identity until final disposition.
- (2) If upon inspection the commissioner finds the screenings to contain the seed of any pest, he shall notify the person in possession that such screenings are subject to the processing requirements as set forth in Section 7571 to 7581, inclusive, Food and Agricultural Code. If the grower of the crop seed from which the screenings were removed elects to have the screenings returned, they may be returned to the growing origin under permit as provided in subsection (d)(1),
 - (c) Approved Processing Mills or Establishments.
- (1) Any person operating a mill or establishment which processes screenings containing the seed of any pest may apply to the commissioner for approval of the equipment and operating procedures. Approval for processing shall be granted whenever the commissioner determines that the equipment is adequate and is operated in such a manner, to handle screenings without risk of disseminating the seed of any pest or to render the seed of any pest incapable of reproduction.
- (2) Approval may be withdrawn at any time upon determination by the commissioner that the terms of approval are not complied with.
- (3) The Commissioner shall list with the Secretary, all mills and establishments for which approval has been granted, together with the conditions, if any, of such approval, and shall notify the Secretary of any approval withdrawn, and the reasons therefore. The Secretary will issue a list of mills and establishments approved by county agricultural commissioners showing their locations and the source of screenings and cleanings approved for each listing.
 - (d) Permits.
- (1) Applications for permits to move screenings containing the seed of any pest for destruction, processing or return to growing origin shall be made to the Commissioner of the county in which the screenings are located. No permit shall be issued for movement of screenings into another county except to processing mills and establishments approved by the commissioner of the county of destination, as provided in subsection (c).
- (2) Permits shall be in writing, listing the name and address of the permittee, owner or person in possession of the screenings, and the name of the approved processing establishment receiving the screenings. A statement naming the pest or pests present and any other conditions governing the use of the permit such as tightly closed containers, holding for destination inspection, and expiration date may be included. The original of each permit shall be signed by the enforcing officer.

NOTE: Authority cited: Sections 407 and 7502, Food and Agricultural Code. Reference: Sections 7502, 7571, 7572, 7573, 7575 and 7576, Food and Agricultural Code.

HISTORY

- Amendment of subsection (b) filed 7-28-77 as organizational and procedural; effective upon filing (Register 77, No. 31). For prior history, see Register 68, No. 25.
- Repealer and new section filed 3–29–83; effective thirtieth day thereafter (Register 83, No. 14).
- 3. Amendment filed 5-7-97; operative 6-6-97 (Register 97, No. 19).

§ 3558. Insects Which May Be Imported or Shipped Into or Within California Without a Permit.

Section 6305 of the Food and Agricultural Code requires persons to obtain a permit from the director or the United States Department of Agriculture to import into, or ship or transport within, the state live insects except for certain exemptions. One of these exemptions is for beneficial or useful insects of common occurrence in the state. To identify which beneficial insects do not require a permit to import into, or ship or trans-

port within, the state the following lists are provided. However, as with all insect shipments they shall be rejected when the insects are moved in conjunction with host plants or other host organisms when such hosts would normally be rejected if moving independently.

(a) Insects for which a permit is not required:

Acmon blue (Plebejus acmon)

Alderflies, dobsonflies (Megaloptera)

Alfalfa butterfly (Colias eurytheme)

Alkali bees (Nomia melanderi)

Almond moth (Cadra cautella)

American cockroach (Periplaneta americana)

American painted lady (Vanessa virginiensis)

Angelwinged katydid (Microcentrum rhombifolium)

Angoumois grain moth (Sitogroga cerealella)

Anise swallowtail (Papilio zelicaon)

Antlions (Myrmeleontidae)

Argentine ant (Linepithema humile)

Armyworm (Pseudaletia unipunctata)

Backswimmers (Notonectidae)

Beet armyworm (Spodoptera exigua)

Black blow fly (Phormia regina)

Black cutworm (Agrotis ipsilon)

Bluebottle fly (Calliphora vicina)

Buckeye butterfly (Precis coenia)

Caddisflies (*Trichoptera*)

Cat flea (Ctenocephalides felis)

California dogface butterfly (Colias [Zerene] eurydice)

California ringlet (Coenonympha californica)

California sister (Adelpha bredowii)

Carolina mantid (Stagomantis carolina)

Ceanothus silk moth (Hyalophora euryalis)

Chalcedon checkerspot (Euphydryas chalcedona)

Checkered white (Pieris [Pontia] protodice)

Chinese mantid (Tenodera aridifolia sinensis)

Cigarette beetle (Lasioderma serricorne)

Clodius Parnassian (Paranassius clodius)

Clouded sulfur (Colias pholidice)

Cloudless sulfur (Phoebis sennae)

Codling moth (Cydia pomonella)

Common black field cricket (Gryllus sp.)

Common checkered skipper (Pyygus communis)

Confused flour beetle (Tribolium confusum)

Convergent ladybird beetle (Hippodamia convergens)

Corn earworm (Helicoverpa zea)

Damselflies, dragonflies (Odonata)

Darkling beetles (Eleodes spp.)

Dermestid beetles (Anthrenus flavipes, Anthrenus scrophulariae, Attagenus megatoma)

Diamondback moth (Plutella xylostella)

Diplurans (Diplura)

Dobsonflies (Coryalidae)

Dog flea (Ctenocephalides canis)

Embiids (Embioptera)

European earwig (Forificula auricularia)

European mantid (Mantis religiosa)

Fall armyworm (Spodoptera frugiperda)

Field cresent (Phyciodes campestris)

Firebrat (Thermobia domestica)

Flesh fly (Sarcophaga haemorrhoidalis)

German cockroach (Blatella germanica)

Giant black water beetle (Hydrophilus triangularis)

Giant lacewings (Polystoechotidae)

Giant roach (Blaberus giganteus)

Green lacewing (Chrysopa carnea)

Green peach aphid (Myzus persicae)

Greenbottle flies (*Phaenicia sericata*, *P. pallescens=P. cuprina*)

Greenhouse thrips (Heliothrips haemorrhoidalis)

Greenhouse whitefly (Trialeurodes vaporariorum)

Gulf fritillary (Agraulis vanillae)

Harlequin bug (Murgantia histrionica)

Harvester ants (Pogonomyrmex californicus)

Harvestman (Phalangida)

Hissing cockroach (Gromphadorhina portentosa, Gromphadorhina spp.)

House cricket (Acheta domesticus)

House fly (Musca domestica)

Human flea (Pulex irritans)

Imported cabbage butterfly (Artogeia rapae)

Indian meal moth (Plodia interpunctella)

Iris mantid (Iris oratoria)

Jerusalem crickets (Stenopelmatus spp.)

Large milkweed bug (Oncopeltus fasciatus)

Leaf cutter bees (Megachile rotundata)

Limibatid mantid (Stagomantis limibata)

Little house fly (Fannia canicularis)

Lorquin's admiral (Limenitis [Basilarchia] lorquini)

Mayflies (Ephemeroptera)

Meal moth (Pyralis farinalis)

Mealworms (Tenebrio molitor and T. obscurus)

Mealybug destroyer (Cryptolaemus montrouzieri)

Mediterranean flour moth (Anagasta kuehniella)

Milbert's tortoise shell (Aglais milberti)

Millipedes (Diplopoda)

Mourning cloak butterfly (Nymphalis antiopa)

Mylitta crescent (Phyciodes mylitta)

Naval orangeworm (Amyelois transitella)

Orange dog butterfly (Papilio cresphontes)

Oriental cockroach (Blatta orientalis)

Painted lady butterfly (Vanessa cardui)

Pale swallowtail (Papilio eurymedon)

Pauropods (Pauropoda)

Pine white (Neophasia menapia)

Pipevine swallowtail (Battus philenor)

Polyphemus silkmoth (*Antheraea polyphemus*)

Pomace flies (Drosophila spp.)

Potato tuberworm (Phthorimaea operculella)

Proturans (Protura)

Psuedoscorpions (Chelonethida)

Queen (Danaus gilippus)

Red admiral butterfly (Vanessa atalanta)

Rock crawlers (Grylloblattodea)

Sara orangetip (Anthocaris sara)

Satyr anglewing (Polygonia satyrus)

Scorpionflies (Mecoptera)

Symphlids (Symphyla)

Silkworm (Bombyx mori)

Silverfish (Lepisma saccharina)

Small milkweed bug (Lygaeus kalmii)

Snakeflies (Raphidoptera)

Stable fly (Stomoxys calcitrans)

Stag beetles (Lucanidae)

Stoneflies (Plecoptera)

Tenodera mantid (Tenodera augustipennis)

Timemas (Timemidae)

Tobacco hornworm (Manduca sexta)

Tomato hornworm (Manduca quinquemaculata)

Twisted wing parasites (Strepsiptera)

Two-tailed swallowtail (Papilio multicaudata)

Velvent ants (Mutillidae)

Walnut husk fly (Rhagoletis completa)

Water boatman (Corixidae)

Water striders (*Gerris* spp.)

Waterbugs (Belostomatidae)

Wax worm or bee moth (Galleria mellonella)

Webbing clothes moth (*Tineola biselliella*)

West coast lady (Vanessa annabella)

Western tailed blue (Everes amyntula)

Western tiger swallowtail (*Papilio rutulus*)

Whip scorpions (Amblypygi, Microthelypohonida, Pedipalpida, and Schizopeltida)

Whirligig beetles (Gyrinidae)

White lined sphinx (Hyles lineata)

Wind scorpions (Solpugida)

Zephyr angelwing (Polygonia zephyrus)

Zorapterans (Zoraptera)

- (b) Groups of insects for which a permit is not required when the insect species under consideration is of common occurrence in California.
 - (1) Predacious species of beetles of the family Coccinellidae.
 - (2) Predacious species of flies of the family Syrphidae.
- (3) Predacious species of Neuropterous insects of the family Chrysopidae.
 - (4) Parasitic species of flies of the family Tachinidae.
- (5) Parasitic species of Hymenopterous insects of the families: Ichneumonidae, Braconidae, Aphelinidae, Chalcididae, Scelionidae, and Trichogrammatidae.
- (6) Insects that have been introduced and previously released in California for biological control of insect, weed, or other types of pests.

NOTE: Authority cited: Sections 407 and 5302, Food and Agricultural Code. Reference: Section 6305, Food and Agricultural Code.

HISTORY

- 1. New section filed 4-3-74; effective thirtieth day thereafter (Register 74, No. 14).
- 2. Repealer and new section filed 3–29–83; effective thirtieth day thereafter (Register 83, No. 14).
- 3. Amendment filed 5-7-97; operative 6-6-97 (Register 97, No. 19).
- 4. Editorial correction of subsection (a)(24) (Register 2004, No. 27).
- 5. Amendment of subsection (a), including removal of numbered subsection designators, and amendment of subsection (b)(5) filed 7-2-2004; operative 8-1-2004 (Register 2004, No. 27).

§ 3559. Garlic Production in Mono County.

- (a) The director finds that certain pests of garlic (*Allium satvium*), namely stem and bulb nematode (*Ditylenchus dipsaci*), white rot fungus (*Sclerotium cepivorum*), garlic yellow stripe virus, and pink root (*Pyrenochaeta terrestris*), are not known to occur in the garlic production areas of Mono County specified in (b).
- (b) A quarantine area is established, for the purpose of maintaining the pest cleanliness of garlic plantings in that area, which, for purposes of this section, is denominated as follows:
- (1) "Antelope Valley": Beginning at the intersection of the California–Nevada State Line and the southern portion of Topaz Lake; then southeasterly along said state line to Eastside Road; then southwesterly along Eastside Road to Interstate Highway 395; then westerly along an imaginary line to the border of Toiyabe National Forest; then northerly along an imaginary line to T9N; then easterly along T9N to Interstate Highway 395; then northerly along said highway to Topaz Lake; then southeasterly along Topaz Lake to the point of beginning;
- (2) "Benton, Hammil, and Chalfant Valleys": Beginning at the intersection of State Highway 6 and the California–Nevada State Line, then southeasterly along said state line to its intersection with the Inyo National Forest Boundary, then southerly and easterly along said boundary to its intersection with the Inyo–Mono County Line, then westerly along said county line to its intersection with Fish Slough Road, then northerly along said road to its intersection with Black Rock Mine Road, then northwesterly along Black Rock Mine Road to its intersection with Joe Maive Road, then northwesterly along said road to its intersection with Yellow Jacket Road, then northerly along Yellow Jacket Road to its intersection with State Highway 120, then due north along an imaginary line to the point it intersects the Inyo National Forest Boundary, then

northasterly along said boundary to its intersection with the California–Nevada State Line, then southeasterly along said line to the point of beginning.

(c) No garlic plant or part thereof shall be planted or maintained in any state of cultivation in the quarantine area unless a written application has been received and a permit has been issued by the director or the Agricultural Commissioner for Mono County.

Such permit shall be issued provided the garlic is the progeny of plants tested by the University of California and found free of the garlic yellow stripe virus; has been produced under the provisions of Section 3044 et seq., "California Certified Seed Garlic," or is accompanied by a certificate issued by a State or county agricultural regulatory official verifying the garlic is of equivalent pest status as garlic produced under said provisions; and provided the director or commissioner determines the garlic covered by the permit is free of the pests specified in subsection (a) and other serious pests of garlic.

(d) No person shall bring into the quarantine area any machinery, parts of machinery, tools, equipment, or other appliances which have been used in garlic fields outside the quarantine area unless those appliances have been treated for garlic pests which may be carried on them. The treatment shall include a high–pressure steam cleaning or washing with water under pressure to remove all soil and debris, followed by treatment with a fungicide.

The agricultural commissioner shall be immediately notified of the arrival in the quarantine area of such appliances which shall be held for inspection by the commissioner before use in the quarantine area. If, upon inspection, soil or debris is detected, the appliances shall be treated, as specified above, or removed from the quarantine area.

NOTE: Authority cited: Sections 407 and 5302, Food and Agricultural Code. Reference: Section 5302, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–12–84; effective thirtieth day thereafter (Register 84, No. 2.)
- Amendment filed 8-16-85; effective thirtieth day thereafter (Register 85, No. 33). analysis different Group 5. Insect Pest Control

Article 6. Airport and Marine Terminal Inspection.

§ 3560. Facility Service Charges and User Fees.

- (a) Pursuant to sections 5351 and 5353(a), each air carrier or foreign air carrier shall pay a service charge of forty—three dollars (\$43) to the Secretary upon the initial landing in California of each flight of the carrier which originated outside the United States from a country to which a current United States Department of Agriculture quarantine or California Department of Food and Agriculture quarantine is applicable, or which made an intermediate stop on that flight in such a country. Any carrier may apply for an exemption from Department inspection and payment of the fee as to particular flights on the basis that the aircraft's operations and other inspections and certifications provide adequate compliance with the objectives of the Act.
- (b) Pursuant to sections 5352 and 5353(b), each marine carrier engaged in foreign commerce shall pay a user fee of one hundred dollars (\$100) to the Secretary upon the initial arrival in California of a carrier's vessel on a voyage which originated outside the United States from a country to which a current United States Department of Agriculture quarantine or California Department of Food and Agriculture quarantine is applicable, or which made an intermediate stop on that voyage in such a country. Any carrier may apply for an exemption from Department inspection and payment of the fee as to particular voyages on the basis that the carrier's operations and other inspections and certifications provide adequate compliance with the objectives of the Act.
- (c) Each air and marine carrier subject to the above charges or fees shall file a return quarterly in the form prescribed by the Secretary, verified by the company officer primarily responsible for supervising the preparation of the return and assuring its accuracy. The return accompa-

nied by full payment, shall be timely filed so as to be received by the Cashier of the California Department of Food and Agriculture within thirty (30) days following the quarters ending on March 31, June 30, September 30 and December 31. Returns not received by such dates, or received without required information and verification, shall be subject to the penalty prescribed by section 5353, subsection (d).

NOTE: Authority cited: Sections 407 and 5351 through 5353, Food and Agricultural Code. Reference: Sections 5350 through 5353, Food and Agricultural Code.

HISTORY

- New section submitted to OAL for printing only pursuant to Food and Agricultural Code section 5353(h) filed 3-15-91; operative 4-1-91 (Register 91, No. 15).
- 2.Amendment filed 12–22–94; operative 1–1–95. Submitted to OAL for printing only (Register 94, No. 51).

Subchapter 5. Insect Pest Control

§ 3580. Citrus Whitefly Districts.

NOTE: New authority cited: Sections 407 and 5901, Food and Agricultural Code. Reference: Sections 5901–5907, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 2–9–68 as an emergency; effective upon filing (Register 68, No. 6). For prior hisory, see Register 67, No. 18.
- Certificate of Compliance—Section 11422.1, Govt. Code, filed 3–19–68 (Register 68, No. 12).
- 3. Repealer filed 6-4-76; effective thirtieth day thereafter (Register 76, No. 23).

Article 1. Pest Control Areas

§ 3581. Sweetpotato Weevil Control Area.

- (a) Proclamation of Control Area. That portion of the State of California described as follows, within which a certain pest, sweetpotato weevil (*Cylas formicarius elegantulus*), is known to exist or which has been exposed to infestation, is hereby proclaimed to be a control area with respect to said pest:
- (1) Control Area. That portion of San Diego County bounded by a line drawn as follows: Beginning at the intersection of Sunset Cliffs Boulevard and Interstate Highway 8; then, easterly along Interstate Highway 8 to its intersection with Japatul Road; then, southwesterly along said road to its intersection with Lyons Valley Road; then, southwesterly along Lyons Valley Road to its intersection with Barrett Lake Road; then, southeasterly and southerly along Barrett Lake Road to its intersection with State Highway 94; then, southeasterly along said highway to its intersection with State Highway 188; then, southerly along State Highway 188 to its intersection with the United States—Mexico border; then, westerly along said border to its intersection with the Pacific Ocean coastline; then, northerly along said coastline to its intersection with Sunset Cliffs Boulevard; then, southwesterly along said boulevard to the point of beginning.
- (b) Hosts. Sweet potato plants and all plant parts except seed and including vines, draws, and slips, and sweet potato roots, also called yams, camote, batatas, boniatos, buniatos, and moniato (*Ipomoea batatas*), and morning–glory plants (*Ipomoea* spp., *Calystegia* spp., and *Convolvulus* spp.).
- (c) Possible Carriers. Possible carriers include all appliances used in the growing, harvesting, processing, storage, and movement of hosts, including but not limited to field bins, nursery and production growing areas, storage areas and facilities, trucks, tractors, harvesting equipment, processing equipment and facilities, and any other grounds, appurtenances, or things which the Department determines to be capable of harboring or spreading any stage of sweetpotato weevil.
- (d) Means and Methods. The following means and methods may be used by the Department in the control or eradication of sweetpotato weevil within the control area:
- (1) The search for all life stages of sweetpotato weevil by visual inspection, the use of traps, or any other means.

- (2) The use of insecticides, chemicals, or other materials as fumigant, spray, dust, bait, or in any other form as often as necessary to effect control or eradication.
 - (3) The cleaning and treatment of possible carriers.
- (4) The removal and destruction of hosts if the action is the only practical way of controlling or eliminating the infestation.
- (5) The removal and immediate destruction of infested host material. NOTE: Authority cited: Sections 407 and 5322, Food and Agricultural Code, Reference: Sections 5321 and 5322, Food and Agricultural Code.

HISTORY

- 1. New article 1 (section 3581) and section filed 5–30–97 as an emergency; operative 5-30-97 (Register 97, No. 22). A Certificate of Compliance must be transmitted to OAL by 9-29-97 or emergency language will be repealed by operation of law on the following day.
- 2. Certificate of Compliance as to 5-30-97 order transmitted to OAL 9-23-97 and filed 10-1-97 (Register 97, No. 40).

Article 2. Pest Eradication Areas

§ 3585. Western Grapeleaf Skeletonizer Eradication Area.

- 1. Amendment filed 4-30-75; effective thirtieth day thereafter (Register 75, No. 18). For prior history, see Register 75, No. 1.
- 2. Repealer filed 12-1-75; effective thirtieth day thereafter (Register 75, No. 51)

§ 3586. Western Cherry Fruit Fly Eradication Area.

NOTE: Authority cited: Sections 407 and 5322, Food and Agricultural Code. Reference: Sections 5322 and 5761, Food and Agricultural Code.

HISTORY

- 1. Amendment of subsection (d) filed 7-28-77 as organizational and procedural; effective upon filing (Register 77, No. 31). For prior history, see Register 59, No. 1.
- 2. Amendment filed 3-9-83; effective thirtieth day thereafter (Register 83, No.
- 3. Repealer filed 9-28-84; effective thirtieth day thereafter (Register 84, No. 39).

§ 3587. Hall's Scale Eradication Area.

NOTE: Authority cited: Sections 16 and 108, Agricultural Code.

HISTORY

- 1. New section filed 9-23-52; effective thirtieth day thereafter (Register 29, No.
- 2. Repealer filed 11–2–67; effective thirtieth day thereafter (Register 67, No. 44).

§ 3588. Mexican Fruit Fly Eradication Area.

- (a) Proclamation of Eradication Area. All of the Counties of Riverside, San Bernardino, San Diego and Los Angeles, State of California, within which the Mexican fruit fly, Anastrepha ludens, is known to exist, are hereby proclaimed to be an eradication area with respect to said pest. As such, it is amenable to the provisions of article 4 (sections 5761–5764) of chapter 8, part 1, division 4 of the Food and Agricultural Code of California.
- (b) Hosts. All citrus fruits except lemons and sour limes; mangoes, sapotas (including sapodillas and the fruit of all members of the family Sapotaceae, and of the genus Casimiroa and all other fruits commonly called sapotas or sapotes) apples, apricots, ciruelas, guavas, mameys, peaches, pears, plums, pomegranates, quinces, and fruits of species of the genus Sargentia.
- (c) Means and Methods. The following means and methods may be used in the eradication and control of said pest in said area.
- (1) The use of insecticides, chemicals, or other materials as spray (including soil spray treatments), dust, bait, or in any other form as often as necessary to effect control or eradication.
- (2) The removal and destruction of hosts and of the fruit of such hosts if such action is the only practical way of eliminating the infestation.
- (3) The search for all stages of Mexican fruit fly by visual inspection, the use of traps, or any other means.
- (4) The removal and destruction of abandoned or unwanted plants bearing or capable of bearing hosts.
- (5) The importation, rearing, or liberation of sterile forms of the Mexican fruit fly.

NOTE: Authority cited: Sections 407 and 5322, Food and Agricultural Code. Reference: Sections 5761-5764, Food and Agricultural Code.

HISTORY

- 1. New section filed 11–14–89 as an emergency; operative 11–14–89 (Register 89, No. 46). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 3–14–90. For prior history, see Registers 89, No. 11 and 87, No. 27.
- 2. Certificate of Compliance transmitted to OAL 3-13-90 and filed 4-12-90 (Register 90, No. 16).
- 3. Amendment of subsection (a) filed 5-14-90 as an emergency; operative 5-14-90 (Register 90, No. 26). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed by operation of law on 9-15-90.
- 4. Certificate of Compliance as to 5-14-90 order transmitted to OAL 9-11-90 and filed 10-4-90 (Register 90, No. 46).
- 5. Amendment of subsection (a) filed 8-31-99 as an emergency; operative 8-31-99 (Register 99, No. 36). A Certificate of Compliance must be transmitted to OAL by 12-29-99 or emergency language will be repealed by operation of law on the following day.
- 6. Certificate of Compliance as to 8–31–99 order transmitted to OAL 12–27–99 and filed 1-21-2000 (Register 2000, No. 3).

§ 3589. Japanese Beetle Eradication Area.

- (a) Proclamation of Eradication Area. That portion of the State of California described as follows, within which a certain pest, Japanese beetle, Popillia japonica, is known to exist, is hereby proclaimed to be an eradication area with respect to said pest: The counties of Los Angeles, Merced, Orange, Riverside, San Bernardino and San Diego.
- (b) Hosts and Possible Carriers. Any and all premises, plants, plant products, soil, sod and any other articles or things which are infested or exposed to infestation by the Japanese beetle.
- (c) Means and Methods. The following means and methods may be used in the control and eradication of said pest within said area:
- (1) The use of insecticides, chemicals, or other materials as spray, dust, bait or in any other form as often as necessary to effect control or eradica-
- (2) The removal and destruction of hosts if such action is the only practical way of eliminating the infestation.
- (3) The searching for all stages of Japanese beetle by visual inspection, the use of traps, or any other means.
- (4) The removal and destruction of abandoned or unwanted hosts in any stage of development.

NOTE: Authority cited: Sections 407 and 5322, Food and Agricultural Code. Reference: Sections 5322, 5761, 5762 and 5763, Food and Agricultural Code.

- 1. New section filed 8–15–73 as an emergency; effective upon filing (Register 73, No. 33). For prior history, see Register 67, No. 44.
- Certificate of Compliance filed 11-9-73 (Register 73, No. 45).
- Repealer filed 6–4-76; effective thirtieth day thereafter (Register 76, No. 23). New section filed 7–1–83 as an emergency; effective upon filing (Register 83, No. 29). A Certificate of Compliance must be transmitted to OAL within 120
- days or emergency language will be repealed on 10-29-83 5. Certificate of Compliance as to 7–1–83 order transmitted to OAL 10–18–83 and filed 11-14-83 (Register 83, No. 47).
- 6. Editorial correction of subsection (c)(1) (Register 95, No. 40).
 7. Amendment of subsection (a) filed 4–24–97; operative 5–24–97 (Register 97, No. 17).
- 8. Amendment of subsection (a) and amendment of Note filed 7-3-2006 as an emergency; operative 7–3–2006 (Register 2006, No. 27). A Certificate of Compliance must be transmitted to OAL by 10–31–2006 or emergency language will be repealed by operation of law on the following day.

 9. Certificate of Compliance as to 7–3–2006 order transmitted to OAL 9–26–2006 and filed 10–5–2006 (Register 2006, No. 40).
- 10. Amendment of subsection (a) filed 7-6-2007 as an emergency; operative 7–6–2007 (Register 2007, No. 27). A Certificate of Compliance must be transmitted to OAL by 1–2–2008 or emergency language will be repealed by operation of law on the following day
- 11. Amendment of subsection (a) filed 7–23–2007 as an emergency; operative 7–23–2007 (Register 2007, No. 30). A Certificate of Compliance must be transmitted to OAL by 1-21-2008 or emergency language will be repealed by operation of law on the following day
- 12. Certificate of Compliance as to 7-6-2007 order transmitted to OAL 10-9-2007 and filed 11-14-2007 (Register 2007, No. 46).
- 13. Certificate of Compliance as to 7-23-2007 order transmitted to OAL 10–23–2007 and filed 12–6–2007 (Register 2007, No. 49).
- 14. Amendment filed 6-30-2008 as an emergency; operative 6-30-2008 (Register 2008, No. 27). A Certificate of Compliance must be transmitted to OAL by 12-29-2008 or emergency language will be repealed by operation of law on the following day.
- 15. Amendment of subsection (a) filed 8-1-2008 as an emergency; operative 8-1-2008 (Register 2008, No. 31). A Certificate of Compliance must be trans-

mitted to OAL by 1-28-2009 or emergency language will be repealed by operation of law on the following day.

§ 3589.1. Whitefringed Beetle Eradication Area.

(a) Proclamation of Eradication Area. That portion of the State of California described as follows, within which a certain pest, whitefringed beetle, *Graphognathus leucoloma*, is known to exist, is hereby proclaimed to be an eradication area with respect to said pest:

The entire County of San Bernardino.

- (b) Hosts and Possible Carriers. Any and all premises, plants, plant products, soil, sod and any other articles or things which are infested or exposed to infestation by the whitefringed beetle.
- (c) Means and Methods. The following means and methods may be used in the control and eradication of said pest within said area:
- (1) The use of insecticides, chemicals, or other materials as spray, dust, bait or in any other form as often as necessary to effect control or eradication.
- (2) The removal and destruction of hosts if such action is the only practical way of eliminating the infestation.
- (3) The searching for all stages of whitefringed beetle by visual inspection, the use of traps, or any other means.
- (4) The removal and destruction of abandoned or unwanted hosts in any stage of development.

NOTE: Authority cited: Sections 407 and 5322, Food and Agricultural Code. Reference: Sections 5761–5763, Food and Agricultural Code.

HISTORY

 New section filed 8-18-88 as an emergency; operative 8-18-88 (Register 88, No. 35). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 12-16-88.

§ 3589.2. Sweet Potato Weevil Eradication Area.

NOTE: Authority cited: Sections 407 and 5322, Food and Agricultural Code. Reference: Sections 5761–5763, Food and Agricultural Code.

HISTORY

- New section filed 3-9-93 as an emergency; operative 3-9-93 (Register 93, No. 11). A Certificate of Compliance must be transmitted to OAL 7-7-93 or emergency language will be repealed by operation of law on the following day.
- 2. Certificate of Compliance as to 3–9–93 order transmitted to OAL 6–17–93 and filed 7–19–93 (Register 93, No. 30).
- 3. Repealer filed 6–30–94 as an emergency; operative 6–30–94 (Register 94, No. 26). A Certificate of Compliance must be transmitted to OAL by 10–28–94 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 6–30–94 order transmitted to OAL 10–12–94 and filed 11–15–94 (Register 94, No. 46).
- 5. Editorial correction of HISTORY 3 (Register 94, No. 46).

§ 3590. Pink Bollworm Eradication Area.

(a) Proclamation of Eradication Area. That portion of the State of California described as follows within which pink bollworm (*Pectinophora gossypiella*) is known to exist is hereby declared to be an eradication area.

The entire counties of Fresno, Imperial, Inyo, Kern, Kings, Los Angeles, Madera, Merced, Riverside, San Benito, San Bernardino, San Diego, and Tulare.

- (b) Definition. The following definitions are applicable to this section.
- (1) Pest. Pink bollworm (Pectinophora gossypiella).
- (2) Hosts. Cotton (Gossypium), okra (Hibiscus esculentus), kenaf (Hibiscus cannibinus) plants and plant parts and any crop residues thereof or any other plant which by investigation is shown to be capable of sustaining pink bollworm in any stage of development.
- (3) Possible Carriers. Possible carriers shall include all appliances used in the growing, harvesting, processingand hauling of seed cotton, cottonseed or cotton by–products including but not limited to tractors, trailers, trucks, planting, picking and shredding equipment, cotton gin and processing machinery, the grounds and appurtenances thereto and any lands where host plants are growing or were grown during the past season, or any other thing which by investigation is shown to be capable of harboring or spreading any stage of the pink bollworm. When the Director or Commissioner deems it necessary, no person shall move any vehicle, appliance, plant or plant parts or thing that is restricted in the Pink Bollworm Eradication Area except under permit issued by the Commissioner.

- (c) Implementing Procedures. In controlling pink bollworm of cotton, Agricultural Commissioners shall be responsible to the Director and shall carry out in their counties programs prescribed by the Director. The Commissioner or the Director may elect, as necessary, to implement some or all of the control methods stated in paragraph (d) and may require persons in possession of property upon which cotton is growing or stored or which contain other hosts of pink bollworm, to use these control methods. Host plants on such property which are not brought into compliance as required, and so maintained, shall be deemed a public nuisance and subject to abatement procedures at the expense of the owner or person in possession.
 - (d) Control Methods
- (1) The repeated application of insecticidal or herbicidal sprays or dusts or biological agents by approved methods to host plants or possible carriers capable of harboring or spreading the pink bollworm.
- (2) "Control Methods" and "Requirements for Further Planting" as stated in Section 3595.
- (3) Visual or mechanical survey to establish the efficacy of treatments and to determine further spread of pink bollworm.
- (4) Cleanup or treatment of all cotton production and harvesting appliances and farm sites.
- (5) Continuous processing or treatment of gin trash through approved insect-killing fans or other approved methods.
- (6) Closure of cotton gins followed by cleanup or treatment by approved methods of said gins and gin yards.
- (7) Tarping or construction of all trucks, trailers and other appliances hauling unprocessed seed cotton, contaminated cottonseed or unprocessed gin trash to or from cotton gins, or elsewhere, to prevent spillage or blowout along roads.
- (8) Registration of cotton production equipment including, but not limited to, planters, pickers, tractors, cotton trailers and shredding equipment
- (9) Other methods determined necessary in eradicating or controlling pink bollworm, applied to particular plantings, including destruction of growing cotton plants and soil treatments.
- (e) Permits for Movement of Restricted Articles. When it has been determined by the Director or Commissioner that, due to contamination with live pink bollworm, a hazard of spread of pink bollworm is presented by movements of any product or article of any character whatsoever, the Commissioner at the direction of the Director shall require safeguards and restrict movements of hosts and possible carriers and contaminated products and articles within the eradication area. Notice of such fact shall be given to the person having custody thereof. Thereafter such contaminated product or article may be moved only after it has been cleaned, treated, or otherwise disinfected to the satisfaction of the Commissioner. Permits may be issued by the Director or the Commissioner through a signed agreement with a person engaged in moving within the eradication area of hosts and possible carriers or contaminated products and articles for limited handling, utilization or processing, or for treat-

When the Director or Commissioner deems it necessary, persons intending to move any host or possible carrier or any contaminated product or article shall make application for inspection as far in advance of movement as possible, shall so handle such things as to safeguard them from infestation, and shall assemble them at such points and in such manner as the Director or Commissioner shall designate to facilitate inspection.

Permits may be revoked and further permits may be refused by the Director or Commissioner whenever either one determines that the further use of such permits would in the Director's or Commissioner's judgment result in the spread of the pink bollworm. Because of the nature of said pest, the permit shall be subject to summary revocation for cause at the Commissioner's discretion.

NOTE: Authority cited: Sections 407 and 5322, Food and Agricultural Code. Reference: Sections 5322 and 5761–5763, Food and Agricultural Code.

HISTORY

1. Amendment filed 10–9–73 as an emergency; effective upon filing (Register 73, No. 41).

- 2. Certificate of Compliance filed 12-21-73 (Register 73, No. 51).
- 3. Amendment of subsections (c) and (e) filed 7-28-77 as organizational and procedural; effective upon filing (Register 77, No. 31).
- 4. Editorial correction adding NOTE filed 2–17–83 (Register 83, No. 8).

§ 3591. Woolly Whitefly Eradication Area.

NOTE: Authority cited: Sections 407, 5322 and 5761, Food and Agricultural Code. HISTORY

1. Repealer filed 6-4-76; effective thirtieth day thereafter (Register 76, No. 23). For prior history, see Register 68, No. 25.

§ 3591.1. Comstock Mealybug Eradication Area.

NOTE: Authority cited: Sections 407, 5322 and 5761, Food and Agricultural Code. Reference: Sections 5322 and 5761-5763, Food and Agricultural Code.

HISTORY

- 1. Amendment of subsection (a) (1) filed 9–1–72 as an emergency; effective upon filing (Register 72, No. 36). For prior history, see Register 71, No. 31.
- 2. Certificate of Compliance filed 10-27-72 (Register 72, No. 44).
- 3. Editorial correction of NOTE filed 2-17-83 (Register 83, No. 8).
- 4. Repealer filed 9–28–84; effective thirtieth day thereafter (Register 84, No. 39).

§ 3591.2. Oriental Fruit Fly Eradication Area.

- (a) Proclamation of Eradication Area. That portion of the State of California described as follows, within which the Oriental fruit fly, Bactrocera dorsalis, is known to exist, is hereby proclaimed to be an eradication area with respect to said pest, and as such it is amenable to the provisions of Article 4 (Sections 5761-5764) of Chapter 8, Part 1, Division 4, of the Food and Agricultural Code of California. The entire counties of Alameda, Contra Costa, Los Angeles, Orange, Riverside, Sacramento, San Bernardino, San Diego, San Mateo, Santa Barbara and Santa Clara.
- (b) Hosts. All fruit (including nuts, dates, and berries), many kinds of vegetables, cotton, and the fruiting bodies of many wild and ornamental plants are known to be hosts or possible hosts of the oriental fruit fly. All these items that are infested or are exposed to infestation by the oriental fruit fly are declared a public nuisance.
- (c) Means and Methods. The following means and methods may be used in the eradication and control of said pest in said area:
- (1) The use of insecticides, chemicals, or other materials as spray, dust, bait, or in any other manner as often as necessary to effect eradication.
- (2) The removal and destruction of all plant parts known or suspected to harbor any stage of said pest.
- (3) The search for all stages of oriental fruit fly by visual inspection, the use of traps, or any other means.
- (4) The removal and destruction of abandoned or unwanted plants bearing or capable of bearing hosts.
- (5) The importation, rearing, liberation, and fostering of parasites and predators which attack oriental fruit fly.
- (6) The importation, rearing, or liberation of sterile forms of the oriental fruit fly.

NOTE: Authority cited: Sections 407 and 5322, Food and Agricultural Code. Reference: Sections 5761, 5762, 5763 and 5764, Food and Agricultural Code.

HISTORY

- 1. Amendment of subsection (a) filed 9-5-86 as an emergency; effective upon filing (Register 86, No. 36). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 1–5–87. For prior history see Register 86, No. 6.
- 2. Reinstatement of subsection (a) as it existed prior to emergency amendment filed 9–5–86 by operation of Government Code section 11346.1(f) (Register 87, No. 27).
- 3. New subsection (a)(5) filed 6-22-90 as an emergency; operative 6-22-90 (Register 90, No. 33). A Certificate of Compliance must be transmitted to OAL by 10-22-90 or emergency language will be repealed by operation of law on the following day.
- 4. Reinstatement of subsection (a) as it existed prior to 6-22-90 emergency amendment filed 5-21-91 by operation of Government Code section 11346.1(f) 120 days from effective date (Register 91, No. 41).
- 5. Amendment of subsection (a) filed 10-1-91 as an emergency; operative 10-1-91 (Register 92, No. 12). A Certificate of Compliance must be transmitted to OAL 1-29-92 or emergency language will be repealed by operation of law on the following day
- Certificate of Compliance including amendments as to 10–1–91 order transmitted to OAL 1–22–92 and filed 2–20–92 (Register 92, No. 12).
- 7. Amendment of subsection (a) and adoption of subsection (a)(5) filed 11–10–93 as an emergency; operative 11–10–93 (Register 93, No. 46). A Certificate of Compliance must be transmitted to OAL 3-10-94 or emergency language will be repealed by operation of law on the following day.

- 8. Certificate of Compliance as to 11-10-93 order transmitted to OAL 2-25-94 and filed 4-7-94 (Register 94, No. 14).
- 9. New subsection (a)(7) and amendment of Note filed 7-24-2001 as an emergency; operative 7–24–2001 (Register 2001, No. 30). A Certificate of Compliance must be transmitted to OAL by 11-21-2001 or emergency language will be repealed by operation of law on the following day.
- 10. Certificate of Compliance as to 7-24-2001 order transmitted to OAL 11-20-2001 and filed 12-12-2001 (Register 2001, No. 50).
- 11. New subsection (a)(8) filed 7-28-2006 as an emergency; operative 7-28-2006 (Register 2006, No. 30). A Certificate of Compliance must be transmitted to OAL by 11-27-2006 or emergency language will be repealed by operation of law on the following day.
- 12. New subsection (a)(9) filed 11-8-2006 as an emergency; operative 11-8-2006 (Register 2006, No. 45). A Certificate of Compliance must be transmitted to OAL by 3-8-2007 or emergency language will be repealed by operation of law on the following day.
- 13. Certificate of Compliance as to 7-28-2006 order transmitted to OAL 11-22-2006 and filed 1-8-2007 (Register 2007, No. 2).
- 14. Certificate of Compliance as to 11-8-2006 order transmitted to OAL 2-20-2007 and filed 3-28-2007 (Register 2007, No. 13).
- 15. Editorial correction restoring inadvertently omitted subsection (c)(2) (Register 2007, No. 14).
- 16. Amendment of subsection (a) and repealer of subsections (a)(1)-(9) filed 7-6-2007 as an emergency; operative 7-6-2007 (Register 2007, No. 27). A Certificate of Compliance must be transmitted to OAL by 1-2-2008 or emergency language will be repealed by operation of law on the following day.
- 17. Amendment of subsection (a) filed 9-25-2007 as an emergency; operative 9–25–2007 (Register 2007, No. 39). A Certificate of Compliance must be transmitted to OAL by 3–24–2008 or emergency language will be repealed by operation of law on the following day.
- 18. Certificate of Compliance as to 7-6-2007 order transmitted to OAL 10-23-2007 and filed 11-29-2007 (Register 2007, No. 48).
- 19. Certificate of Compliance as to 9-25-2007 order transmitted to OAL 12-13-2007 and filed 1-22-2008 (Register 2008, No. 4).

§ 3591.3. Dutch Elm Disease Eradication Area.

NOTE: Authority cited: Sections 407 and 5322, Food and Agricultural Code. Reference: Sections 5761-5763, Food and Agricultural Code.

HISTORY

- 1. Amendment of subsection (a)(1) filed 1-23-78 as an emergency; effective upon filing (Register 78, No. 4). For prior history, see Register 17, No. 51.

 2. Certificate of Compliance filed 4–3–78 (Register 78, No. 14).

 3. Amendment of subsection (a)(1) filed 7–20–78 as an emergency; effective upon
- filing (Register 78, No. 29)
- 4. Certificate of Compliance filed 10-4-78 (Register 78, No. 40).
- 5. Amendment filed 3–5–81; effective thirtieth day thereafter (Register 81, No. 10).
- 6. Amendment of subsection (a)(1) filed 7-21-82 as an emergency; effective upon filing (Register 82, No. 30). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 11–18–82. 7. Certificate of Compliance as to 7–21–82 order filed 11–5–82 (Register 82, No.

- 8. Editorial correction of Note filed 2–17–83 (Register 83, No. 8).
 9. Amendment of subsection (a)(1) filed 10–31–90 as an emergency; operative 10–31–90 (Register 90, No. 49). A Certificate of Compliance must be transmitted to OAL by 2–28–91 or emergency language will be repealed by operation of law on the following day.
- 10. Reinstatement of section as it existed prior to emergency amendment filed 10-31-90 by operation of Government Code section 11346.1(f) (Register 91, No. 47)
- 11. Repealer filed 2-10-94; operative 3-14-94 (Register 94, No. 6).

§ 3591.4. Tuliptree Scale Eradication Area.

NOTE: Authority cited: Sections 407, 5322 and 5761, Food and Agricultural Code. HISTORY

- 1. Amendment of subsection (a) filed 5-14-76; effective thirtieth day thereafter (Register 76, No. 20). For prior history, see Register 74, No. 4.
- 2. Repealer filed 3-9-83; effective thirtieth day thereafter (Register 83, No. 11).

§ 3591.5. Mediterranean Fruit Fly Eradication Area.

(a) Proclamation of Eradication Area. That portion of the State of California described as follows, within which the Mediterranean fruit fly, Ceratitis capitata, is known to exist, is hereby proclaimed to be an eradication area with respect to said pest, and as such it is amenable to the provisions of Article 4 (commencing with Section 5761) of Chapter 8, Part 1, Division 4, of the Food and Agricultural Code of California.

The entire counties of Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Clara, Solano, Tulare and Ventura.

(b) Hosts. All fruit (including nuts and berries), vegetables (other than leafy types grown above ground,) and the fruiting bodies of many ornamental and wild plants are known to be hosts or possible hosts of Mediterranean fruit fly. All these items (along with soil under or near plants bearing these items) that are infested or are exposed to infestation by Mediterranean fruit fly, are declared a public nuisance.

- (c) Means and Methods. The following means and methods may be used in the eradication and control of said pest in said area.
- (1) The use of insecticides, chemicals, or other materials as spray, dust, bait or in any other manner as often as necessary to effect control.
- (2) The removal and destruction of all plant parts known or suspected to harbor any stage of said pest.
- (3) The searching for all stages of Mediterranean fruit fly by visual inspection, the use of taps, or any other means.
- (4) The removal and destruction of abandoned or unwanted plants bearing or capable of bearing hosts.
- (5) The importation, rearing, liberation, and fostering of parasites and predators which attack Mediterranean fruit fly.
- (6) The importation, rearing, or liberation of sterile forms of the Mediterranean fruit fly.

NOTE: Authority: Sections 407 and 5322, Food and Agricultural Code. Reference: Sections 5761, 5762, 5763 and 5764, Food and Agricultural Code.

- 1. Amendment of subsection (a) filed 9-7-89 as an emergency; operative 9-7-89 (Register 89, No. 37). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 1-5-90. For prior history, see Register 88, No. 53
- 2. New subsection (a)(3) filed 10-4-89 as an emergency; operative 10-4-89 (Register 89, No. 40). A Certificate of Compliance must be transmitted to OAL with-
- in 120 days or emergency language will be repealed on 2–1–90.

 3. New subsection (a)(4) filed 11–22–89 as an emergency; operative 11–22–89 (Register 89, No. 47). A Certificate of Compliance must be transmitted to OAL
- within 120 days or emergency language will be repealed on 3–22–90. Certificate of Compliance as to 9–7–89 order transmitted to OAL 1–5–90 and filed 1-26-90 (Register 90, No. 5).
- Certificate of Compliance as to 10-4-89 order transmitted to OAL 2-1-90 and filed 2-21-90 (Register 90, No. 9)
- 6. Certificate of Compliance as to 11-22-89 order transmitted to OAL 3-22-90 and filed 4-20-90 (Register 90, No. 16).
- 7. New subsection (a)(5) filed 4-24-90 as an emergency; operative 4-24-90 (Register 90, No. 20). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed by operation of law on
- 8. Reinstatement of subsection (a) as it existed prior to 4-24-90 emergency amendment filed 5-21-91 by operation of Government Code section 11346.1(f) 120 days from effective date (Register 91, No. 42).
- 9. New subsection (a)(5) filed 12-8-92 as an emergency; operative 12-8-92 (Reg ister 92, No. 50). A Certificate of Compliance must be transmitted to OAL 4-6-93 or emergency language will be repealed by operation of law on the fol-
- 10. Certificate of Compliance as to 12-8-92 order transmitted to OAL 3-9-93 and filed 3-30-93 (Register 93, No. 14).
- 11. New subsection (a)(6) filed 11–19–93 as an emergency; operative 11–19–93 (Register 93, No. 47). A Certificate of Compliance must be transmitted to OAL -21-94 or emergency language will be repealed by operation of law on the following day
- 12. Certificate of Compliance as to 11-19-93 order transmitted to OAL 2-3-94 and filed 3-9-94 (Register 94, No. 10).
- New subsection (a)(7) filed 10–6–94 as an emergency; operative 10–6–94 (Register 94, No. 40). A Certificate of Compliance must be transmitted to OAL by 2-3-95 or emergency language will be repealed by operation of law on the following day
- 14. Certificate of Compliance as to 10-6-94 order transmitted to OAL 1-30-95 and filed 2-22-95 (Register 95, No. 8)
- 15. New paragraph following subsection (a), repealer of subsections (a)(1)–(7) and amendment of Note filed 9–11–2007 as an emergency; operative 9-11-2007 (Register 2007, No. 37). A Certificate of Compliance must be transmitted to OAL by 3-10-2008 or emergency language will be repealed by operation of law on the following day.
- 16. Certificate of Compliance as to 9-11-2007 order transmitted to OAL 12-13-2007 and filed 1-22-2008 (Register 2008, No. 4).
- 17. Amendment of subsection (a) filed 6-23-2008 as an emergency; operative 6–23–2008 (Register 2008, No. 26). A Certificate of Compliance must be transmitted to OAL by 12–22–2008 or emergency language will be repealed by operation of law on the following day.

§ 3591.6. Gypsy Moth Eradication Area.

(a) Proclamation of Eradication Area. That portion of the State of California described as follows, within which gypsy moth, Lymantria dispar, is known to exist, is hereby proclaimed to be an eradication area with respect to said pest, and as such is amenable to the provisions of Article 4 (Sections 5761, 5762, and 5763) of Chapter 8, Part 1, Division 4, of the Food and Agricultural Code of California.

- (1) The entire counties of Los Angeles, Marin, Nevada, Orange, Riverside, San Diego, San Mateo, Santa Barbara, Santa Clara, Santa Cruz and
- (b) Hosts and Possible Carriers. Trees, shrubs with persistent woody stems, and parts of such trees and shrubs (except seed, fruits, and cones); timber and timber products, including but not limited to lumber, planks, poles, logs, cordwood, and pulpwood; mobile homes and recreational vehicles, and associated equipment, moving from infested properties; outdoor furniture; and any other products, articles, or means of conveyance, of any character whatsoever when it is determined by an inspector that they present a hazard of spread of the gypsy moth and the person in possession thereof has been so notified. All these items that are infested or are exposed to infestation by gypsy moth are declared a public nuisance.
- (c) Means and Methods. The following means and methods may be used in the eradication and control of said pest in said area.
- (1) The use of insecticides, chemicals, or other materials as spray, dust, bait, or in any other form as often as necessary to effect control.
- (2) The removal and destruction of trees and shrubs if permission is received from the property owner, or if such action is the only practical way of eliminating the infestation of a host or possible carrier.
- (3) The searching for all stages of gypsy moth by visual inspection, the use of traps, or any other means.
- (4) The removal and destruction of abandoned or unwanted hosts or possible carriers bearing or capable of bearing gypsy moth in any stage.
- (5) The importation, rearing, liberation, and fostering of parasites and predators of the gypsy moth.
- (6) The importation, rearing, or liberation of sterile forms of the gypsy

NOTE: Authority cited: Sections 407 and 5322, Food and Agricultural Code. Reference: Sections 5322, 5761, 5762 and 5763, Food and Agricultural Code.

- 1. New section filed 10-22-76 as an emergency; effective upon filing (Register
- Certificate of Compliance filed 1-10-77 (Register 77, No. 3).
- Amendment of subsections (a) and (b) filed 8-26-81; effective thirtieth day thereafter (Register 81, No. 35)
- Amendment of subsection (a)(1) filed 2–24–82 as an emergency; effective upon filing (Register 82, No. 9). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 6–24–82. Certificate of Compliance as to 2–24–82 order filed 5–25–82 (Register 82, No.
- Amendment of subsection (a) filed 8-18-82 as an emergency; effective upon filing (Register 82, No. 34). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 12-16-82.
- 7. Certificate of Compliance as to 8–18–82 order filed 11–19–82 (Register 82, No.
- 8. Amendment of subsection (a) filed 7-1-83; effective thirtieth day thereafter (Register 83, No. 27).
- 9. Amendment filed 7–3–84; effective thirtieth day thereafter (Register 84, No. 7). 10. Amendment of subsection (a)(1) filed 7–15–85; effective thirtieth day thereafter (Register 85, No. 29).
- 11. Amendment of subsection (a) filed 3–24–87 as an emergency; effective upon filing (Register 87, No. 13). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 7-22-87
- 12. Reinstatement of subsection (a) as it existed prior to emergency filed 3-24-87 by operation of Government Code Section 11346.1(g) (Register 87, No. 34).
- 13. Amendment of subsection (a)(1) filed 12-7-95 as an emergency; operative 12-7-95 (Register 95, No. 49). A Certificate of Compliance must be transmitted to OAL by 4-5-96 or emergency language will be repealed by operation of law on the following day
- Certificate of Compliance as to 12–7–95 order transmitted to OAL 2–26–96 and filed 3–8–96 (Register 96, No. 10).
- 15. Amendment of subsection (a)(1) filed 4-24-97; operative 5-24-97 (Register 97, No. 17).
- 16. Amendment of subsections (a)-(a)(1) and amendment of Note filed 8-28-2000 as an emergency; operative 8-28-2000 (Register 2000, No. 35). A Certificate of Compliance must be transmitted to OAL by 12-26-2000 or emergency language will be repealed by operation of law on the following day
- Certificate of Compliance as to 8-28-2000 order transmitted to OAL 12-26-2000 and filed 1-23-2001 (Register 2001, No. 4).
- 18. Amendment of subsection (a)(1) filed 7–5–2006 as an emergency; operative 7–5–2006 (Register 2006, No. 27). A Certificate of Compliance must be transmitted to OAL by 11–2–2006 or emergency language will be repealed by operation of law on the following day
- 19. Amendment of subsection (a)(1) filed 7–17–2006 as an emergency; operative 7-17-2006 (Register 2006, No. 29). A Certificate of Compliance must be transmitted to OAL by 11-14-2006 or emergency language will be repealed by operation of law on the following day.

- 20. Amendment of subsection (a)(1) filed 8-1-2006 as an emergency; operative 8-1-2006 (Register 2006, No. 31). A Certificate of Compliance must be transmitted to OAL by 11-29-2006 or emergency language will be repealed by operation of law on the following day.
- 21. Amendment of subsection (a)(1) filed 8–10–2006 as an emergency; operative 8-10-2006 (Register 2006, No. 32). A Certificate of Compliance must be transmitted to OAL by 12-8-2006 or emergency language will be repealed by operation of law on the following day.
- 22. Certificate of Compliance as to 7-5-2006 order transmitted to OAL 9-26-2006 and filed 10-2-2006 (Register 2006, No. 40).

 23. Certificate of Compliance as to 7-17-2006 order transmitted to OAL
- 10-4-2006 and filed 10-19-2006 (Register 2006, No. 42).
- 24. Certificate of Compliance as to 8-1-2006 order transmitted to OAL 10-27-2006 and filed 12-6-2006 (Register 2006, No. 49).
- 25. Certificate of Compliance as to 8-10-2006 order transmitted to OAL 12-6-2006 and filed 1-8-2007 (Register 2007, No. 2).
- 26. Amendment of subsection (a)(1) filed 7-20-2007 as an emergency; operative 7-20-2007 (Register 2007, No. 29). A Certificate of Compliance must be transmitted to OAL by 1-16-2008 or emergency language will be repealed by operation of law on the following day.
- 27. Amendment of subsection (a)(1) filed 7-24-2007 as an emergency; operative 7–24–2007 (Register 2007, No. 30). A Certificate of Compliance must be transmitted to OAL by 1-21-2008 or emergency language will be repealed by operation of law on the following day
- 28. Certificate of Compliance as to 7-20-2007 order transmitted to OAL 12-6-2007 and filed 1-22-2008 (Register 2008, No. 4).
- 29. Certificate of Compliance as to 7-24-2007 order transmitted to OAL 12-6-2007 and filed 1-22-2008 (Register 2008, No. 4).

§ 3591.7. Hydrilla Eradication Area.

NOTE: Authority cited: Sections 407 and 5322, Food and Agricultural Code. Reference: Sections 5322, 5761 and 6048, Food and Agricultural Code.

HISTORY

- 1. New section filed 2-8-77 as an emergency; effective upon filing (Register 77, No. 7).
- Certificate of Compliance filed 4–29–77 (Register 77, No. 18).
- 3. Amendment filed 5–31–79; effective thirtieth day thereafter (Register 79, No.
- 4. Amendment of subsections (a)(1) and (c)(5) filed 12-8-82; effective thirtieth day thereafter (Register 82, No. 50).
- 5. Editorial correction renumbering Section 3591.7 to Article 7 (Section 3962) filed 4-11-83 (Register 83, No. 16).

§ 3591.8. Khapra Beetle Eradication Area.

NOTE: Authority cited: Sections 407 and 5322, Food and Agricultural Code. Reference: Sections 5761-5763, Food and Agricultural Code.

HISTORY

- 1. New section filed 3-11-81 as an emergency; effective upon filing (Register 81, No. 11). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 7-8-81
- 2. Certificate of Compliance transmitted to OAL 7-8-81 and filed 7-30-81 (Register 81, No. 31)
- 3. Repealer filed 3-9-83; effective thirtieth day thereafter (Register 83, No. 11).

§ 3591.9. Cotton Boll Weevil Eradication Area.

- (a) Proclamation of Eradication Area. That portion of the State of California described as follows, within which cotton boll weevil (Anthonoms grandis) is known to exist, is hereby proclaimed to be an eradication area with respect to said pest, and as such is amenable to the provisions of Article 4 (Sections 5761-5763) of Chapter 8, Part 1, Division 4, of the Food and Agricultural Code of California.
 - (1) The entire counties of Imperial, Riverside, and San Bernardino.
- (b) Hosts. Cotton (Gossypium spp.) plants and parts thereof and any other plant which by investigation is shown to be capable of sustaining cotton boll weevil in any stage of development.
- (c) Means and Methods. The following means and methods may be used in the eradication and control of said pest in said area.
- (1) The use of insecticides, chemicals, or other materials as spray, dust, bait or in any other form as often as necessary to effect control or eradication.
- (2) The removal and destruction of hosts if such action is the only practical way of eliminating the infestation.
- (3) The searching for all stages of cotton boll weevil by visual inspection, the use of traps, or any other means.

(4) The removal and destruction of abandoned or unwanted hosts in any stage.

NOTE: Authority cited: Sections 407 and 5322, Food and Agricultural Code. Reference: Sections 5761 through 5763, Food and Agricultural Code.

HISTORY

- 1. New section filed 2-23-83 as an emergency; effective upon filing (Register 83, No. 9). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 6-23-83
- 2. Certificate of Compliance filed 6-17-83 (Register 83, No. 25).

§ 3591.10. Apple Maggot Eradication Area.

NOTE: Authority cited: Sections 407 and 5322, Food and Agricultural Code. Reference: Sections 5761-5763, Food and Agricultural Code.

HISTORY

- 1. New section filed 9-8-83 as an emergency; effective upon filing (Register 83, No. 38). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 1-6-84.
- 2. Amendment of subsection (a) filed 9-19-83 as an emergency; effective upon filing (Register 83, No. 39). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 1-17-84.
- 3. Amendment of subsection (a) filed 9-23-83 as an emergency; effective upon filing (Register 83, No. 39). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 1-21-84.
- 4. Certificate of Compliance as to 9-8-83 order, 9-19-83 order, and 9-23-83 order transmitted to OAL 12-13-83 and filed 1-11-84 (Register 84, No. 2).
- 5. Amendment of subsections (a) and (c) filed 8-17-84 as an emergency; effective upon filing (Register 84, No. 35). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on
- 6. Amendment of subsection (a) filed 9-19-84 as an emergency; effective upon filing (Register 84, No. 39). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 1–17–85.
- 7. Certificate of Compliance as to 8-17-84 order and 9-19-84 order transmitted to OAL 11-30-84 and filed 1-2-85 (Register 85, No. 1).
- 8. Amendment of subsection (a) filed 9-16-86 as an emergency; effective upon filing (Register 86, No. 38). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 1-14-87.
- 9. Amendment of subsection (a) filed 9-22-86 as an emergency; effective upon filing (Register 86, No. 41). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 1-20-87.
- 10. Emergency language filed 9-16-86 and 9-22-86 repealed by operation of Government Code section 11346.1 (Register 87, No. 25).
- 11. Amendment of subsection (a) filed 6-10-87 as an emergency; operative 6-10-87 (Register 87, No. 25). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 10-8-87.
- 12. Emergency language filed 6-10-87 repealed by operation of Government Code section 11346.1 on 10-9-87 (Register 88, No. 35)
- 13. Repealer filed 6-30-94; operative 8-1-94 (Register 94, No. 26).

§ 3591.11. Caribbean Fruit Fly Eradication Area.

NOTE: Authority cited: Sections 407 and 5322, Food and Agricultural Code. Reference: Sections 5761-5764, Food and Agricultural Code.

- 1. New section filed 2-6-84 as an emergency; effective upon filing (Register 84, No. 7). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 6-7-84.
- 2. Certificate of Compliance transmitted to OAL 5-8-84 and filed 6-5-84 (Register 84, No. 23)
- 3. Repealer filed 11-29-84; effective thirtieth day thereafter (Register 84, No. 48).

§ 3591.12. Peach Fruit Fly Eradication Area.

- (a) Proclamation of Eradication Area. That portion of the State of California described as follows, within which peach fruit fly, Bactrocera zonata, is known to exist, is hereby proclaimed to be an eradication area with respect to said pest, and as such, it is amenable to the provisions of Article 4 (Sections 5761-5764) of Chapter 8, Part 1, Division 4, of the Food and Agricultural Code of California.
 - (1) The entire county of Alameda.
 - (2) The entire county of Fresno.
 - (3) The entire county of Los Angeles.
 - (4) The entire county of Riverside.
 - (5) The entire county of Santa Clara.

[The next page is 340.5.]

- (b) Hosts.
- (1) Fruit of the following plants: Apple. pomegranate, mango, peach, pear, citrus, date, loquat, cucumber, melon, tomato, guava, fig, and any other plants determined by the director to produce fruit which is attached by *Bactrocera zonata*.
- (2) Soil or planting media within the drip area of plants producing, or which have produced, host fruit.
- (c) Means and method. The following means and methods may be used in the eradication and control of said pest in said area:
- (1) The use of insecticides, chemicals, or other materials as spray (including soil spray treatments), dust, bait, or in any other manner as often as necessary to effect control or eradication.
- (2) The removal and destruction of hosts, including plants of hosts, if such is a practical way of eliminating the infestation.
- (3) The searching for all stages of the fly by visual inspection, the use of traps, or any other means.
- (4) The removal and destruction of abandoned or unwanted hosts or plants bearing or capable of bearing hosts.
- (5) The importation, rearing, liberation, and fostering of parasites and predators which attack the fly.
- (6) The importation, rearing, or liberation of sterile forms of the fly. NOTE: Authority cited: Sections 407 and 5322. Food and Agriculture Code. Reference: Sections 5761 through 5764, Food and Agricultural Code.

HISTORY

- 1. New section filed 9–20–93 as an emergency; operative 9–20–93 (Register 93, No. 39). A Certificate of Compliance must be transmitted to OAL 1–18–94 or emergency language will be repealed by operation of law on the following day. For prior history, see Register 91, No. 46.
- 2. Certificate of Compliance as to 9–20–93 order transmitted to OAL 1–6–94 and filed 2–8–94 (Register 94, No. 6).
- 3. Amendment repealing and reserving subsection (a)(1) filed 4–24–97; operative 5–24–97 (Register 97, No. 17).
- 4. New subsection (a)(1) filed 10–23–97 as an emergency; operative 10–23–97 (Register 97, No. 43). A Certificate of Compliance must be transmitted to OAL by 2–20–98 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 10–23–97 order transmitted to OAL 1–29–98 and filed 3–9–98 (Register 98, No. 11).
- 6. New subsection (a)(2) filed 9-6-2001 as an emergency; operative 9-6-2001 (Register 2001, No. 36). A Certificate of Compliance must be transmitted to OAL by 1-4-2002 or emergency language will be repealed by operation of law on the following day.
- 7. New subsection (a)(2) and subsection renumbering filed 12–4–2001 as an emergency; operative 12–4–2001 (Register 2001, No. 49). A Certificate of Compliance must be transmitted to OAL by 4–3–2002 or emergency language will be repealed by operation of law on the following day.
- 8. Certificate of Compliance as to 9-6-2001 order transmitted to OAL 12-27-2001 and filed 2-7-2002 (Register 2002, No. 6).
- Certificate of Compliance as to 12–4–2001 order transmitted to OAL 4–3–2002 and filed 4–23–2002 (Register 2002, No. 17).
- 10. New subsection (a)(2) and subsection renumbering filed 5–18–2006 as an emergency; operative 5–18–2006 (Register 2006, No. 20). A Certificate of Compliance must be transmitted to OAL by 9–15–2006 or emergency language will be repealed by operation of law on the following day.
- 11. Certificate of Compliance as to 5-18-2006 order transmitted to OAL 8-11-2006 and filed 8-23-2006 (Register 2006, No. 34).
- 12. New subsection (a)(3) and subsection renumbering filed 9–12–2006 as an emergency; operative 9–12–2006 (Register 2006, No. 37). A Certificate of Compliance must be transmitted to OAL by 1–10–2007 or emergency language will be repealed by operation of law on the following day.
- 13. Certificate of Compliance as to 9-12-2006 order transmitted to OAL 12-19-2006 and filed 1-31-2007 (Register 2007, No. 5).

§ 3591.13. Guava Fruit Fly Eradication Area.

(a) Proclamation of Eradication Area. That portion of the State of California described as follows, within which a certain pest, guava fruit fly (*Bactrocera correcta*), is known to exist, is hereby proclaimed to be an eradication area with respect to said pest:

The entire counties of Alameda, Los Angeles, Orange, Sacramento, San Diego and Santa Clara.

- (b) Hosts.
- (1) Fruit of the following plants: citrus, *Eugenia* spp., guava, mango, *Prunus* spp., *Zizyphus* spp., and any other plants determined by the director to produce fruit which is attacked by guava fruit fly.

- (2) Soil or planting media within the drip area of plants producing, or which have produced, host fruit.
- (c) Means and Methods. The following means and methods may be used in the eradication and control of said pest in said area:
- (1) The use of insecticides, chemicals, or other materials as spray, dust, bait, or in any other manner as often as necessary to effect eradication.
- (2) The removal and destruction of all plant parts known or suspected to harbor any stage of said pest.
- (3) The search of all stages of guava fruit fly by visual inspection, the use of traps, or any other means.
- (4) The removal and destruction of abandoned or unwanted plants bearing or capable of bearing hosts.
- (5) The importation, rearing, liberation, and fostering of parasites and predators which attack guava fruit fly.
- (6) The importation, rearing, or liberation of sterile forms of guava fruit fly.

NOTE: Authority cited: Sections 407 and 5322, Food and Agricultural Code. Reference: Sections 5761, 5762, 5763 and 5764, Food and Agricultural Code.

HISTORY

- New section filed 7–8–93 as an emergency; operative 7–8–93 (Register 93, No. 28). A Certificate of Compliance must be transmitted to OAL 11–5–93 or emergency language will be repealed by operation of law on the following day. For prior history, see Register 86, No. 33.
- Certificate of Compliance as to 7–8–93 order transmitted to OAL 11–2–93 and filed 12–14–93 (Register 93, No. 51).
- 3. Amendment of subsection (a) filed 10-17-94 as an emergency; operative 10-17-94 (Register 94, No. 42). A Certificate of Compliance must be transmitted to OAL by 2-14-95 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 10–17–94 order transmitted to OAL 2–9–95 and filed 3–20–95 (Register 95, No. 12).
- 5. Amendment of subsection (a) filed 4-24-97; operative 5-24-97 (Register 97, No. 17).
- 6. Amendment of subsection (a) filed 8-28-97 as an emergency; operative 8-28-97 (Register 97, No. 35). A Certificate of Compliance must be transmitted to OAL by 12-26-97 or emergency language will be repealed by operation of law on the following day.
- 7. Certificate of Compliance as to 8-28-97 order transmitted to OAL 12-18-97 and filed 1-26-98 (Register 98, No. 5).
- 8. Amendment of subsection (a) filed 9-10-99 as an emergency; operative 9-10-99 (Register 99, No. 37). A Certificate of Compliance must be transmitted to OAL by 1-10-2000 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 9–10–99 order transmitted to OAL 1–6–2000 and filed 2–2–2000 (Register 2000, No. 5).
- 10. Amendment of subsection (a) filed 8–16–2000 as an emergency; operative 8–16–2000 (Register 2000, No. 33). A Certificate of Compliance must be transmitted to OAL by 12–14–2000 or emergency language will be repealed by operation of law on the following day.
- 11. Certificate of Compliance as to 8–16–2000 order, including amendment of NOTE, transmitted to OAL 12–13–2000 and filed 1–25–2001 (Register 2001, No. 4).
- 12. Amendment of subsection (a) filed 8–29–2001 as an emergency; operative 8–29–2001 (Register 2001, No. 35). A Certificate of Compliance must be transmitted to OAL by 12–27–2001 or emergency language will be repealed by operation of law on the following day.
- 13. Certificate of Compliance as to 8-29-2001 order transmitted to OAL 12-27-2001 and filed 2-4-2002 (Register 2002, No. 6).
- 14. Amendment of subsection (a) filed 10–6–2006 as an emergency; operative 10–6–2006 (Register 2006, No. 40). A Certificate of Compliance must be transmitted to OAL by 2–5–2007 or emergency language will be repealed by operation of law on the following day.
- 15. Certificate of Compliance as to 10-6-2006 order transmitted to OAL 12-19-2006 and filed 1-24-2007 (Register 2007, No. 4).

§ 3591.14. African Honey Bee Eradication Area.

NOTE: Authority cited: Sections 407 and 5322, Food and Agricultural Code. Reference: Sections 5006, 5761–5763 and 29007, Food and Agricultural Code.

HISTORY

- New section filed 8-1-85 as an emergency; effective upon filing (Register 85, No. 32). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 11-29-85.
- 2. Certificate of Compliance transmitted to OAL 11-27-85 and filed 1-10-86 (Register 86, No. 2).
- 3. Editorial correction of HISTORY 1 (Register 95, No. 40).
- 4. Repealer filed 4-24-97; operative 5-24-97 (Register 97, No. 17).

§ 3591.15. Melon Fruit Fly Eradication Area.

- (a) Proclamation of Eradication Area. That portion of the State of California described as follows, within which the melon fruit fly, *Bactrocera cucurbitae*, is known to exist, is hereby proclaimed to be an eradication area with respect to said pest, and as such it is amendable to the provisions of Article 4 (Sections 5761–5764) of Chapter 8, Part 1, Division 4 of the Food and Agricultural Code of California.
 - (1) The county of Los Angeles.
 - (b) Hosts.
- (1) Fruit of the following plants: apple, avocado, cantaloupe, mango, peach, pear, citrus, cucurbits (melons and gourds), tomato, grape, fig, and any other plants determined by the department to produce fruit which is attacked by melon fruit fly.
- (2) Soil or planting media within the drip area of plants producing, or which have produced, host fruit.
- (c) Means and Methods. The following means and methods may be used in the eradication and control of said pest in said area:
- (1) The use of insecticides, chemicals, or other materials as spray (including soil spray treatments), dust, bait, or in any other manner as often as necessary to effect control or eradication.
- (2) The removal and destruction of hosts, including plants of hosts, if such action is a practical way of eliminating the infestation.
- (3) The searching for all stages of the fly by visual inspection, the use of traps, or any other means.
- (4) The removal and destruction of abandoned or unwanted hosts or plants bearing or capable of bearing hosts.
- (5) The importation, rearing, liberation, and fostering of parasites and predators which attack the fly.
- (6) The importation, rearing, or liberation of sterile forms of the fly. NOTE: Authority cited: Sections 407 and 5322, Food and Agricultural Code. Reference: Sections 5761–5764, Food and Agricultural Code.

HISTORY

- New section filed 12–3–87 as an emergency; operative upon filing (Register 87, No. 50). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 4–4–88.
- 2. Repealed by operation of Government Code Section 11346.1(g) (Register 89, No. 51)
- 3. New section filed 11–22–99 as an emergency; operative 11–22–99 (Register 99, No. 48). A Certificate of Compliance must be transmitted to OAL by 3–21–2000 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 11–22–99 order transmitted to OAL 3–13–2000 and filed 4–6–2000 (Register 2000, No. 14).

§ 3591.16. Red Imported Fire Ant Eradication Area.

- (a) Proclamation of Eradication Area. That portion of the State of California described as follows, within which a certain pest, red imported fire ant, *Solenopsis invicta*, is known to exist, is hereby proclaimed to be an eradication area with respect to said pest:
 - (1) The entire county of Kern.
 - (2) The entire county of Fresno.
 - (3) The entire county of Stanislaus.
 - (4) The entire county of Orange.
 - (5) The entire county of Riverside.
 - (6) The entire county of Los Angeles.
 - (7) The entire county of Madera.
 - (8) The entire county of Sacramento.
 - (9) The entire county of Merced.
- (b) Hosts and Possible Carriers. Any and all premises, plants, plant products, soil, sod and any other articles or things which are infested or exposed to infestation by the red imported fire ant.
- (c) Means and Methods. The following means and methods may be used in the control and eradication of said pest within said area:
- (1) The use of insecticides, chemicals, or other materials as spray, dust, bait or in any other form as often as necessary to effect control or eradication.
- (2) The removal and destruction of hosts if such action is the only practical way of eliminating the infestation.
- (3) The searching for all stages of red imported fire ant by visual inspection or any other means.

(4) The removal and destruction of abandoned or unwanted hosts in any stage of development.

NOTE: Authority cited: Sections 407 and 5322, Food and Agricultural Code. Reference: Sections 5761–5763, Food and Agricultural Code.

HISTORY

- 1. New section filed 12–22–97 as an emergency; operative 12–22–97 (Register 97, No. 52). A Certificate of Compliance must be transmitted to OAL by 4–21–98 or emergency language will be repealed by operation of law on the following day.
- 2. Certificate of Compliance as to 12-22-97 order transmitted to OAL 4-13-98 and filed 4-20-98 (Register 98, No. 17).
- 3. New subsection (a)(2) filed 7–24–98 as an emergency; operative 7–24–98 (Register 98, No. 30). A Certificate of Compliance must be transmitted to OAL by 11–23–98 or emergency language will be repealed by operation of law on the following day.
- 4. New subsection (a)(3) filed 10–23–98 as an emergency; operative 10–23–98 (Register 98, No. 43). A Certificate of Compliance must be transmitted to OAL by 2–22–99 or emergency language will be repealed by operation of law on the following day.
- 5. New subsection (a)(4) filed 11–17–98 as an emergency; operative 11–17–98 (Register 98, No. 47). A Certificate of Compliance must be transmitted to OAL by 3–17–99 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 7–24–98 order transmitted to OAL 11–19–98 and filed 12–15–98 (Register 98, No. 51).
- 7. New subsection (a)(5) filed 12–16–98 as an emergency; operative 12–16–98 (Register 98, No. 51). A Certificate of Compliance must be transmitted to OAL by 4–15–99 or emergency language will be repealed by operation of law on the following day.
- 8. New subsection (a)(6) filed 1–27–99 as an emergency; operative 1–27–99 (Register 99, No. 5). A Certificate of Compliance must be transmitted to OAL by 5–27–99 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 10–23–98 order transmitted to OAL 2–18–99 and filed 3–18–99 (Register 99, No. 12).
- 10. Certificate of Compliance as to 11–17–98 order transmitted to OAL 3–17–99 and filed 3–23–99 (Register 99, No. 13).
- 11. Certificate of Compliance as to 12–16–98 order transmitted to OAL 3–30–99 and filed 4–1–99 (Register 99, No. 14).
- 12. Certificate of Compliance as to 1–27–99 order transmitted to OAL 5–24–99 and filed 6–9–99 (Register 99, No. 24).
- 13. New subsection (a)(7) filed 6-14-2000 as an emergency; operative 6-14-2000 (Register 2000, No. 24). A Certificate of Compliance must be transmitted to OAL by 10-12-2000 or emergency language will be repealed by operation of law on the following day.
- 14. Certificate of Compliance as to 6-14-2000 order transmitted to OAL 10-11-2001 and filed 11-6-2000 (Register 2000, No. 45).
- 15. New subsection (a)(8) filed 10-15-2001 as an emergency; operative 10-15-2001 (Register 2001, No. 42). A Certificate of Compliance must be transmitted to OAL by 2-13-2002 or emergency language will be repealed by operation of law on the following day.
- 16. New subsection (a)(9) filed 1–4–2002 as an emergency; operative 1–4–2002 (Register 2002, No. 1). A Certificate of Compliance must be transmitted to OAL by 5–6–2002 or emergency language will be repealed by operation of law on the following day.
- 17. Reinstatement of section as it existed prior to 10–15–2001 emergency amendment by operation of Government Code section 11346.1(f) (Register 2002, No. 8).
- 18. New subsection (a)(8) filed 2–20–2002; operative 2–20–2002 pursuant to Government Code section 11343.4 (Register 2002, No. 8).
- Certificate of Compliance as to 1–4–2002 order transmitted to OAL 5–6–2002 and filed 6–4–2002 (Register 2002, No. 23).

§ 3591.17. Olive Fruit Fly Eradication Area.

NOTE: Authority cited: Sections 407 and 5322, Food and Agricultural Code. Reference: Sections 5761 through 5764, Food and Agricultural Code.

HISTORY

- 1. New section filed 11–19–98 as an emergency; operative 11–19–98 (Register 98, No. 47). A Certificate of Compliance must be transmitted to OAL by 3–19–99 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 11–19–98 order transmitted to OAL 3–15–99 and filed 4–26–99 (Register 99, No. 18).
- 3. Repealer filed 6–20–2002; operative 7–20–2002 (Register 2002, No. 25).

§ 3591.18. Asian Longhorned Beetle Eradication Area.

(a) Proclamation of Eradication Area. The portions of the State of California described as follows, within which a certain pest, *Anoplophora glabripennis* (Asian longhorned beetle), is known to exist, are hereby proclaimed to be eradication areas with respect to said pest:

The entire county of Sacramento.

- (b) Possible Carriers. Any and all premises, firewood (all hardwood species), and green lumber and other material living, dead, cut, or fallen, inclusive of nursery stock, logs, stumps, roots, branches, and debris of half an inch or more in diameter of the following genera: *Acer* (maple), *Aesculus* (horse chestnut), *Albizia* (mimosa), *Betula* (birch). *Celtis* (hackberry), *Fraxinus* (ash), *Platanus* (sycamore), *Populus* (poplar), *Salix* (willow), *Sorbus* (mountain ash), and *Ulmus* (elm), and any other articles or things which are infested or exposed to infestation by Asian longhorned beetle, within said area.
- (c) Means and Methods. The following means and methods may be used in the eradication and control of said pest within said area.
- (1) The repeated timely application of insecticides to any and all premises and possible carriers, and any other articles or things which are infested or exposed to infestation with Asian longhorned beetle.
- (2) The removal and destruction of any and all possible carriers, including trees and shrubs if permission is received from the property owner, or if such action is the only practical way of eliminating the infestation of a host or possible carrier to prevent the spread or reinfestation of Asian longhorned beetle.
- (3) The searching for all stages of Asian longhorned beetle by visual inspection, the use of traps, or any other means anywhere within the said area.
- (4) The removal and destruction of abandoned or unwanted hosts or possible carriers bearing or capable of bearing Asian longhorned beetle in any life stage.

NOTE: Authority cited: Sections 407 and 5322, Food and Agricultural Code. Reference: Sections 407, 5322, 5761, 5762 and 5763, Food and Agricultural Code. HISTORY

- 1. New section filed 6–27–2005 as an emergency; operative 6–27–2005 (Register 2005, No. 26). A Certificate of Compliance must be transmitted to OAL by 10–25–2005 or emergency language will be repealed by operation of law on the following day.
- 2. Certificate of Compliance as to 6-27-2005 order transmitted to OAL 9-29-2005 and filed 10-18-2005 (Register 2005, No. 42).

§ 3591.19. Diaprepes abbreviatus Eradication Area.

(a) Proclamation of Eradication Area. The portions of the State of California described as follows, within which a certain pest, *Diaprepes abbreviatus* (West Indian sugarcane root borer or Diaprepes root weevil), is known to exist, are hereby proclaimed to be eradication areas with respect to said pest:

The entire counties of Los Angeles, Orange and San Diego.

- (b) Hosts and Possible Carriers, Within Said Area.
- (1) Any and all premises, soil, sand, gravel or growing media moved separately or with things.
- (2) All nursery stock and plants and plant parts and plant products capable of propagation.
- (3) Any other articles which are infested or exposed to infestation by *Diaprepes abbreviatus*.
- (c) Means and Methods. The following means and methods may be used in the eradication and control of said pest within said area.
- (1) The repeated timely application of insecticides to any and all premises and possible carriers, and any other articles or things which are infested or exposed to infestation with *Diaprepes abbreviatus*.
- (2) The removal and destruction of any and all possible carriers, including nursery stock or trees and shrubs if permission is received from the property owner, or if such action is the only practical way of eliminating the infestation of a host or possible carrier to prevent the spread or reinfestation of *Diaprepes abbreviatus*.
- (3) The searching for all stages of *Diaprepes abbreviatus* by visual inspection, the use of traps, or any other means anywhere within said area.
- (4) The removal and destruction of abandoned or unwanted hosts or possible carriers bearing or capable of bearing *Diaprepes abbreviatus* in any life stage.

NOTE: Authority cited: Sections 407 and 5322, Food and Agricultural Code. Reference: Sections 407, 5322, 5761, 5762 and 5763, Food and Agricultural Code. HISTORY

1. New section filed 9-28-2005 as an emergency; operative 9-28-2005 (Register 2005, No. 39). A Certificate of Compliance must be transmitted to OAL by

- 1-26-2006 or emergency language will be repealed by operation of law on the following day.
- 2. Amendment of subsection (a) filed 10–20–2005 as an emergency; operative 10–20–2005 (Register 2005, No. 42). A Certificate of Compliance must be transmitted to OAL by 2–17–2006 or emergency language will be repealed by operation of law on the following day.
- 3. Certificate of Compliance as to 9–28–2005 and 10–20–2005 orders transmitted to OAL 1–17–2006 and filed 2–21–2006 (Register 2006, No. 8).
- 4. Amendment of subsection (a) filed 5–11–2006 as an emergency; operative 5–11–2006 (Register 2006, No. 19). A Certificate of Compliance must be transmitted to OAL by 9–8–2006 or emergency language will be repealed by operation of law on the following day.
- 5. Certificate of Compliance as to 5-11-2006 order transmitted to OAL 8-11-2006 and filed 8-17-2006 (Register 2006, No. 33).

§ 3591.20. Light Brown Apple Moth Eradication Area.

(a) Proclamation of Eradication Area. That portion of the State of California described as follows within which a certain pest, light brown apple moth (*Epiphyas postvittana*), is known to exist are hereby proclaimed to be eradication areas with respect to said pest:

The entire counties of Alameda, Contra Costa, Los Angeles, Marin, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Solano and Sonoma.

(b) Hosts Within Said Area. The following nursery stock, plants and plant parts and any greenwaste residues thereof or any other plant which by scientific investigation is shown to be capable of sustaining light brown apple moth in any stage of development:

Abelia spp. (abelia)

Abies spp. (fir)

Acacia spp. (acacias)

Acer spp. (maple)

Achillea spp. (yarrow)

Acmena spp. (lilly-pily tree)

Actinidia spp. (Chinese gooseberry, kiwi, kiwifruit)

Adiantum spp. (maidenhair ferns)

Aesculus spp. (horse chestnut, buckeye)

Alnus spp. (alder)

Amaranthus spp. (amaranths)

Antirrhinum spp. (snapdragons)

Apium spp. (celery)

Aquilegia spp. (columbines)

Arbutus spp. (madrone, strawberry tree)

Arctotheca spp. (capeweeds, cape dandelion)

Arctotis spp. (African daisy)

Artemesia spp. (mugwort, sage brush, tarragon, worm wood, etc.)

Asparagus spp. (asparagus, asparagus fern, smilax asparagus)

Astartea spp.

Aster spp. (asters)

Aucuba spp. (aucuba, Himalaya laurel, Japanese laurel)

Baccharis spp. (coyote brush, desert broom)

Banksia spp. (candle flowers)

Begonia spp. (begonia)

Berberis spp. (barberry)

Beta spp. (beet)

Betula spp. (birch)

Blandfordia spp. (Christmas bells)

Boronia spp. (boronias)

Brassica spp. (broccoli, cauliflower, cabbage, cress, kale, mustard, etc.)

Breynia spp. (snow bush)

Bromus spp. (brome, bromegrass, chess, foxtail, rescuegrass)

Buddleia spp. (butterfly bush)

Bursaria spp. (black thorns, prickly box)

Calendula spp. (calendula, marigold)

Callistemon spp. (bottle brush)

Camellia spp. (camellia)

Campsis spp. (trumpet creeper, trumpet vine)

Capsella spp. (shepard's purse)

Capsicum spp. (peppers)

Cardus spp. (Italian thistle, musk thistle, plumeless thistle)

Carmichaelia spp.

Carpobrutus spp. (ice plant, pickle weed, pigface)

Cassia spp. (golden shower, pink shower, rainbow shower, gold medallion tree)

Ceanothus spp. (buck brush, wild lilac)

Cedrus spp. (cedar)

Centranthus spp. (fox's brush, heliotrope, valerian)

Ceratostigma spp. (Chinese plumbago)

Chaenomeles spp. (Chinese–quince, flowering quince) *Chamaecyparis* spp. (false cypress, Port Orford cedar)

Chenopodium spp. (fat-hen, lamb's quarters)
Chimonanthus spp. (Japanese allspice, wintersweet)

Choisya spp. (Mexican orange)

Chrysanthemum spp. (chrysanthemums)
Chrysanthemum x morifolium (florist mums)

Cirsium spp. (Arizona thistle, bull thistle, Canada thistle)

Citrus spp. (citrus)

Clerodendron spp. (clematis, virgin's bower, lather flower, vase vine) *Clerodendron* spp. (bleeding heart vine, bowers, tubeflower, Turk's

turban)

Clethra spp. (white alder, summer–sweet)

Clianthus spp. (desert pea, glory pea, parrot's-beak) Convolvulus spp. (field bindweed, dwarf morning-glory)

Conyza spp. (fleabane, horsethistle) Coprosoma spp. (coprosoma, mirror bush)

Cordyline spp. (cabbage tree, dracaena, good-luck plant)

Coriaria spp. (tanner's tree)
Correa spp. (Australian fuchsia)
Cotoneaster spp. (cotoneaster)
Crataegus spp. (hawthorn)
Crocosmia spp. (montbretia)
Cryptomeria spp. (Japanese cedar)
Cryptostemma spp. (capeweed)

Cucumis spp. (cantaloupe, cucumber, melon, muskmelon)

Cucurbita spp. (gourds, pumpkins, squashes)

Cupressus spp. (cypress) Cydonia spp. (quince)

Cyphomandra spp. (tamarillo, tree tomato, tomato tree)

Cytisus spp. (genista, Scotch broom, Spanish broom, white Spanish)

Dahlia spp. (dahlia)

Datura spp. (angel's trumpet, Jimson weed, thorn apple)

Daucus spp. (carrot, Queen Anne's lace)
Deutzia spp. (crenate pride of Rochester)
Dodonaea spp. (hop bush, hopseed bush)
Diospyros spp. (ebony, persimmon)

Epilobium spp. (fireweed) Erica spp. (heath, heather) Eriobotrya spp. (loquat)

Eriostemon spp. (pink star, wax flower) Erodium spp. (cranesbill, filaree) Escallonia spp. (escallonias)

Eucalyptus spp. (eucalyptus, gum trees)

Eugenia spp. (cherry of the Rio Grande, Lilly Pilly, Surinam cherry)

Euonymus spp. (euonymus, spindle tree) Euphorbia spp. (euphorbia, spurges)

Fagus spp. (beech)

Feijoa spp. (feijoa, pineapple guava)

Ficus spp. (creeping fig, fig, fiddleleaf fig, rubber tree weeping fig)

Forsythia spp. (forsythias)
Fortunella spp. (kumquats)
Fragaria spp. (strawberry)
Fraxinus spp. (ash)
Fumaria spp. (fumitory)
Fuchsia spp. (fuchsias)

Garrya spp. (silk-tassel)

Gelsemium spp. (Carolina jessamine)

Genista spp. (brooms)
Geranium spp. (cranesbill)
Gerbera spp. (Transvaal daisy)

Gomphocarpus spp. (cotton bush, hairy balls, wild cotton) Grevillea spp. (hummingbird bush, grevilleas, silky—oak)

Gypsophila spp. (baby's-breath) Hakea spp. (pincushion tree)

Haloragis spp. (erect seaberry, seaberry) Hardenbergia spp. (coral pea, lilac vine)

Hebe spp. (hebe) Hedera spp. (ivy)

Helianthus spp. (Jerusalem artichoke, sunflower)

Helichrysum spp. (curry plant, licorice plant, straw flower)

Hoheria spp. (lacebark) Holcus spp. (velvet grass) Humulus spp. (hops)

Hypericum spp. (Aaron's beard, sweet-amber, St John's wort)

llex spp. (holly) *Iris* spp. (iris)

Jasminum spp. (jasmine)

Juglans spp. (California black walnut, butternut, English walnut)

Juncus spp. (rush)

Kerria spp. (Japanese kerria) Kunzea spp. (Burgan)

Laburnum spp. (bean treegolden-chain)

Lagunaria spp. (cow itch tree, Hercules' club, white field gourd)

Lantana spp. (lantana, shrub verbena)

Lathyrus spp. (sweet pea)

Laurus spp. (Grecian laurel, sweet bay)

Lavendula spp. (lavenders)
Leptospermum spp. (tea trees)
Leucodendron spp. (silver tree)
Ligustrum spp. (privet)
Lilium spp. (lilies)
Linum spp. (flax)

Litchi spp. (leechee, litchi, lychee) Lomandra spp. (mat-rush nyalla, tanika)

Lonicera spp. (honeysuckles)

Linus spp. (flax)

Lotus spp. (bird's-foot trefoil, parrot's-beak, winged pea)

Lupinus spp. (lupines) Lycopersicum spp. (tomatoes) Macadamia spp. (macadamia)

Magnolia spp. (cucumber tree, bull bay, magnolia, southern magnolia,

tulip tree)

Malus spp. (apple)
Malva spp. (mallow)
Mangifera spp. (mango)

Medicago spp. (alfalfa, bur clover, yellow trefoil) *Melaleuca* spp. (honey myrtle, bottlebrush)

Meliotus spp. (white sweet clover, yellow sweet clover)

Mentha spp. (mint)

Mesembryanthemum spp. (ice plant)

Metrosideros spp. (bottlebrush, iron tree, New Zealand Christmas tree)

Michelia spp. (michelia)

Monotoca spp. (broomheaths)
Myoporum spp. (myoporum, Ngaio-tree)

Muehlenbeckia spp. (maidenhair vine, wire plant)
Myosotis spp. (forget-me-not, scorpion grass)

Nemesia spp. (nemesia) Olea spp. (olive)

Opuntia spp. (beaver-tail, cholla, pencil cactus, prickly pear, rabbit-ears, tuna)

Oxalis spp. (lady's sorrel, redwood sorrel, wood sorrel)

Paeonia spp. (peony)

Parahebe spp.

Parkinsonia spp. (Jerusalem thorn, Mexican palo verde)

Parthenocissus spp. (woodbine, Virginia creeper)

Passiflora spp. (banana passionflower, passionfruit, poka)

Pastinaca spp. (parsnip)

Pelargonium spp. (florist's geraniums)

Penstemon spp. (beard-tongue, mountain-pride, scarlet-bugler)

Persea spp. (avocado, Florida mahogany, red bay)

Persoonia spp. (bonewood, lance-leaf)

Petroselinum spp. (parsley)

Phaseolus spp. (green bean, kidney bean, lima bean, snap bean, string bean)

Philadelphus spp. (mock orange)

Phlox spp. (phlox, sweet William)

Phorium spp. (flax lily, mountain flax, New Zealand flax)

Photinia spp. (photinia)

Phyllanthus spp. (emblic, foliage flower, Otaheite gooseberry)

Physalis spp. (ground cherry, husk tomato, tomatillo)

Picea spp. (spruce)

Pieris spp. (andromeda, fetterbrush, Japanese pieris, lily-of-the-valley bush)

Pinus spp. (pines)

Pipturus spp. (mamaki)

Pisum spp. (garden pea, English pea, snow pea, sugar pea)

Pittosporum spp. (pittosporums)

Plantago spp. (plantain)

Platysace spp. (native parsnip)

Plumbago spp. (leadwort, plumbago)

Podranea spp.

Polygala spp. (milkworts)

Polygonum spp. (fleece flower, knotweed, smartweed)

Populus spp. (cottonwood, poplar)

Primula spp. (cowslip, primrose, primula)

Prunus spp. (almond, apricot, cherry, nectarine, peach, plum, flowering ornamentals)

Pseudopanax spp. (five-finger, lancewood)

Pseudotsuga spp. (big-cone pine, Douglas-fir, Japanese Douglas-fir)

Pseudowintera spp. (Horpito)

Pteridium spp. (brackenfern)

Pteris spp. (brake, dish fern, table fern)

Pulicaria spp. (false fleabane)

Pyllanthus spp.

Pyracantha spp. (fire thorn, pyracantha)

Pyrus spp. (Asian pear, pear, ornamental pear, sand pear)

Quercus spp. (oak)

Racosperma spp. (wattle)

Ranunculus spp. (buttercups, crowfoot)

Raphanus spp. (wild radish)

Reseda spp. (mignonette)

Rhaphiolepis spp. (Japanese-hawthorn)

Rhododendron spp. (azalea, rhododendron)

Ribes spp. (currant, gooseberry)

Ripogonum spp. (supplejack)

Robinia spp. (locust)

Rosa spp. (roses)

Rubus spp. (blackberry, boysenberry, raspberry)

Rumex spp. (common sheep sorrel, dock, garden sorrel)

Salix spp. (willow)

Salvia spp. (sages)

Sambucus spp. (elderberry)

Santalum spp. (sandalwood)

Schlumbergera spp. = *Zygocactus* spp. (Christmas cactus, claw cactus, crab cactus)

Senecio spp. (dusty-miller, groundsels)

Sequoia spp. (coast redwood)

Sida spp. (fanpetals, Virginia mallow)

Sisymbrium spp. (hedge mustard)

Smilax spp. (greenbrier, Jacob's ladder, wild sarsaparilla)

Solanum spp. (horse nettles, nightshade, pepino, potato)

Solidago spp. (California goldenrod, Canada goldenrod, goldenrod)

Sollya spp. (Australian bluebells, bluebell creeper)

Sonchus spp. (sowthistle)

Sophora spp. (sophora)

Spergula spp. (corn spurry, spurry)

Syringa spp. (lilac)

Thuja spp. (cedar, giant cedar, Oriental arborvitae, red cedar, white cedar)

Tibouchina spp. (glory bush, lasiandra, pleroma, princess flower)

Tithonia spp. (Mexican sunflower)

Tradescantia spp. (chain plant, spiderwort, wandering Jew, widow's-tears, white-velvet)

Trema spp.

Trifolium spp. (clover)

Triglochin spp. (arrow grass)

Ulex spp. (furze, gorse, whin)

Ulma spp. (elm)

Urtica spp. (nettles, stinging nettles)

Vaccinium spp. (blueberry)

Verbena spp. (verbena, vervain)

Veronica spp. (brooklime, speedwell)

Viburnum spp. (arrowwoods)

Vicia spp. (broad bean, tare, vetch)

Vinca spp. (periwinkles)

Viloa spp. (Johnny-jump-up, miniature pansy, pansy, viola, violet)

Vitis spp. (grape)

Weigela spp. (weigela)

Weinmannia spp. (kamahi)

Wikstroemia spp. (Mou'a, Oahu false Ohelo)

Wilkesia spp.

Wisteria spp. (wisteria)

Zea spp. (corn, maize)

Zelkova spp. (zelkova)

Zygocactus spp. = *Schlumbergera* spp. (Christmas cactus, claw cactus, crab cactus)

- (c) Possible Carriers. Possible carriers shall include all appliances used in the growing, harvesting, processing and hauling of the host plants and plant parts and any greenwaste residues including but not limited to tractors, trailers, trucks, planting, picking and pruning equipment and processing machinery, the premises and appurtenances thereto and any lands where host plants are growing or were grown during the past season, or any other thing which by scientific investigation is shown to be capable of harboring or spreading any stage of the light brown apple moth.
- (d) Means and Methods. The following means and methods may be used in the control and eradication of said pest within said area:
- (1) The repeated application of insecticides or herbicides sprays or dusts, biological agents, pheromones to disrupt mating, or mass trapping by approved methods to any or all premises or lands, host plants or possible carriers, and any other articles or things which are infested or exposed to infestation and capable of harboring or spreading the light brown apple moth.
- (2) The removal and destruction of any and all possible carriers, including nursery stock or trees and shrubs if permission is received from the property owner, or if such action is the only practical way of eliminating the infestation of a host or possible carrier to prevent the spread or reinfestation of light brown apple moth.
- (3) The searching for all stages of light brown apple moth by visual inspection, the use of traps, or any other means anywhere within the said area.

- (4) The removal and destruction of abandoned or unwanted hosts or possible carriers bearing or capable of bearing light brown apple moth in any life stage.
- (5) Covering with tarps or enclosed construction of all trucks, trailers and other appliances hauling host plants, host plant crops or greenwaste residues to or from packing or processing facilities, greenwaste transfer stations, landfills, or elsewhere, to prevent spillage or blowout along roads.

NOTE: Authority cited: Sections 407 and 5322, Food and Agricultural Code. Reference: Sections 407, 5322, 5761, 5762 and 5763, Food and Agricultural Code HISTORY

- 1. New section filed 3-21-2007 as an emergency; operative 3-21-2007 (Register 2007, No. 12). A Certificate of Compliance must be transmitted to OAL by 9-17-2007 or emergency language will be repealed by operation of law on the following day.
- 2. Amendment of subsections (a)–(b) filed 4–3–2007 as an emergency; operative 4–3–2007 (Register 2007, No. 14). A Certificate of Compliance must be transmitted to OAL by 10–1–2007 or emergency language will be repealed by operation of law on the following day.
- 3. Amendment of subsection (a) filed 4–20–2007 as an emergency; operative 4–20–2007 (Register 2007, No. 16). A Certificate of Compliance must be transmitted to OAL by 10–17–2007 or emergency language will be repealed by operation of law on the following day.
- 4. Amendment of subsection (a) filed 4–23–2007 as an emergency; operative 4–23–2007 (Register 2007, No. 17). A Certificate of Compliance must be transmitted to OAL by 10–22–2007 or emergency language will be repealed by operation of law on the following day.
- 5. Amendment of subsection (a) filed 6-5-2007 as an emergency; operative 6-5-2007 (Register 2007, No. 23). A Certificate of Compliance must be transmitted to OAL by 12-3-2007 or emergency language will be repealed by operation of law on the following day.
- 6. Amendment of subsection (a) filed 7–13–2007 as an emergency; operative 7–13–2007 (Register 2007, No. 28). A Certificate of Compliance must be transmitted to OAL by 1–9–2008 or emergency language will be repealed by operation of law on the following day.
- 7. Certificate of Compliance as to 3-21-2007 order, including amendment of subsections (b) and (d)(1), transmitted to OAL 8-14-2007 and filed 9-24-2007 (Register 2007, No. 39).
- 8. Certificate of Compliance as to 4–3–2007, 4–20–2007, 4–23–2007 and 6–5–2007 orders, including nonsubstantive amendments to subsection (b), transmitted to OAL 9–24–2007 and filed 10–25–2007 (Register 2007, No. 43).
- Certificate of Compliance as to 7-13-2007 order transmitted to OAL 10-4-2007 and filed 11-14-2007 (Register 2007, No. 46).
- 10. Amendment of subsection (a) filed 2–8–2008 as an emergency; operative 2–8–2008 (Register 2008, No. 6). A Certificate of Compliance must be transmitted to OAL by 8–6–2008 or emergency language will be repealed by operation of law on the following day.
- 11. Amendment of subsection (a) filed 3–3–2008 as an emergency; operative 3–3–2008 (Register 2008, No. 10). A Certificate of Compliance must be transmitted to OAL by 9–2–2008 or emergency language will be repealed by operation of law on the following day.
- 12. Amendment of subsection (a) filed 4–30–2008 as an emergency; operative 4–30–2008 (Register 2008, No. 18). A Certificate of Compliance must be transmitted to OAL by 10–27–2008 or emergency language will be repealed by operation of law on the following day.

§ 3591.21. Asian Citrus Psyllid Eradication Area.

(a) Proclamation of Eradication Area. The portions of the State of California described as follows, within which a certain pest, *Diaphorina citri* (Asian citrus psyllid), is known to exist or there is an immediate threat of introduction, are hereby proclaimed to be eradication areas with respect to said pest:

The entire State.

- (b) Hosts and Possible Carriers, Within Said Area.
- (1) All nursery stock and plants and plant parts and plant products capable of propagation, except seed and fruit of:

Aegle marmelos (bael, Bengal quince, golden apple, bela, milva)

Aeglopsis chevalieri (Chevalier's aeglopsis)

Afraegle gabonensis (Gabon powder-flask)

Afraegle paniculata (Nigerian powder-flask)

Atalantia missionis (=Pamburus missionis)

Atalantia monophylla (Indian atalantia)

Atalantia spp

Balsamocitrus dawei (Uganda powder-flask)

Bergia (=Murraya) koenigii (curry leaf)

Calodendrum capense (Cape chestnut)

X Citrocirus webberi

Citropsis articulata (Katimboro, Muboro, West African cherry orange)

Citropsis gilletiana (cherry–orange)

Citropsis schweinfurthii (African cherry-orange)

Citrus aurantiifolia (lime, Key lime, Persian lime, lima, limón agrio, limón ceuti, lima mejicana, limero)

Citrus aurantium (sour orange, Seville orange, bigarde, marmalade orange, naranja agria, naranja amarga)

Citrus hystrix (Mauritius papeda, Kaffir lime)

Citrus jambhiri (rough lemon, jambhiri–orange, limón rugoso, rugoso)

Citrus limon (lemon, limón, limonero)

Citrus madurensis (=X Citrofortunella microcarpa)

Citrus maxima (pummelo, pomelo, shaddock, pompelmous, toronja)

Citrus medica (citron, cidra, cidro, toronja)

Citrus meyeri (Meyer lemon, dwarf lemon)

Citrus x nobilis (king mandarin, tangor, Florida orange, King-of-Siam)

Citrus x paradisi (grapefruit, pomelo, toronja)

Citrus reticulata (mandarin, tangerine, mandarina)

Citrus sinensis (sweet orange, orange, naranja, naranja dulce)

Citrus spp.

Clausena anisum-olens (anis)

Clausena excavata (clausena)

Clausena indica (clausena)

Clausena lansium (wampi, wampee)

Clymenia polyandra (a-mulis)

Eremocitrus glauca (Australian desert lime)

Eremocitrus hybrid

Fortunella crassifolia (Meiwa kumquat)

Fortunella margarita (Nagami kumquat, oval kumquat)

Fortunella polyandra (Malayan kumquat)

Fortunella spp.

Limonia acidissima (Indian wood apple)

Merrillia caloxylon (flowering merrillia)

Microcitrus australasica (finger-lime)

Microcitrus australis (Australian round-lime)

Microcitrus papuana (desert-lime)

X Microcitronella spp.

Murraya spp. (curry leaf, orange–jasmine, Chinese–box, naranjo jazmin)

Naringi crenulata (naringi)

Pamburus missionis (pamburus, =Atalantia missionis)

Poncirus trifoliata (trifoliate orange, naranjo trébol)

Severinia buxifolia (Chinese box-orange)

Swinglea glutinosa (tabog)

Tetradium ruticarpum (evodia, wu zhu yu)

Toddalia asiatica (orange climber)

Triphasia trifolia (trifoliate limeberry, triphasia)

Vepris (=Toddalia) lanceolata (white ironwood)

Zanthoxylum fagara (wild lime, lime prickly-ash)

- (3) Any other articles which are infested or exposed to infestation by *Diaphorina citri*.
- (c) Means and Methods. The following means and methods may be used in the eradication, control or suppression of said pest within said area
- (1) The repeated timely application of insecticides or herbicides sprays or dusts, biological agents, or mass trapping by approved methods to any or all premises or lands, host plants or possible carriers, and any other articles or things which are infested or exposed to infestation and capable of harboring or spreading *Diaphorina citri*.
- (2) The removal and destruction of any and all possible carriers, including nursery stock or trees and shrubs if permission is received from the property owner, or if such action is the only practical way of eliminat-

ing the infestation of a host or possible carrier to prevent the spread or reinfestation of Diaphorina citri.

- (3) The searching for all stages of *Diaphorina citri* by visual inspection, the use of traps, or any other means anywhere within the said area.
- (4) The removal and destruction of abandoned or unwanted hosts or possible carriers bearing or capable of bearing Diaphorina citri in any

NOTE: Authority cited: Sections 407 and 5322, Food and Agricultural Code. Reference: Sections 407, 5322, 5761, 5762 and 5763, Food and Agricultural Code. HISTORY

1. New section filed 7-24-2008 as an emergency; operative 7-24-2008 (Register 2008. No. 30). A Certificate of Compliance must be transmitted to OAL by 1-20-2009 or emergency language will be repealed by operation of law on the following day.

§ 3591.22. False Codling Moth Eradication Area.

(a) Proclamation of Eradication Area. That portion of the State of California described as follows within which a certain pest, false codling moth (Thaumatotibia leucotreta), is known to exist are hereby proclaimed to be eradication areas with respect to said pest:

The entire State.

(b) Hosts Within Said Area. The following nursery stock, plants and plant parts and any greenwaste residues thereof or any other plant which by scientific investigation is shown to be capable of sustaining false codling moth in any stage of development:

Scientifc Name

Abelmoschus esculentus Abutilon hybridum Abutilon spp. Ananas comosus Annona cherimola Annona glabra Annona muricata Annona reticulata Annona squamosa Annona spp. Averrhoa carambola Azanza garckeana Bauhinia galpini Butryospermum parkii Caesalpinia pulcherrima Calotropis procera Camellia sinensis Capparis tomentosa Capsicum spp. Cassia petersiana Catha edulis Ceiba pentandra Chrysophyllum cainito Citrus aurantiifolia Citrus limon Citrus paradisi

Citrus paradisi x Citrus reticulata Citrus reticulata Citrus reticulata x Citrus sinensis

Citrus sinensis Citrus spp. Coffea arabica Coffea spp. Cola nitida

Combretum apiculatum Combretum zeyheri Cyphomandra betacea Diospyros mespiliformis Diospyros spp.

Englerophytum magalismontanum

Eriobotrya japonica Eugenia uniflora Ficus capensis Flacourtia indica Garcinia mangostana Gossypium hirsutum Gossypium spp. Harpephyllym cattrum Hibiscus spp. Juglans regia

Juglans spp. Litchi chinensis Lycopersicon esculentum Macadamia ternifolia

Common Name

Okra Indian mallow

Flowering maple, Mallow Pineapple

Cherimoya Pond apple Soursop Custard apple Sugar apple Sweetsop Carambola Snot apple Pride of De Kaap Butterseed Peacock flower

Sodom apple

Woolly caper-bush Pepper Monkey pod Khat

Kapok Star apple Lime Lemon Grapefruit Tangelo Mandarin orange Temple orange

Sweet orange Orange Coffee Coffee Cola

Red bushwillow, Rooibos Large fruited bushwillow

Tree tomato Jakkalsbessie Persimmon Stemfruit Loquat Surinam cherry Wild fig Governor's plum Mangosteen Cotton Cotton Kafir plum Hibiscus English walnut Walnut Litchi

Tomato

Macadamia nut

Scientife Name

Macadamia spp. Mangifera indica Mumisops zeyheri

Musa paradisiaca var. sapientum Olea europaea

Pennisetum purpureum Persea americana Phaseolus lunatus Physalis ixocarna Physalis spp. Podocarpus falcatus Prunus armeniaca Prunus domestica

Prunus spp. Pseudolachnostylis maprounaefolia

Psidium guajava Punica granatum Quercus spp. Ricinus communis Royena pallens Schotia afra Schotia speciosa

Prunus persica

Sclerocarya birrea Sclerocarya caffra Sechium edule

Sida spp. Solanum melongena Sorghum vulgare Sorghum spp. Syzygium cordatum Syzygium jambos Synsepalum dulciticum Theobroma cacao Triumfetta spp. Vangueria infausta Vigna unguiculata

Vigna spp Vitis vinifera Vitis spp. Xeroderris stuhlmannii Ximenia caffra Yucca alofolia Yucca glóriosa

Yucca spp. Zea mays Ziziphus jujube Ziziphus mucronata Common Name

Macadamia Mango Red milkweed Banana Olive Elephant grass Avocado Lima bean Husk tomato Ground cherry Outeniqua yellowwood

Apricot Prune Peach

Cherry (all), Plum Kudu-berry Common guava Pomegranate Oak Castor bean Bluobos Boerboon

Hottentot kafir bean tree Marula

Marula, Kafir marvolanut

Chayote Sida Eggplant Sorghum Sorghum Water-bessie Rose apple Miraculous berry

Cacao Burrbark Wild medlar Cowpea Cowpea Grape Grape Wing bean Large sour plum Spanish bayonet Spanish dagger Yucca

Corn Jujube Buffalo thorn

- (c) Possible Carriers. Possible carriers shall include all appliances used in the growing, harvesting, processing and hauling of the host plants and plant parts and any greenwaste residues including but not limited to tractors, trailers, trucks, planting, picking and pruning equipment and processing machinery, the premises and appurtenances thereto and any lands where host plants are growing or were grown during the past season, or any other thing which by scientific investigation is shown to be capable of harboring or spreading any stage of false codling moth.
- (d) Means and Methods. The following means and methods may be used in the control and eradication of said pest within said area:
- (1) The repeated application of insecticides or herbicides sprays or dusts or biological agents or pheromones to disrupt mating or mass trapping by approved methods to any or all premises or lands, host plants or possible carriers, and any other articles or things which are infested or exposed to infestation and capable of harboring or spreading the false codling moth.
- (2) The removal and destruction of any and all possible carriers, including nursery stock or trees and shrubs if permission is received from the property owner, or if such action is the only practical way of eliminating the infestation of a host or possible carrier to prevent the spread or reinfestation of false codling moth.
- (3) The searching for all stages of false codling moth by visual inspection, the use of traps, or any other means anywhere within the said area.
- (4) The removal and destruction of abandoned or unwanted hosts or possible carriers bearing or capable of bearing false codling moth in any life stage.
- (5) Covering with tarps or enclosed construction of all trucks, trailers and other appliances hauling host plants, host plant crops or greenwaste

residues to or from packing or processing facilities, greenwaste transfer stations, landfills, or elsewhere, to prevent spillage or blowout along roads.

(6) The importation, rearing, or liberation of sterile forms of the false codling moth.

NOTE: Authority cited: Sections 407 and 5322, Food and Agricultural Code. Reference: Sections 407, 5322, 5761, 5762 and 5763, Food and Agricultural Code.

 New section filed 8-1-2008 as an emergency; operative 8-1-2008 (Register 2008, No. 31). A Certificate of Compliance must be transmitted to OAL by 1-28-2009 or emergency language will be repealed by operation of law on the following day.

§ 3592. White Garden Snail Eradication Area.

NOTE: Authority cited: Sections 407 and 5322, Food and Agricultural Code. Reference: Sections 5761–5763, Food and Agricultural Code.

HISTORY

- 1. New section filed 12-21-88; operative 1-20-89 (Register 88, No. 53).
- 2. Repealer filed 5-7-93; operative 6-7-93 (Register 93, No. 19).

Article 3. Host-Free Districts

§ 3595. Cotton Pests Host-Free Districts.

- (a) Proclamation. The secretary finds that infestations of pink boll-worm and cotton boll weevil in cotton growing areas of California present a threat of further spread of pink bollworm and cotton boll weevil and that it is impracticable to eradicate said pests or to prevent the continuing spread of said pests unless cotton plants are not grown, cultivated, or maintained during certain periods of time.
- (b) Definitions. The following definitions are applicable to this section.
- (1) Pests. Pink bollworm (*Pectinophora gossypiella*) and cotton boll weevil (*Anthonomus grandis*).
- (2) Hosts. Cotton (*Gossypium*), okra (*Abelmoschus* [*Hibiscus*] *esculentus*), and kenaf (*Hibiscus cannibinus*) plants and parts thereof, or any other plant which by investigation is shown to be capable of sustaining pink bollworm or cotton boll weevil in any stage of development.
- (c) Host–Free Districts. The following areas are declared cotton pests host–free districts.

District 1. The entire counties of Inyo, Los Angeles, and San Diego and the entire county of San Bernardino except that portion described as follows: beginning at a point where U.S. Highway 95 intersects the California–Nevada border, then southerly along said highway to the San Bernardino–Riverside County line, east along said county line to the California–Arizona border, then easterly and northerly along the California–Arizona and California–Nevada borders to the point of beginning.

District 2. The entire counties of Kern, Kings, and Tulare.

District 3. The entire county of Fresno south of Shields Avenue and projected lines drawn due east and due west from the ends of Shields Avenue through Fresno County.

District 4. The entire counties of Madera, Merced, and San Benito and that portion of Fresno County north of Shields Avenue and projected lines drawn due east and due west from the ends of Shields Avenue through Fresno County.

District 5. The entire county of Riverside except the campus of the University of California at Riverside, that portion of San Bernardino County not in District 1, and Townships 9S and 10S of Imperial County.

District 6. That portion of Imperial County described as follows: that area bounded by the California–Arizona border, the California–Mexico border, and the All American Canal from the Pilot Knob Power Station to Laguna Dam.

District 7. That portion of Imperial County not included in Districts 5

(d) Requirements. All cotton plants in District one shall be destroyed in a manner described in subsection (f) below by March 1 of each year. All cotton plants in Districts two and three shall be destroyed in a manner described in subsection (f) below by December 20 of each year. All cotton plants in District four shall be destroyed in a manner described in sub-

section (f) below by December 31 of each year. All cotton plants in District five shall be destroyed in a manner described in subsection (f) below by January 1 of each year. All cotton plants in District six shall be destroyed in a manner described in subsection (f) below by December 15 of each year. All cotton plants in District seven shall be terminated in a manner described in subsection (e) below by October 1 of each year and destroyed in a manner described in subsection (f) below by December 1 of each year. No cotton shall be planted in Districts one or five prior to March 1 of each year. No cotton shall be planted in District six prior to February 15 of each year. No cotton shall be planted in District seven prior to February 10 of each year.

Okra, kenaf, and other hosts except cotton may be planted, grown, cultivated, or maintained in any district at any time.

Requirements of this regulation do not pertain to picked cotton stored in ricks or modules.

Unless otherwise amended, effective January 1, 2000 subsection (d) shall read:

(d) Requirements. All cotton plants in District one shall be destroyed in a manner described in subsection (e) below by March 1 of each year. All cotton plants in Districts two and three shall be destroyed in a manner described in subsection (e) below by December 20 of each year. All cotton plants in District four shall be destroyed in a manner described in subsection (e) below by December 31 of each year. All cotton plants in Districts five and seven shall be destroyed in a manner described in subsection (e) below by January 1 of each year. All cotton plants in District six shall be destroyed in a manner described in subsection (e) below by December 15 of each year. No cotton shall be planted in Districts one or five prior to March 1 of each year. No cotton shall be planted in Districts two, three, or four prior to March 10 of each year. No cotton shall be planted in Districts six or seven prior to February 15 of each year.

Okra, kenaf, and other hosts except cotton may be planted, grown, cultivated, or maintained in any district at any time.

Requirements of this regulation do not pertain to picked cotton stored in ricks or modules.

(e) Method of Termination. To comply with *termination* requirements described in subsection (d), cotton plants shall be *terminated* by the application, at label dosages, of a chemical registered for use on cotton plants to cause the *blooms*, *squares*, and *immature bolls* to drop from the plants.

Unless otherwise amended, effective January 1, 2000 subsection (e) shall read:

- (e) Method of Destruction.
- (1) Shredding. All cotton stalks and debris shall be shredded by a power driven shredding device in a manner which effectively reduces stalks to a particle size permitting burial and decomposition and assures that bolls remaining in the field are broken open and the parts scattered.
- (2) Tillage. Following shredding as required above, the land on which any cotton plants were growing during the preceding season shall be tilled in such a manner that stubs are uprooted and loosened from soil around their roots. Roots, plant stubs, shredding debris and trash remaining from harvesting or clean—up operations shall be mixed with surface soil.
 - (f) Method of Destruction.
- (1) Shredding. All cotton stalks and debris shall be shredded by a power driven shredding device in a manner which effectively reduces stalks to a particle size permitting burial and decomposition, and assures that bolls remaining in the field are broken open and the parts scattered.
- (2) Tillage. Following shredding as required above, the land on which any cotton plants were growing during the preceding season shall be tilled in such a manner that stubs are uprooted and loosened from soil around their roots. Roots, plant stubs, shredding debris and trash remaining from harvesting or clean—up operations shall be mixed with surface soil

Unless otherwise amended, effective January 1, 2000 subsection (f) shall read:

(f) Variances.

- (1) Upon written application for a variance the secretary, after consultation with the agricultural commissioner, may grant a variance from full compliance with requirements of subsection (d) and (e) when the applicant demonstrates to the secretary in said written application that compliance has been accomplished to the fullest extent practicable.
- (2) The secretary may grant a variance to growers on an areawide or statewide basis in case of extreme hardships resulting from adverse natural causes.
 - (g) Variances.
- (1) Upon written application for a variance the secretary, after consultation with the agricultural commissioner, may grant a variance from full compliance with requirements of subsections (d), (e), or (f) when the applicant demonstrates to the secretary in said written application that compliance has been accomplished to the fullest extent practicable.
- (2) The secretary may grant a variance to growers on an areawide or statewide basis in case of extreme hardships resulting from adverse natural causes.
- (3) The secretary authorizes the agricultural commissioner of the county which includes District seven to grant variances to growers in District seven from compliance with the termination requirements of subsection (d). The secretary finds that it would be detrimental to the eradication or effective control of the pests to extend this variance authorization to all other districts or periods. The variances from compliance with the termination requirement may be granted under the following conditions:
- (A) The variance may allow a grower to delay termination of a maximum of 30% of the grower's total acreage until October 7, provided that the same grower also terminates an equal or greater acreage by Septem-
- (B) The grower shall enter into a compliance agreement with the agricultural commissioner by September 20 of the year for which the variance is requested.
- (C) All growers in District seven are eligible for the variance if the above conditions are met.

Unless otherwise amended, effective January 1, 2000 subsection (g) shall be repealed.

NOTE: Authority cited: Sections 407, 5322 and 5781, Food and Agricultural Code. Reference: Sections 5322, 5552 and 5781-5784, Food and Agricultural Code. HISTORY

- 1. Amendment filed 3-23-78 as an emergency; effective 4-10-78 at 12:01 a.m. (Register 78, No. 12). For prior history, see Register 78, No. 9.
- 2. Amendment of subsection (f) filed 5-1-78 as an emergency; effective upon filing (Register 78, No. 18).
- 3. Certificate of Compliance as to 3-23-78 order filed 6-1-78 (Register 78, No. 22).
- 4. Certificate of Compliance as to 5–1–78 order filed 7–3–78 (Register 78, No. 27).
- 5. New subsection (f)(3) filed 1-31-78 as an emergency; effective upon filing and only through 3-1-79 (Register 79, No. 5).
- 6. Editorial removal of subsection (f)(3) (Register 79, No. 19).
- 7. Amendment of subsection (d) filed 7-23-81; effective thirtieth day thereafter (Register 81, No. 30).
- 8. Amendment filed 1-4-89; operative 1-4-89 (Register 89, No. 11).
- 9. Amendment of last paragraph in subsections (d) and (e) and new subsection (g)(3) filed 12-2-91; operative 1-1-92 (Register 92, No. 9).
- 10. Amendment filed 11-10-94; operative 1-1-95 (Register 94, No. 45).
- 11. Amendment of subsection (d) and NOTE filed 10-18-95; operative 11-17-95 (Register 95, No. 42).
- 12. Amendment of subsection (d) filed 10-23-96; operative 11-22-96 (Register 96, No. 43).
- 13. Amendment of subsections (d)-(g) filed 11-20-97; operative 12-31-97 (Register 97, No. 46).
- 14. Amendment of both versions of subsection (d) filed 1-12-98 as an emergency; operative 1–12–98 (Register 98, No. 3). A Certificate of Compliance must be transmitted to OAL by 5–12–98 or emergency language will be repealed by operation of law on the following day.
- 15. Certificate of Compliance as to 1-12-98 order transmitted to OAL 4-17-98 and filed 5-26-98 (Register 98, No. 22).
- 16. Amendment of both versions of subsection (d) filed 5-27-98; operative 6-26-98 (Register 98, No. 22)
- 17. Amendment of second version of subsection (d) filed 2-4-2000; operative 2-15-2000 pursuant to Government Code section 11343.4(d) (Register 2000, No. 5).

§ 3596. Cotton Boll Weevil Host-Free Districts.

NOTE: Authority cited: Sections 407, 5322 and 5781, Food and Agricultural Code. Reference: Sections 5322, 5781 and 5784, Food and Agricultural Code.

HISTORY

- 1. New section filed 10-27-82 as an emergency; effective upon filing (Register 82, No. 44). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 2-24-83.
- 2. Certificate of Compliance filed 2-11-83 (Register 83, No. 7)
- Amendment filed 1–13–84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 2).

 4. Amendment of subsection (c) filed 2–3–86; effective thirtieth day thereafter
- (Register 86, No. 6).
- Amendment of subsection (c) filed 2-23-87 as an emergency; effective upon filing (Register 87, No. 9). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 6-23-87.
- 6. Reinstatement of subsection (c) as it existed prior to emergency filed 2-23-87 by operation of Government Code Section 11346.1(g) (Register 87, No. 34).
- 7. Repealer filed 1–4–89; operative 1–4–89 (Register 89, No. 11).

§ 3597. Lettuce Root Aphid Host-Free Districts.

The director finds that lettuce root aphid (Pemphigus bursarius) exists in certain lettuce-growing areas of California and that this pest cannot be eradicated or effectively controlled by recognized ordinary means.

- (a) Hosts. Lombardy poplar (Populus nigra Cv. 'Italica') and lettuce (Lactuca sativa).
- (b) Host–Free Districts. The following areas are declared lettuce root aphid host-free districts:

District 1. That portion of Monterey County bounded by a line drawn as follows: Beginning at the intersection of the Monterey Bay coastline and the Monterey – Santa Cruz County Line; then northeasterly along said county line to its intersection with Carpenteria Avenue; then southerly along said avenue to its intersection with Snyder Avenue; then westerly along an imaginary line from said intersection to the intersection of San Miguel Canyon Road and Lewis Road; then westerly along Lewis Road to its intersection with Dump road; then southwesterly along an imaginary line from said intersection to the intersection of Hall road and Elkhorn Road; then southerly along Elkhorn Road to its intersection with Elkhorn Slough; then southerly and westerly along said slough to its intersection with the Monterey Bay coastline; then northerly along said coastline to the point of beginning.

District 2. That portion of Monterey County bounded by a line drawn as follows: Beginning at the intersection of Crazy Horse Road and San Juan Grade; then southeasterly along an imaginary line to the intersection of Inverson Road and Gloria Road; then southeasterly along an imaginary line from said intersection to the intersection of County Route G15 and Stonewall Canyon Road; then southeasterly along said road to its intersection with County Route 16; then southeasterly along an imaginary line from said intersection to the intersection of Deadman Gulch Road and Lynch Canyon; then westerly along Deadman Gulch Road to its intersection with Sargent's Road; then due west along an imaginary line from said intersection to its intersection with the Salinas River; then northerly along said river to its intersection with U.S. Highway 101; then northwesterly along an imaginary line from said intersection to the intersection Oasis Road and County Route 14, then northwesterly along an imaginary line from said intersection to the intersection of Central Avenue Hobson Road; then northwesterly along an imaginary line from said intersection to the intersection of County Route 17 and County Route 16; then northerly along an imaginary line from said intersection to the intersection of Clark Road and Paraiso Road; then northwesterly along an imaginary line from said intersection to the west end of Limekiln Road; then northwesterly along an imaginary line from said intersection to the intersection of Blanco Road and Reservation Road; then northwesterly along an imaginary line from said intersection to the northern intersection of Del Monte Boulevard and Lapis Road; then due west along an imaginary line from said intersection to the Monterey Bay coastline, then northerly along said coastline to its intersection with an imaginary line drawn due west from the intersection of Crazy Horse Road and San Juan Grade; then due east along said line to the point beginning.

(c) Requirements. The planting, growing, cultivating, or maintenance in any manner of Lombardy poplar is prohibited in any lettuce root aphid host-free district unless a permit has been issued by the director or agricultural commissioner of the county in which the district is located. Any Lombardy poplar plant which is planted, growing, or being cultivated or maintained within a lettuce root aphid host–free district is a public nuisance and is subject to all the laws which relate to the abatement of such nuisance. Lettuce may be planted, grown, cultivated or maintained in any lettuce root aphid host–free district at any time, except when prohibited by Section 3611, California Code of Regulations.

NOTE: Authority cited: Section 407 and 5781, Food and Agricultural Code. Reference: Section 5781–5783, Food and Agricultural Code.

HISTORY

1. New section filed 3-18-88; operative 3-18-88 (Register 88, No. 14).

Article 4. Fees for Pest Control and Eradication

§ 3600. Fees for Control and Eradication of Pink Bollworm.

This section establishes procedures for collection of fees for control and eradication of pink bollworm or other related cotton pests as authorized by Section 6005 of the Food and Agricultural Code.

- (a) As used in this section, unless the context otherwise requires:
- (1) Ginner means any person who operates a cotton gin in California.
- (2) Grower means any person who owns or shares in the proceeds of a cotton crop grown in California.
- (b) The Director of Food and Agriculture, pursuant to Section 6005 of the Food and Agricultural Code hereby establishes fees for each bale of cotton grown in California. The fee shall vary in accordance with the protection afforded to the cotton crop in the area where the cotton is grown. The fees shall be:
- (1) For cotton grown in pink bollworm host–free districts; \$2.00 per bale.
- (2) For cotton grown outside pink bollworm host–free districts; \$0.50 per bale.

(The pink bollworm host–free districts are defined in Section 3595, Title 3 of the California Code of Regulations.)

The fees shall be payable by the grower of the cotton in accordance with procedures promulgated in this section which require collection at the time of ginning by California ginners on behalf of the Director for all cotton grown in the State. For California cotton ginned out of state, the growers shall pay the required fees to the Director of Food and Agriculture according to the assessment rate for the district or area where the cotton was grown.

- (c) Each ginner shall pay to the Director the sum collected or obligated to be collected for each calendar month before the fifteenth day of the following month.
- (d) Each grower who has cotton grown in California ginned outside of this State shall pay to the Director the sum owed for each calendar month before the fifteenth day of the following month.
- (e) Each ginner and grower shall accompany payments with a report in duplicate containing such information as is required by instructions of the Director.
- (f) Each ginner and grower shall maintain such books and records as are necessary to verify reports and remittances to the Director for two years. All such records shall be made available for inspection by the Director.
- (g) All information obtained by the Director from books, records and reports of ginners pursuant to this section shall be confidential.

NOTE: Authority cited: Sections 407 and 6005, Food and Agricultural Code. Reference: Section 6005, Food and Agricultural Code.

HISTORY

 Amendment of subsections (b)(1) and (2) filed 10–30–86; designated effective 11–1–86 pursuant to Government Code section 11346.2(d) (Register 86, No. 44). For prior history, see Register 85, No. 43.

- 2. Amendment of subsection (b) filed 9–30–88; operative 9–30–88 (Register 88, No. 41)
- Amendment of subsection (b)(1) filed 7-17-89 as an emergency; operative 7-17-89 (Register 89, No. 29). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 11-14-89.
- Certificate of Compliance transmitted to OAL 11–14–89 and filed 11–27–89 (Register 89, No. 49).
- Amendment of subsection (b) filed 8-16-91 as an emergency; operative 8-16-91 (Register 91, No. 50). A Certificate of Compliance must be transmitted to OAL 12-16-91 or emergency language will be repealed by operation of law on the following day.
- 6. Amendment of subsection (b) and NOTE filed 8-27-92; operative 8-27-92 (Register 92, No. 35).
- 7. Amendment of subsection (b)(1) filed 8-16-93; operative 9-15-93 (Register 93, No. 34).

§ 3601. Assessments for Control of Beet Leafhopper.

This section establishes a schedule of, and procedures for the collection of, assessments for the crops shown in paragraph (g) below for the purpose of beet leafhopper control as authorized in sections 6032–6036 of the Food and Agricultural Code, added by Ch. 1017, Stats. 1970.

- (a) As used in this section, unless the context otherwise requires:
- (1) Producer—handler means a producer who operates as a handler, as to any crop in paragraph (g), produced.
- (2) Producer means any person who owns or shares in the proceeds of a crop subject to payment of assessment pursuant to this section.
- (b) The Director of Food and Agriculture, pursuant to Sections 6031–6036 of the Food and Agricultural Code, hereby establishes an assessment for each crop produced in each district stated in paragraph (g). The full amount of the assessment shall be collected from the producer by the first handler at the point and time that the crop is purchased or received by the handler, or in the case of a producer–handler when the crop is marketed.
- (c) The assessment collected from producers by handlers or due from producer-handlers with the exception of handlers of dry beans and/or vine seeds shall be paid to the Director before the 15th day of the following month. Assessments collected from producers by handlers or due from producer-handlers of dry beans and/or vine seeds shall be paid to the Director annually by April 1 for products cleaned during the crop year.
- (d) Each handler or producer-handler shall accompany payments with a statement in duplicate containing such information as is required by instructions of the Director.
- (e) Each handler or producer-handler shall maintain for four years such books and records as are necessary to verify reports and remittances to the Director. All such records shall be made available for inspection by the Director.
- (f) All information obtained by the Director from books, records, and reports of handlers or producer-handlers pursuant to this section shall be confidential.
- (g) The assessments are as follows:

District I—Imperial and Riverside Counties.

	Assessment Rate Per Ton
Crop	(Dollars)
Tomatoes	
Sugar Beets	
Melons	
Watermelons	
Cucumbers	
Beans (Dry)	
Beans (Green Lima)	
Beans (Green Snap)	
Peppers	
Spinach	
Squash (Green weight)	
Pumpkin (Green weight)	

District II—Kern, Kings, Tulare, Fresno, Madera, Merced, Stanislaus, and San Joaquin counties, and that portion of Los Angeles County lying north of the San Gabriel Mountains.

	Assessment Rate Per Ton		
Crop	(Dollars)		
Tomatoes			
Sugar Beets			
Muskmelons (Green weight)			
Muskmelons (Vine seed)	15.577		
Cucumbers (Green weight)			
Cucumbers (Vine seed)	15.779		
Beans (Dry)			
Beans (Green Lima)			
Beans (Green Snap)			
Peppers			
Squash (Green weight)			
Squash (Vine seed)			
Pumpkin (Green weight)			
Pumpkin (Vine seed)			
Spinach			
Watermelon (Green weight)			
Watermelon (Vine seed)			

District III—Sacramento, Solano, Yolo, Placer, Sutter, Yuba, Colusa, Butte, Glenn, and Tehama counties.

	Assessment Rate Per Ton
Crop	(Dollars)
Tomatoes	
Sugar Beets	
Muskmelons (Green weight)	
Muskmelons (Vine seed)	20.456
Cucumbers (Green weight)	
Cucumbers (Vine seed)	
Beans (Dry)	
Beans (Green Lima)	
Beans (Green Snap)	
Peppers	
Spinach	
Watermelon (Vine seed)	2.515
Squash (Green weight)	
Squash (Vine seed)	
Pumpkin (Green weight)	
Pumpkin (Vine seed)	10.817

District IV—Alameda, Contra Costa, Monterey, San Benito, San Luis Obispo, Santa Clara, Santa Cruz, and Santa Barbara counties.

	Assessment Rate Pe	r Ton
Crop	(Do	llars)
Tomatoes		.064
Sugar Beets		.025
Muskmelons (Vine seed)		6.020
Cucumbers (Green weight)		.103
Cucumbers (Vine seed)		5.836
Beans (Dry)		.521
Beans (Green Lima)		.374
Beans (Green Snap)		.332
Peppers		.270
Spinach		.053
Squash (Green weight)		.103
Squash (Vine seed)	1	0.817
Pumpkin (Green weight)		
Pumpkin (Vine seed)		0.817

NOTE: Authority cited: Sections 407,6034 and 6036, Food and Agricultural Code. Reference: Sections 6034,6035 and 6036, Food and Agricultural Code.

HISTORY

- 1. Amendment of subsection (g)(3) filed 3–22–78 as an emergency; designated effective 4–1–78 at 12:01 a.m. (Register 78, No. 12). For prior history, see Register 77, No. 31.
- 2. Certificate of Compliance filed 4-12-78 (Register 78, No. 15).
- 3. Amendment of subsection (g) filed 6–1–78; designated effective 7–1–78 (Register 78, No. 22).
- Amendment filed 12-18-79 as an emergency; designated effective 1-1-80 (Register 79, No. 51). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 4-17-80.
- 5. Certificate of Compliance filed 3-14-80 (Register 80, No. 11).
- 6. Editorial correction repealing subsections (a)(1) and (a)(2) and renumbering subsections (a)(3) and (a)(4) to subsections (a)(1) and (a)(2) filed 2-17-83 (Register 83, No. 8).
- Amendment of subsection (g) filed 7-19-84; effective thirtieth day thereafter (Register 84, No. 29).
- 8. Amendment of subsection (g) filed 10–21–85; designated effective 11–1–85 pursuant to Government Code section 11346.2(d) (Register 85, No. 43)
- Amendment of subsection (g) filed 11–24–86; designated effective 1–1–87. (Register 86, No.48)

- 10. Amendment of subsection (g) filed 3–25–94; operative 5–1–94 (Register 94, No. 12).
- 11. Amendment of subsection (g) filed 3–16–95; operative 7–1–95 (Register 95, No. 11).
- 12. Amendment of subsection (g) filed 5-20-98 as an emergency; operative 7-1-98 (Register 98, No. 21). A Certificate of Compliance must be transmitted to OAL by 10-29-98 or emergency language will be repealed by operation of law on the following day.
- 13. Certificate of Compliance as to 5–20–98 order transmitted to OAL 8–14–98 and filed 9–3–98 (Register 98, No. 36).
- 14. Amendment of subsection (g) filed 6–7–99 as an emergency; operative 7–1–99 (Register 99, No. 24). A Certificate of Compliance must be transmitted to OAL by 10–29–99 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 6–7–99 order transmitted to OAL 10–19–99 and filed 12–2–99 (Register 99, No. 49).
- 16. Amendment of subsection (g) filed 4–26–2004 as an emergency; operative 7–1–2004 (Register 2004, No. 18). A Certificate of Compliance must be transmitted to OAL by 10–29–2004 or emergency language will be repealed by operation of law on the following day.
- 17. Certificate of Compliance as to 4-26-2004 order transmitted to OAL 9-28-2004 and filed 11-10-2004 (Register 2004, No. 46).

Chapter 4. Plant Pathology

(Originally Printed 7-25-45)

Subchapter 1. Host-Free Districts and Periods (Western Celery Mosaic)

Article 1. Territorial Limits and Periods

§ 3610. Western Celery Mosaic Host–Free Districts and Periods.

The director finds that western celery mosaic virus (which is also known as celery mosaic, *Apium* virus 1, and *Marmor umbelliferarum*) exists in certain celery growing areas of California and that this pest cannot be eradicated or effectively controlled by recognized ordinary means.

- (a) Host. Celery (Apium graveolens).
- (b) Host-Free Districts. The following areas are declared western celery mosaic host-free districts:

District 1. That portion of San Luis Obispo County bounded by a line drawn as follows: Beginning at the point of junction of San Luis Obispo Creek and the mean high tide line of the Pacific Ocean (near the town of Avila); then northeasterly along the center line of San Luis Obispo Creek to the point of its intersection with the center line of U.S. Highway 101; then easterly (approximately 12 miles) along an imaginary line drawn from said intersection to the point of junction of Lopez Creek and Arroyo Grande Creek (near the west boundary of Sec. 33, T31S, R14E, MDM); then southerly (approximately 9 1/2 miles) along an imaginary line drawn from the junction of Lopez Creek and Arroyo Grande Creek through the southernmost corner of Lot No. 39 of Rancho Nipomo to its point of intersection with the center line of U.S. Highway 101; then westerly (approximately 8 miles) along an imaginary line drawn from said point on U.S. Highway 101 through the southwest corner of Lot No. 131 of Rancho Bolsa de Chemisal to its point of intersection with the mean high tide line of the Pacific Ocean; then along the mean high tide line of the Pacific Ocean in a northerly and westerly direction to the point of be-

District 2. The entire County of Monterey.

District 3. The entire County of Ventura.

- (c) Host–Free Periods. The following are declared host–free periods for the districts described in subsection (b):
 - (1) At any place within the District, outside of greenhouses, in:
- (A) District 1, the host–free period shall commence on January 1 and end on January 31.
- (B) District 2, the host-free period shall commence on January 1 and end on January 31.

- (C) District 3, the host–free period shall commence on July 15 and end on August 4.
 - (2) Inside of greenhouses within the District in:
- (A) District 1, the host–free period shall be any continuous eight day period each year agreed upon by the county agricultural commissioner and each greenhouse owner or manager.
- (B) District 2, the host–free period shall be any continuous eight day period each year agreed upon by the county agricultural commissioner and each greenhouse owner or manager.
- (C) District 3, the host-free period shall commence on July 15 and end on July 22.
 - (d) Prohibitions and Permits.
- (1) Except as provided in paragraphs (2), (3) and (4) of this subsection, the planting of celery transplants, including any variety or subspecies of Apium graveolens, or the holding of celery in any state of cultivation or growth, other than seed or seedlings not showing above ground, is prohibited within the western celery mosaic host–free districts during the annual host–free periods established for those districts.
- (2) No celery plant or part thereof, other than seed, shall be planted or maintained in any state of cultivation or growth within any western celery mosaic host–free district unless a permit has been issued by the director or the agricultural commissioner of the county in which the district is located. The director or the agricultural commissioner may issue a permit to introduce, plant, and maintain celery transplants within the district, except during any host–free period established in subsection (c) (unless the permit is issued pursuant to paragraph (3) or (4) below), provided the director or commissioner determines that the celery plants covered by the permit originated on premises or in a district which is free from western celery mosaic.
- (3) The county agricultural commissioner may issue a permit for growing celery transplants within the host–free district at any time in any greenhouse located one–half mile or more from any wild or cultivated celery growing outside of greenhouses, provided the following conditions are met:
- (A) The applicant notified the commissioner in writing, 30 days in advance of the proposed starting date, of his or her intention to observe a host–free period in the greenhouse at a time other than during the host–free period established for the district in subsection (c)(2), and
- (B) The commissioner determines that no celery plant or living celery plant material has been present in the greenhouse during a period of consecutive days, equivalent to the period established for the district in subsection (c)(2), within the immediately preceding twelve—month period.
- (4) Celery plants may be grown at any time in any western celery mosaic host–free district, in an experimental celery breeding plot, provided a permit for growing experimental celery in a breeding plot has been issued by the agricultural commissioner of the county in which the district is located. Said permit may continue in effect indefinitely providing the commissioner determines that:
 - (A) Effective insect vector control measures are maintained;
- (B) The plot is and remains isolated from commercial celery fields; and
- (C) The plot does not otherwise constitute a source of spread of western celery mosaic virus.

NOTE: Authority cited: Sections 407 and 5781, Food and Agricultural Code. Reference: Sections 5781 and 5784, Food and Agricultural Code.

HISTORY

- 1. Amendment of subsection (c) filed 7–28–77 as organizational and procedural; effective upon filing (Register 77, No. 31). For prior history, see Register 69, No. 25
- 2. Repealer of Article 1 (Sections 3610–3622, not consecutive) and new Article 1 (Section 3610) filed 12–10–82; effective thirtieth day thereafter (Register 82, No. 50). For prior history, see Registers 78, No. 13; 77, No. 31; 71, No. 15; and 71, No. 1.
- Amendment of subsections (b), (c)(1)(A) and (c)(2)(A)-(B) filed 4-29-93; operative 5-31-93 (Register 93, No. 18).

§ 3611. Lettuce Mosaic Host-Free District and Period.

The Director finds that lettuce mosaic virus disease exists in certain lettuce growing areas of California and that this pest cannot be eradicated or effectively controlled by recognized ordinary means.

- (a) Hosts. Lettuce (*Lactuca* spp) and endive or escarole (*Cichoriumendivia*).
 - (b) Host–Free District. The entire County of Monterey.
- (c) Host–Free Period. The host–free period for the district described in subsection (b) shall commence on December 7 and end on December 21 of each year.
- (d) Restrictions. No host plant including greenhouse seed crop plants or transplants or part thereof, except seed, shall be planted or maintained in any state of cultivation or growth in any lettuce mosaic host–free district during the host–free period unless authorized under a permit issued by the director or agricultural commissioner of the county in which the district is located. During the existence of the host–free period, any host plant or part thereof, except seed, which is planted, growing or being cultivated or maintained within a host–free district, is a public nuisance and subject too all the laws which relate to the abatement of such nuisance. NOTE: Authority cited: Sections 407 and 5781, Food and Agricultural Code. Reference: Sections 5781–5783, Food and Agricultural Code.

HISTORY

- New section filed 9-23-87 as an emergency; operative 9-23-87 (Register 87, No. 40). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 1-21-88.
- Emergency language filed 9–23–87 repealed byoperation of Government Code Section 11346.1 (Register 88, No. 33).
- 3. New section filed 8-9-88; operative 8-9-88 (Register 88, No. 33).

§ 3612. Chrysanthemum White Rust Host–Free District and Period.

The Secretary finds that Chrysanthemum white rust (*Puccinia horia-na*) exists in certain areas of California and that this pest cannot be eradicated or effectively controlled by recognized ordinary means.

- (a) Hosts. *Chrysanthemum* spp. and *Dendranthema* spp. (Chrysanthemums).
- (b) Host-Free District. That portion of Santa Cruz County bounded by a line as follows: Beginning at the intersection of State Highway 1 and State Highway 17; then, northerly along State Highway 17 to its intersection with El Rancho Drive; then, northerly along said drive to its intersection with Carbonera Drive; then, southeasterly along Carbonera Drive to its intersection with Vista Bella Drive; then, southeasterly from said intersection along an imaginary line to the intersection of Glen Canyon Road and Branciforte Drive; then, northerly along said drive to its intersection with Granite Creek Road; then, easterly from said intersection along an imaginary line to the intersection of Browns Valley Road and Hazel Dell Road; then, southeasterly along Hazel Dell Road to its intersection with Mt. Madonna Road; then, southerly along Mt. Madonna Road to its intersection with Casserly Road; then, southeasterly along Casserly Road to its intersection with Carlton Road; then, southeasterly along Carlton Road to its intersection with Riverside Drive (State Highway 129); then, southwesterly along said drive to its intersection with State Highway 1; then, southerly along said highway to its intersection with the Santa Cruz-Monterey County Line; then, southwesterly along said county line to its intersection with the Pacific Ocean coastline; then, northerly and westerly along the said coastline to its intersection with the Santa Cruz Pier; then, northerly along said pier to its intersection with Beach Street; then, westerly along said street to its intersection with West Cliff Drive; then, southerly along said drive to its intersection with Bay Street; then, northwesterly along said street to its intersection with State Highway 1; then, northeasterly along said highway to the point of beginning.
- (c) Host–Free Period. The host–free period for the district described in subsection (b) shall commence on October 1, 1995 and end on May 31, 1996

(d) Restrictions. No host plant, except seed, shall be planted or maintained in any state of cultivation or growth in any Chrysanthemum white rust host–free district during the host–free period unless authorized under a compliance agreement by the Secretary. During the existence of the host–free period, any host plant or part thereof, except seed, which is planted, growing or being cultivated or maintained within a host–free district is a public nuisance and subject to all of the laws which relate to the abatement of such nuisance.

Unless otherwise amended, effective June 1, 1996 this regulation is repealed.

NOTE: Authority cited: Sections 407 and 5781, Food and Agricultural Code. Reference: Sections 5781–5783, Food and Agricultural Code.

HISTORY

1. New section filed 8-23-95 as an emergency; operative 8-23-95 (Register 95, No. 34). A Certificate of Compliance must be transmitted to OAL by 12-21-95 or emergency language will be repealed by operation of law on the following day.

2. Certificate of Compliance as to 8-23-95 order transmitted to OAL 12-13-95 and filed 1-3-96 (Register 96, No. 1).

Subchapter 2. Meyer Lemon

Article 1. Quick Decline of Citrus

§ 3628. Definitions.

(a) "Improved Meyer lemon" means clones of the Meyer lemons designated as Citrus Variety Improvement Numbers 319 and 333 which the director under the authority of Section 5981 of the California Food and Agricultural Code, has determined to be free from infections of virus or mycoplasma–like diseases dangerous or detrimental to the production of commercial or ornamental citrus fruit or plants.

[The next page is 341.]



- (b) "Meyer lemon plant" as referred to in this group excludes all improved Meyer lemon plants as defined above, but otherwise includes:
- (1) Any plant which consists entirely or partly of Meyer lemon plant tissue or
- (2) Any plant to which Meyer lemon plant tissue has been joined at any time by any method of grafting.
- (c) "Virus free" as used in this group means plants free of the tristeza virus or complexes of the tristeza virus as determined by inspection or, in case of dispute, by index testing, or by other recognized laboratory procedures as set forth in regulations of the department.
- (d) "Sale" includes offer for sale, expose for sale, possess for sale, exchange, barter, or trade.
- (e) "Propagation" means to reproduce or multiply a plant by any asexual method.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 5322, 5801–5803 and 5981, Food and Agricultural Code.

HISTORY

- New section filed 8-5-76; effective thirtieth day thereafter (Register 76, No. 32).
- 2. Amendment filed 10–28–82; effective thirtieth da thereafter (Register 82, No. 44).

§ 3629. Meyer Lemon Plants Prohibited.

- (a) Propagation and/or Sale. The propagation and/or sale of Meyer lemon plants is prohibited except under permit from the director for scientific and research purposes.
- (b) Declaration of Nuisance and Abatement. All Meyer lemon plants are declared to be a public nuisance subject to all laws and remedies relating to the prevention and abatement of nuisances. The director or the county agricultural commissioner acting under the supervision and direction of the director may take such action including removal and destruction with reference to such nuisance as is provided by law.

NOTE: Authority cited: Sections 407, 5322 and 5801, Food and Agricultural Code. Reference: Sections 5322, 5801 and 5803, Food and Agricultural Code.

HISTORY

- 1. New section filed 8-5-76; effective thirtieth day thereafter (Register 76, No. 32).
- 2. Amendment of subsections (b) and (c) filed 1-12-77; effective thirtieth day thereafter (Register 77, No. 3).
- 3. Amendment filed 10–28–82; effective thirtieth day thereafter (Register 82, No. 44).
- $4.\ Amendment\ filed\ 9-29-89;\ operative\ 10-29-89\ (Register\ 89,\ No.\ 41).$

§ 3630. Improved Meyer Lemon Plants.

NOTE: Authority cited: Sections 407, 5322 and 5802, Food and Agricultural Code. Reference: Sections 5322, 5401–5402, 5802 and 5821–5822, Food and Agricultural Code.

HISTORY

- 1. Amendment of subsection (b)(1) filed 7–28–77 as organizational and procedural; effective upon filing (Register 77, No. 31). For prior history, see Register 77, No. 3.
- 2. Amendment filed 10–28–82; effective thirtieth day thereafter (Register 82, No. 44).
- 3. Amendment filed 9-29-89; operative 10-29-89 (Register 89, No. 41).
- 4. Repealer filed 5-7-97; operative 6-6-97 (Register 97, No. 19).

Subchapter 3. Eradication Areas

§ 3635.

NOTE: Authority cited: Sections 407, 5322, and 5761, Food and Agricultural Code. Reference: Sections 5761–5764, Food and Agricultural Code.

HISTORY

1. Repealer filed 5–1–79; effective thirtieth day thereafter (Register 79, No. 18). For prior history of Group 3 (Sections 3635–3638), see Registers 62, No. 6; 67, No. 9; 68, No. 18; 70, No. 3; 72, No. 17; 74, No. 37; 75, No. 26.

§ 3636. Chrysanthemum White Rust Disease Eradication Area.

(a) Proclamation of Eradication Area. That portion of the State of California described as follows, within which a certain pest, Chrysanthemum

white rust disease (*Puccinia horiana*), is known to exist, is hereby proclaimed to be an eradication area with respect to said disease:

- (1) Eradication Area. The entire counties of Santa Clara, Santa Cruz and Santa Barbara.
 - (b) Hosts.
- (1) Plants and plant parts of the genera *Chrysanthemum* and *Dendranthema*.
- (c) Means and Methods. The following means and methods may be used in the eradication and control of said pest within said area:
- (1) The application of chemicals to host plants and parts thereof as often as necessary to affect control of the disease.
 - (2) The examination of host plants.
- (3) The removal and immediate destruction of diseased material of hosts listed in (b) above.
 - (4) The steam treatment of nursery beds.
- (5) The establishment of host–free periods within the eradication area listed in (a)(1) above.

NOTE: Authority cited: Sections 407, 5322 and 5781, Food and Agricultural Code. Reference: Sections 5761, 5762, 5763, 5781, 5782 and 5783, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–5–93 as an emergency; operative 1–5–93 (Register 93, No. 2). A Certificate of Compliance must be transmitted to OAL 5–5–93 or emergency language will be repealed by operation of law on the following day.
- Amendment of subsection (a)(1) filed 1-14-93 as an emergency; operative 1-14-93 (Register 93, No. 3). A Certificate of Compliance must be transmitted to OAL 5-14-93 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 1–14–93 order transmitted to OAL 5–12–93 and filed 5–17–93 (Register 93, No. 21).
- 4. Certificate of Compliance as to 1–5–93 order transmitted to OAL 4–28–93 and filed 6–2–93 (Register 93, No. 23).
- Amendment of subsection (a)(1) filed 1–18–94 as an emergency; operative 1–18–94 (Register 94, No. 3). A Certificate of Compliance must be transmitted to OAL by 5–18–94 or emergency language will be repealed by operation of law on the following day.
- 6. Certificate of Compliance as to 1–18–94 order transmitted to OAL 4–18–94 and filed 5–31–94 (Register 94, No. 22).
- 7. Amendment of subsection (a)(1), new subsections (c)(4) and (c)(5) and amendment of Norte filed 5–23–2005 as an emergency; operative 5–23–2005 (Register 2005, No. 21). A Certificate of Compliance must be transmitted to OAL by 9–20–2005 or emergency language will be repealed by operation of law on the following day.

§ 3637. Karnal Bunt Disease Eradication Area.

- (a) Proclamation of Eradication Area. That portion of the State of California described as follows, within which a certain pest, Karnal bunt disease (*Tilletia indica*), is known to exist, is hereby proclaimed to be an eradication area with respect to said disease:
 - (1) Eradication Area. The entire counties of Imperial and Riverside.
 - (b) Hosts and Possible Carriers.
- (1) Conveyances, including trucks, railroad cars, and other containers used to move wheat, durum wheat, or triticale;
- (2) Grain elevators/equipment/structures used for storing and handling wheat, durum wheat, and triticale;
 - (3) Milling products or byproducts, except flour;
- (4) Plants, or plant parts, including grain, seed, or straw of all varieties of the following species: wheat (*Triticum aestivum*); durum wheat (*Triticum durum*); and triticale (*Triticum aestivum* x *Secale cereale*);
 - (5) Root crops with soil;
 - (6) Soil from areas where field crops are produced;
- (7) Manure from animals that have fed on wheat, durum wheat, or triticale:
 - (8) Used bags, sacks and containers;
 - (9) Used farm tools;
 - (10) Used mechanized cultivating equipment;
 - (11) Used mechanized harvesting equipment;
 - (12) Used seed conditioning equipment;
 - (13) Used mechanized soil-moving equipment;
- (14) Any other product, article or means of conveyance when it is determined by the Secretary that it presents a risk of spreading spores of the fungus which causes Karnal bunt disease due to its proximity to an infes-

tation of Karnal bunt disease and the person in possession has been so no-

- (c) Means and Methods. The following means and methods may be used in the eradication and control of said pest within said area:
- (1) The application of chemicals to hosts and possible carriers as often as necessary to effect control of the disease.
 - (2) The examination of hosts and possible carriers.
- (3) The removal and immediate destruction of material of hosts listed in (b)(4) above which is diseased, has been exposed to the disease, or originated from a source known to be diseased.
- (4) The prohibition of planting host crops on properties known to be infested with or exposed to the disease.

NOTE: Authority cited: Sections 407 and 5322, Food and Agricultural Code. Reference: Sections 5761-5763, Food and Agricultural Code.

HISTORY

- 1. New section filed 4-5-96 as an emergency; operative 4-5-96 (Register 96, No. 14). A Certificate of Compliance must be transmitted to OAL by 8-5-96 or emergency language will be repealed by operation of law on the following day.
- 2. Amendment of subsection (a)(1) filed 4-10-96 as an emergency; operative 4–10–96 (Register 96, No. 15). A Certificate of Compliance must be transmitted to OAL by 8-8-96 or emergency language will be repealed by operation of law on the following day
- 3. Certificate of Compliance as to 4-10-96 order transmitted to OAL 8-8-96 and filed 9-4-96 (Register 96, No. 36).
- 4. Editorial correction of HISTORY 1 (Register 96, No. 38).
- 5. Certificate of Compliance as to 4-5-96 order transmitted to OAL 8-5-96 and filed 9-16-96 (Register 96, No. 38).

§ 3638.

NOTE: Authority cited: Sections 407, 5322, and 5761, Food and Agricultural Code. Reference: Sections 5761-5764, Food and Agricultural Code.

Subchapter 4. Nematodes

§ 3640. Nematodes: Commercially Clean Nursery Stock for Farm Planting.

- (a) Nematode infested nursery stock for farm planting has been determined by the Secretary to be detrimental to agriculture.
- (b) Nursery stock for farm planting shall be commercially clean with respect to economically important nematode species detrimental to agriculture.
- (c) "Commercially clean" nursery stock for farm planting means nursery stock for commercial farm planting that is certified in accordance with the requirements of the Nursery Stock Nematode Certification program as provided in Sections 3055 through 3055.6; and nursery stock which is not so certified shall not be sold or shipped within the State.
- (1) Nursery stock for farm planting produced in non-soil media and garlic, mint, onion, and seed potato nursery stock are exempt from the requirements of this section.
- (2) Nursery stock for farm planting found to be infested with economically important nematode species detrimental to agricultural production may be sold or shipped when, by written agreement, the buyer and the agricultural commissioner of the county where the stock is to be planted both agree to accept the stock for planting in an area where the nematode species infesting the stock is already present.
- (e) Enforcement: Enforcement of this regulation shall be the responsibility of the Department.

NOTE: Authority cited: Sections 407, 5322, 6901 and 6902, Food and Agricultural Code. Reference: Sections 5322, 6901 and 6902, Food and Agricultural Code.

HISTORY

- 1. New subchapter 4 and section filed 12-13-94 as an emergency; operative 12-13-94 (Register 94, No. 50). A Certificate of Compliance must be transmitted to OAL by 4-12-94 or emergency language will be repealed by operation of law on the following day.
- 2. Certificate of Compliance as to 12-13-94 order including amendment of NOTE transmitted to OAL 4-11-95 and filed 5-2-95 (Register 95, No. 18).

Subchapter 5. Pierce's Disease Control **Program**

Article 1. General Provisions

§ 3650. Legislative Intent and Authority.

- (a) The Legislature has declared that the plant killing bacterium, Xylella fastidiosa and the resulting Pierce's disease, and its vectors present a clear and present danger to California's grape industry, as well as to many other commodities and plant life. The Legislature has created the Pierce's Disease Control Program in the Department of Food and Agriculture.
- (b) The Secretary is authorized to establish, maintain, and enforce regulations consistent with the intent of the Legislature as expressed in Sections 6045-6047, Food and Agricultural Code, as may be necessary to interpret, clarify, or implement Sections 6045–6047. This authority shall be liberally construed to effectuate the intent of Sections 6045–6047.
- (c) The regulations in this subchapter are of statewide interest and concern and are intended to wholly occupy the field.

NOTE: Authority cited: Sections 407, 5323 and 6047, Food and Agricultural Code. Reference: Section 5323, 6045 and 6046, Food and Agricultural Code.

HISTORY

- 1. New subchapter 5 (articles 1-3, sections 3650-3660) article 1 (sections 3650-3654) and section filed 7-25-2000 as an emergency; operative 7–25–2000 (Register 2000, No. 30). A Certificate of Compliance must be transmitted to OAL by 11–22–2000 or emergency language will be repealed by operation of law on the following day.
- 2. New subchapter 5 (articles 1-3, sections 3650-3660) article 1 (sections 3650-3654) and section refiled 11-21-2000 as an emergency; operative 11–21–2000 (Register 2000, No. 47). A Certificate of Compliance must be transmitted to OAL by 3–21–2001 or emergency language will be repealed by operation of law on the following day.
- 3. New subchapter 5 (articles 1-3, sections 3650-3660) article 1 (sections 3650-3654) and section refiled 3-19-2001 as an emergency; operative 3-19-2001 (Register 2001, No. 12). A Certificate of Compliance must be transmitted to OAL by 7-17-2001 or emergency language will be repealed by operation of law on the following day.
- 4. New subchapter 5 (articles 1-3, sections 3650-3660) article 1 (sections 3650-3654) and section refiled 7-11-2001 as an emergency; operative 7-11-2001 (Register 2001, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-8-2001 or emergency language will be repealed by operation of law on the following day.
- 5. Repealed by operation of Government Code section 11346.1(g) (Register 2002, No 42)
- 6. New subchapter 5 (articles 1-4, sections 3650-3663.5), article 1 (sections 3650-3654) and section filed 10-17-2002 as an emergency; operative 10-17-2002 (Register 2002, No. 42). A Certificate of Compliance must be transmitted to OAL by 2-14-2003 or emergency language will be repealed by operation of law on the following day
- 7. New subchapter 5 (articles 1-4, sections 3650-3663.5), article 1 (sections 3650-3654) and section refiled 2-6-2003 as an emergency; operative 2-14-2003 (Register 2003, No. 6). A Certificate of Compliance must be transmitted to OAL by 6–16–2003 or emergency language will be repealed by operation of law on the following day.
- 8. Certificate of Compliance as to 2-6-2003 order transmitted to OAL 6-16-2003 and filed 7-28-2003 (Register 2003, No. 31).

§ 3651. Control Program.

- (a) The Pierce's Disease Control Program is to be conducted by the local public entity designated by that county's board of supervisors under a Department approved local Pierce's disease workplan, including proposed treatment of Pierce's disease and its vectors.
- (b) The Department shall provide logistical support and assistance when necessary for combating Pierce's disease and its vectors. Logistical support and assistance includes:
 - (1) Biological control assistance.
- (2) Provide information on production practices to reduce levels of Pierce's disease and its vectors.
 - (3) Conduct workplan activities when necessary.
 - (4) Develop pest control alternatives.
 - (c) Workplans.
- (1) The Pierce's Disease Control Program workplan elements shall include, but are not limited to, all of the following:

Page 342 Register 2005, No. 21; 5-27-2005

- (A) Develop and deliver producer outreach information and training to local communities, groups, and individuals to organize involvement with the workplan and to raise awareness regarding Pierce's disease and its vectors
- (B) Develop and deliver ongoing training of the designated local public entity's employees in the biology, survey, and treatment of Pierce's disease and its vectors.
- (C) Identify a local Pierce's disease coordinator within the designated local public entity.
 - (D) Conduct detection and delimitation surveys for vectors.
- (E) If determined necessary to prevent the establishment and spread of Pierce's disease and its vectors, direct and coordinate treatment programs to control or eliminate Pierce's disease and its vectors. Treatment programs shall comply with all applicable laws and regulations and shall be conducted in an environmentally responsible manner.
- (F) Develop and implement a data collection system to track and report new infestations of Pierce's disease and its vectors in a manner respectful of property and other rights of those affected.
- (2) The Department may permit the local public entity to establish variations from the standards set forth in this subchapter based on the written submission to the Department of clear and convincing evidence of stakes and risks to justify a more or less stringent standard.
- (3) The local public entity shall conduct a hearing if an application of the workplan is appealed in writing to that entity. The results of said hearing shall be transmitted to the Department. The hearing notice procedures shall meet minimum due process standards appropriate for the circumstances. The notice and hearing procedures shall be set out in the workplan of the local public entity.

NOTE: Authority cited: Sections 407 and 6047, Food and Agricultural Code. Reference: Sections 6045 and 6046, Food and Agricultural Code.

HISTORY

- New section filed 7–25–2000 as an emergency; operative 7–25–2000 (Register 2000, No. 30). A Certificate of Compliance must be transmitted to OAL by 11–22–2000 or emergency language will be repealed by operation of law on the following day.
- 2. New section refiled 11–21–2000 as an emergency; operative 11–21–2000 (Register 2000, No. 47). A Certificate of Compliance must be transmitted to OAL by 3–21–2001 or emergency language will be repealed by operation of law on the following day.
- 3. New section refiled 3–19–2001 as an emergency; operative 3–19–2001 (Register 2001, No. 12). A Certificate of Compliance must be transmitted to OAL by 7–17–2001 or emergency language will be repealed by operation of law on the following day.
- 4. New section refiled 7–11–2001 as an emergency; operative 7–11–2001 (Register 2001, No. 28). A Certificate of Compliance must be transmitted to OAL by 11–8–2001 or emergency language will be repealed by operation of law on the following day.
- Repealed by operation of Government Code section 11346.1(g) (Register 2002, No. 42).
- 6. New section filed 10–17–2002 as an emergency; operative 10–17–2002 (Register 2002, No. 42). A Certificate of Compliance must be transmitted to OAL by 2–14–2003 or emergency language will be repealed by operation of law on the following day.
- 7. New section refiled 2–6–2003 as an emergency; operative 2–14–2003 (Register 2003, No. 6). A Certificate of Compliance must be transmitted to OAL by 6–16–2003 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 2–6–2003 order transmitted to OAL 6–16–2003 and filed 7–28–2003 (Register 2003, No. 31).
- 9. Amendment of subsection (c)(1) filed 9–30–2003; operative 9–30–2003 pursuant to Government Code section 11343.4 (Register 2003, No. 40).

§ 3652. Definitions.

The following definitions apply to this subchapter:

- (a) "Bulk citrus" means any unprocessed citrus fruit that have not been commercially packed.
- (b) "Bulk grapes" means any unprocessed grapes that have not been commercially packed.
- (c) "Carriers" means any vehicle, container, or other article or means of conveyance that the Department determines presents a possible risk of artificial spread of vectors.

- (d) "Certification" means the issuance of a certificate in written, stamp, or sticker format by an agricultural commissioner or commissioner representative that affirms that a shipment meets all applicable regulatory requirements.
- (e) "Infestation" shall mean the detection of five (5) or more adult vectors within any five-day period and within a 300-yard radius, or the detection of multiple life stages within any five-day period and within a 300-yard radius. Vectors detected in direct association with a shipment from an infested area do not, in themselves, constitute an infestation.
- (f) "Infested area" shall mean an area within one (1.0) mile of a vector infestation or an area which has not been surveyed in a manner approved by the Department to detect vectors.
- (g) "Non-infested area" shall mean one in which no infestations have been detected after survey in a manner approved by the Department to detect vectors or where the infestation designation has been removed.
- (h) "Pierce's disease" means the disease of grapevines caused by *Xy-lella fastidiosa*, a bacterium.
- (i) "Plants" means nursery stock and privately owned plants that may host vectors of Pierce's disease, except when in the form of seeds, bulbs, stolons, corms, pips, buds, cut flowers, cut foliage, tubers, leafless dormant nursery stock, or harvested fruits and vegetables.
- (j) "Processed grapes" means grapes which have been juiced, canned, crushed, or dried.
- (k) "Vectors or Vectors of Pierce's disease" shall mean *Homalodisca* coagulata, glassy-winged sharpshooter.

NOTE: Authority cited: Sections 407 and 6047, Food and Agricultural Code. Reference: Section 6045, Food and Agricultural Code.

HISTORY

- 1. New section filed 7-25-2000 as an emergency; operative 7-25-2000 (Register 2000, No. 30). A Certificate of Compliance must be transmitted to OAL by 11-22-2000 or emergency language will be repealed by operation of law on the following day.
- 2. New subsection (a) and subsection relettering filed 11–8–2000 as an emergency; operative 11–8–2000 (Register 2000, No. 45). A Certificate of Compliance must be transmitted to OAL by 3–8–2001 or emergency language will be repealed by operation of law on the following day.
- 3. New section refiled 11–21–2000 as an emergency; operative 11–21–2000 (Register 2000, No. 47). A Certificate of Compliance must be transmitted to OAL by 3–21–2001 or emergency language will be repealed by operation of law on the following day.
- 4. New subsection (a) and subsection relettering refiled 3–8–2001 as an emergency; operative 3–8–2001 (Register 2001, No. 10). A Certificate of Compliance must be transmitted to OAL by 7–6–2001 or emergency language will be repealed by operation of law on the following day.
- 5. New section refiled 3–19–2001 as an emergency; operative 3–19–2001 (Register 2001, No. 12). A Certificate of Compliance must be transmitted to OAL by 7–17–2001 or emergency language will be repealed by operation of law on the following day.
- 6. New subsection (a) and subsection relettering refiled 7–6–2001 as an emergency; operative 7–6–2001 (Register 2001, No. 27). A Certificate of Compliance must be transmitted to OAL by 11–5–2001 or emergency language will be repealed by operation of law on the following day.
- 7. New section refiled 7–11–2001 as an emergency; operative 7–11–2001 (Register 2001, No. 28). A Certificate of Compliance must be transmitted to OAL by 11–8–2001 or emergency language will be repealed by operation of law on the following day.
- 8. Reinstatement of section as is existed prior to 7–6–2001 emergency amendment by operation of Government Code section 11346.1(f) (Register 2001, No. 46).
- Repealed by operation of Government Code section 11346.1(g) (Register 2002, No. 42).
- 10. New section filed 10-17-2002 as an emergency; operative 10-17-2002 (Register 2002, No. 42). A Certificate of Compliance must be transmitted to OAL by 2-14-2003 or emergency language will be repealed by operation of law on the following day.
- 11. New section refiled 2–6–2003 as an emergency; operative 2–14–2003 (Register 2003, No. 6). A Certificate of Compliance must be transmitted to OAL by 6–16–2003 or emergency language will be repealed by operation of law on the following day.
- 12. Certificate of Compliance as to 2-6-2003 order transmitted to OAL 6-16-2003 and filed 7-28-2003 (Register 2003, No. 31).

§ 3653. Area Designation Procedures.

(a) An area shall be designated as non-infested based on written affirmation to the Department by the local public entity that the area has been surveyed in a manner approved by the Department to detect vectors with negative results.

- (b) An area shall be designated as infested when the survey results indicate an infestation is present, the Department has defined the infested area, and the local public entity is notified immediately. The Department shall also provide electronic and/or written notification of the area designations to the other local public entities and other interested or affected parties.
- (c) The local public entity may appeal an area designation by submission to the Department of a written request for review of the designation, accompanied by clear and convincing evidence justifying a change in the designation. The appeal must be filed no later than ten (10) working days following receipt of the notice of designation. The Department must respond with a written decision no later than ten (10) working days following receipt of the appeal. During the pending of the appeal, the designation under appeal shall remain in effect.
 - (d) The infested area designation shall be removed if:
- (1) No additional vectors are detected by trapping or visual surveys during the period of January 1 through October 31 of the year following the last vector detection; or,
- (2) Only adult vectors were detected and thorough vector survey/ detection activities document that a breeding population is not present. NOTE: Authority cited: Sections 407 and 6047, Food and Agricultural Code. Reference: Section 6045, Food and Agricultural Code.

HISTORY

- 1. New section filed 7-25-2000 as an emergency; operative 7-25-2000 (Register 2000, No. 30). A Certificate of Compliance must be transmitted to OAL by 11-22-2000 or emergency language will be repealed by operation of law on the following day.
- 2. New section refiled 11–21–2000 as an emergency; operative 11–21–2000 (Register 2000, No. 47). A Certificate of Compliance must be transmitted to OAL by 3–21–2001 or emergency language will be repealed by operation of law on the following day.
- 3. New section refiled 3–19–2001 as an emergency; operative 3–19–2001 (Register 2001, No. 12). A Certificate of Compliance must be transmitted to OAL by 7–17–2001 or emergency language will be repealed by operation of law on the following day.
- 4. New section refiled 7–11–2001 as an emergency; operative 7–11–2001 (Register 2001, No. 28). A Certificate of Compliance must be transmitted to OAL by 11–8–2001 or emergency language will be repealed by operation of law on the following day.
- Repealed by operation of Government Code section 11346.1(g) (Register 2002, No. 42).
- 6. New section filed 10–17–2002 as an emergency; operative 10–17–2002 (Register 2002, No. 42). A Certificate of Compliance must be transmitted to OAL by 2–14–2003 or emergency language will be repealed by operation of law on the following day.
- 7. New section refiled 2–6–2003 as an emergency; operative 2–14–2003 (Register 2003, No. 6). A Certificate of Compliance must be transmitted to OAL by 6–16–2003 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 2–6–2003 order transmitted to OAL 6–16–2003 and filed 7–28–2003 (Register 2003, No. 31).

§ 3654. Inspection of Shipments and Disposition of Infested Shipments.

- (a) All shipments of bulk citrus, bulk grapes, plants, and carriers are subject to inspection by the agricultural commissioner upon arrival at destination
- (b) Any shipment found to be infested with live vectors shall be refused delivery and may be immediately destroyed unless no damage would be caused to agriculture if the shipment is returned to origin, or processed or treated in a manner approved by the Department to eliminate the vectors.

NOTE: Authority cited: Sections 407,6521,6523 and 6047,Food and Agricultural Code. Reference: Sections 6521,6522,6523,6524 and 6045,Food and Agricultural Code.

HISTORY

- 1. New section filed 7-25-2000 as an emergency; operative 7-25-2000 (Register 2000, No. 30). A Certificate of Compliance must be transmitted to OAL by 11-22-2000 or emergency language will be repealed by operation of law on the following day.
- 2. New section refiled 11–21–2000 as an emergency; operative 11–21–2000 (Register 2000, No. 47). A Certificate of Compliance must be transmitted to OAL by 3–21–2001 or emergency language will be repealed by operation of law on the following day.

- 3. New section refiled 3–19–2001 as an emergency; operative 3–19–2001 (Register 2001, No. 12). A Certificate of Compliance must be transmitted to OAL by 7–17–2001 or emergency language will be repealed by operation of law on the following day.
- 4. New section refiled 7-11-2001 as an emergency; operative 7-11-2001 (Register 2001, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-8-2001 or emergency language will be repealed by operation of law on the following day.
- Repealed by operation of Government Code section 11346.1(g) (Register 2002, No. 42).
- 6. New section filed 10–17–2002 as an emergency; operative 10–17–2002 (Register 2002, No. 42). A Certificate of Compliance must be transmitted to OAL by 2–14–2003 or emergency language will be repealed by operation of law on the following day.
- 7. New section refiled 2–6–2003 as an emergency; operative 2–14–2003 (Register 2003, No. 6). A Certificate of Compliance must be transmitted to OAL by 6–16–2003 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 2–6–2003 order transmitted to OAL 6–16–2003 and filed 7–28–2003 (Register 2003, No. 31).

Article 2. Standards for Grapes

The Secretary hereby establishes the following standards for the movement of bulk grapes to prevent the artificial spread of the Pierce's disease bacterium and its vectors.

§ 3655. Standards for Movement.

- (a) Bulk grapes shall meet the following standards prior to shipment from an infested area to a non-infested area:
- (1) The bulk grapes have originated from a vineyard which has been harvested, handled, or treated in a manner approved by the Department to eliminate vectors and the grapes are monitored during harvest; or,
- (2) The bulk grapes have originated from a non-infested vineyard as determined by surveys, including trapping and visual, approved by the Department to detect the presence of vectors and the grapes are monitored during harvest; or,
- (3) If the county agricultural commissioner at origin and destination determine that compliance with subparagraph (1) or (2) is not feasible, the bulk grapes and associated plant material may be moved for processing in a manner approved by the Department which eliminates the potential artificial spread of vectors and the grapes are monitored during harvest, if feasible, and upon arrival for processing. The commissioners shall notify the Department of their determination as soon as is practicable; or.
- (4) The bulk grapes have completed a post–harvest treatment approved by the Department to eliminate all live vectors.
- (b) To ensure that the above standards are met, the grower shall do all of the following:
- (1) Notify the county agricultural commissioner (of the county in which the vineyard is located) a minimum of 72 hours prior to the initiation of harvest.
- (2) Assure that a certificate, as provided in Section 3656, is attached to every shipment and is provided to the receiver.
- (3) Maintain harvest and shipment records for two years. These records shall be made available to the county agricultural commissioner during normal business hours.
- (c) To ensure that the above standards are met, the receiver shall do all of the following:
- (1) Conduct a trapping and detection program as specified by the agricultural commissioner (of the county in which the receiver is located) to determine if the vector is present at the receiver's facility.
- (2) Collect the certificates, required in Section 3656, for each shipment and maintain them as part of the shipment documentation.
- (3) Dispose of all material other than grapes in a manner that eliminates vector survival risk. Disposal methods include, but are not limited to, steam, crush, cold treat, and solarization.
- (4) Maintain trapping, vector detection, and shipment records for two years. These records shall be made available to the county agricultural commissioner during normal business hours.

NOTE: Authority cited: Sections 407 and 6047, Food and Agricultural Code. Reference: Section 6045, Food and Agricultural Code.

HISTORY

- 1. New article 2 (sections 3655–3657) and section filed 7–25–2000 as an emergency; operative 7–25–2000 (Register 2000, No. 30). A Certificate of Compliance must be transmitted to OAL by 11–22–2000 or emergency language will be repealed by operation of law on the following day.
- 2. New article 2 (sections 3655–3657) and section refiled 11–21–2000 as an emergency; operative 11–21–2000 (Register 2000, No. 47). A Certificate of Compliance must be transmitted to OAL by 3–21–2001 or emergency language will be repealed by operation of law on the following day.
- 3. New article 2 (sections 3655–3657) and section refiled 3–19–2001 as an emergency; operative 3–19–2001 (Register 2001, No. 12). A Certificate of Compliance must be transmitted to OAL by 7–17–2001 or emergency language will be repealed by operation of law on the following day.
- 4. New article 2 (sections 3655–3657) and section refiled 7–11–2001 as an emergency; operative 7–11–2001 (Register 2001, No. 28). A Certificate of Compliance must be transmitted to OAL by 11–8–2001 or emergency language will be repealed by operation of law on the following day.
- Repealed by operation of Government Code section 11346.1(g) (Register 2002, No. 42).
- 6. New article 2 (sections 3655–3657) and section filed 10–17–2002 as an emergency; operative 10–17–2002 (Register 2002, No. 42). A Certificate of Compliance must be transmitted to OAL by 2–14–2003 or emergency language will be repealed by operation of law on the following day.
- 7. New article 2 (sections 3655–3657) and section refiled 2–6–2003 as an emergency; operative 2–14–2003 (Register 2003, No. 6). A Certificate of Compliance must be transmitted to OAL by 6–16–2003 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 2–6–2003 order transmitted to OAL 6–16–2003 and filed 7–28–2003 (Register 2003, No. 31).
- 9. Amendment of subsection (c)(1) filed 9–30–2003; operative 9–30–2003 pursuant to Government Code section 11343.4 (Register 2003, No. 40).

§ 3656. Certification.

Shipments of bulk grapes shall be certified as meeting the standards for movement in the following manner:

- (a) Each shipment of bulk grapes shall be accompanied by a certificate issued by the county agricultural commissioner at origin affirming that the shipment meets the standards for movement set forth in Section 3655(a).
- (b) Prior to the movement of each shipment of bulk grapes moved under Section 3655(a)(3), the origin agricultural commissioner shall notify the destination agricultural commissioner of the quantity of grapes being moved, the specific destination, and identification information.

NOTE: Authority cited: Sections 407 and 6047, Food and Agricultural Code. Reference: Section 6045, Food and Agricultural Code.

HISTORY

- 1. New section filed 7-25-2000 as an emergency; operative 7-25-2000 (Register 2000, No. 30). A Certificate of Compliance must be transmitted to OAL by 11-22-2000 or emergency language will be repealed by operation of law on the following day.
- 2. New section refiled 11–21–2000 as an emergency; operative 11–21–2000 (Register 2000, No. 47). A Certificate of Compliance must be transmitted to OAL by 3–21–2001 or emergency language will be repealed by operation of law on the following day.
- 3. New section refiled 3–19–2001 as an emergency; operative 3–19–2001 (Register 2001, No. 12). A Certificate of Compliance must be transmitted to OAL by 7–17–2001 or emergency language will be repealed by operation of law on the following day.
- 4. New section refiled 7–11–2001 as an emergency; operative 7–11–2001 (Register 2001, No. 28). A Certificate of Compliance must be transmitted to OAL by 11–8–2001 or emergency language will be repealed by operation of law on the following day.
- Repealed by operation of Government Code section 11346.1(g) (Register 2002, No. 42).
- 6. New section filed 10–17–2002 as an emergency; operative 10–17–2002 (Register 2002, No. 42). A Certificate of Compliance must be transmitted to OAL by 2–14–2003 or emergency language will be repealed by operation of law on the following day.
- 7. New section refiled 2–6–2003 as an emergency; operative 2–14–2003 (Register 2003, No. 6). A Certificate of Compliance must be transmitted to OAL by 6–16–2003 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 2–6–2003 order transmitted to OAL 6–16–2003 and filed 7–28–2003 (Register 2003, No. 31).

§ 3657. Exemptions.

These standards do not apply to the following types of shipments:

- (a) Unprocessed, bulk grapes which are being transported without undue delay or diversion through non-infested areas to an infested destination for processing or treatment, or are being moved to a destination outside the State.
 - (b) Processed grapes.
 - (c) Shipments originating from non-infested areas.

NOTE: Authority cited: Sections 407 and 6047, Food and Agricultural Code. Reference: Section 6045, Food and Agricultural Code.

HISTORY

- 1. New section filed 7–25–2000 as an emergency; operative 7–25–2000 (Register 2000, No. 30). A Certificate of Compliance must be transmitted to OAL by 11–22–2000 or emergency language will be repealed by operation of law on the following day.
- 2. New section refiled 11–21–2000 as an emergency; operative 11–21–2000 (Register 2000, No. 47). A Certificate of Compliance must be transmitted to OAL by 3–21–2001 or emergency language will be repealed by operation of law on the following day.
- 3. New section refiled 3–19–2001 as an emergency; operative 3–19–2001 (Register 2001, No. 12). A Certificate of Compliance must be transmitted to OAL by 7–17–2001 or emergency language will be repealed by operation of law on the following day.
- 4. New section refiled 7–11–2001 as an emergency; operative 7–11–2001 (Register 2001, No. 28). A Certificate of Compliance must be transmitted to OAL by 11–8–2001 or emergency language will be repealed by operation of law on the following day.
- 5. Repealed by operation of Government Code section 11346.1(g) (Register 2002, No. 42)
- 6. New section filed 10–17–2002 as an emergency; operative 10–17–2002 (Register 2002, No. 42). A Certificate of Compliance must be transmitted to OAL by 2–14–2003 or emergency language will be repealed by operation of law on the following day.
- 7. New section refiled 2–6–2003 as an emergency; operative 2–14–2003 (Register 2003, No. 6). A Certificate of Compliance must be transmitted to OAL by 6–16–2003 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 2–6–2003 order transmitted to OAL 6–16–2003 and filed 7–28–2003 (Register 2003, No. 31).

Article 3. Standards for Plants

The Secretary hereby establishes the following standards for the movements of plants to prevent the artificial spread of the Pierce's disease bacterium and its vectors.

§ 3658. Plants.

Shipments of the following live plants shall meet the requirements of Article 3, Standards for Plants:

Scientific Name Abelia spp. Acacia spp. Aeschynanthus spp. Agapanthus spp. Agonis spp. Ajuga spp. Albizia spp Aleurites spp. Alnus spp. Althaea spp. Amaranthus spp. Ambrosia spp. Amelanchier spp. Ananas spp. Annona spp. Antirrhinum spp. Aptenia spp. Arbutus spp. Archontophoenix spp. Arctostaphylos spp. Arecastrum spp. Aronia spp. Asclepias spp. Asparagus spp. Aspidistra spp. Baccharis spp. Bauhinia spp. Berberis spp. Betula spp.

Common Name
Abelia
Acacia
Basket plant
Agapanthus
Willow myrtle
Bugleweed
Albizzia
Aleurites
Alder
Hollyhock
Amaranth
Ragweed
Serviceberry
Ananas
Annona (cherin

Annona (cherimoya) Snapdragon Aptenia Strawberry tree Seaforthia Manzanita Arecastrum Chokecherry Milkweed Asparagus Aspidistra Baccharis Bauhinia Barberry Birch Bignonia

Bignonia spp.

Bougainvillea spp. Brachychiton spp. Brunfelsia spp. Buxus spp. Calliandra spp. Callistemon spp Calodendrum spp. Camellia spp. Campsis spp. Canna spp. Carica spp. Capsicum spp. Caryota spp. Cassia spp. Castanopsis spp. Castanospermum spp. Catalpa spp. Ceanothus spp. Ceratonia spp. Ceratostigma spp. Cercidium spp. Cercis spp. Cercocarpus spp. Chenopodium spp. Chionanthus spp. Chitalpa spp. Chlorophytum spp. Chorisia spp. Chrysanthemum spp. Cinnamomum spp. Cissus spp. Cistus spp. Citrus spp. Clytostoma spp. Cocculus spp. Coccs spp. Coffea spp. Coprosma spp. Cordyline spp. Cornus spp.
Cotoneaster spp. Crassula spp. Cupaniopsis spp. Cupaniopsis spp. Cycas spp. Dianthus spp. Dietes spp. Diospyros spp. Dodonaea spp. Elaeagnus spp. Elaeocarpus spp. Elaeocarpus spi Ensete spp. Erigeron spp. Eriobotrya spp. Erythrina spp. Escallonia spp. Eucalyptus spp. Eugenia spp. Euonymus spp. Eupatorium spp Euryops spp. Fatshedera spp. Feijoa spp. Ficus spp. Forsythia spp Fortunella spp. Fraxinus spp. Gardenia spp. Gazania spp. Geijera spp. Gelsemium spp. Ginkgo spp. Gladiolus spp. Gossypium spp. Grevillea spp. Grewia spp. Hardenbergia spp. Harpephyllum spp. Hedera spp. Helianthus spp. Hemerocallis spp. Heteromeles spp. Hibiscus spp. Howea spp. Hymenosporum spp. Hypericum spp. Ilex spp.

Itea spp.

Bougainvillea Bottle tree Brunfelsia Boxwood Powderpuff Bottlebrush Cape chestnut Camellia Trumpet creeper Canna Papaya Pepper, chile Fishtail palm Senna Chinquapin Castanospermum Catawba Redroot Carob Ceratostigma Palo verde Redbud Mountain mahogany Lambsquarter Fringe tree Chitalpa St. Bernard's lily Floss-silk tree Chrysanthemum Cinnamomum Grape ivy Rock rose Citrus Clytostoma Cocculus Cocos Coffee Coprosma Τi Dogwood Cotoneaster Crassula Cupaniopsis Cycad Dianthus Dietes Persimmon Dodonaea Elaeagnus Elaeocarpus Ensete Fleabane Eriobotrya Coral tree Escallonia Eucalyptus Eugenia Euonymus Boneset Euryops Aralia ivy Feijoa Fig Golden-bells Kumquat Ash Gardenia Gazania Geijera Yellow jessamine Gingko Gladiolus Cotton Spider flower Grewia Hardenbergia Kaffir plum lvy Sunflower Daylily Toyon Hibiscus Sentry palm Hymenosporum

St. John's-wort

Holly

Jacaranda spp. Jasminum spp. Juglans spp. Koelreuteria spp. Lactuca spp. Lagerstroemia spp. Lantana spp. Laurus spp.
Leucospermum spp Ligustrum spp Limonium spp. Lippia spp. Liquidambar spp. Liriodendron spp. Litchi spp. Lonicera spp Loropetalum spp. Macadamia spp. Magnolia spp. Malus spp. Malva spp. Mandevilla spp. Mangifera spp. Scientific Name Maytenus spp. Melaleuca spp. Melia spp. Metrosideros spp. Michelia spp. Mirabilis spp Monarda spp. Morus spp. Murraya spp Myoporum spp. Myrsine spp.
Myrtus spp. Nandina spp.
Nephrolepis spp. Nerium spp. Nicotiana spp. Nyssa spp. Oenothera spp. Olea spp. Opuntia spp. Osmanthus spp. Osteospermum spp. Pachysandra spp.
Pandorea spp.
Parthenocissus spp.
Passiflora spp. Pelargonium spp.
Penstemon spp. Persea spp.
Philadelphus spp.
Philodendron spp. Phlox spp.
Phoenix spp Phormium spp. Photinia spp. Phyla spp. Phytolacca spp. Pinus spp. Pistacia spp. Pittosporum spp. Platanus spp. Platycerium spp. Plumbago spp. Podocarpus spp. Polygala spp. Polygonum spp. Populus spp. Portulacaria spp. Protea spp. Prunus spp. Psidium spp Punica spp. Pyracantha spp. Pyrus spp. Quercus spp. Raphiolepis spp Rhamnus spp. Rhododendron spp. Rhus spp. Robinia spp. Rosa spp. Rubus spp.

Green ebony Jasmine Walnut Golden-rain tree Lettuce Crape myrtle Shrub verbena Laurel Pincushion Privet Statice Lippia Sweet gum Tulip tree Lychee Honeysuckle Loropetalum Macadamia Magnolia Apple Mallow Mandevilla Mango Common Name Maytenus Honey myrtle Chinaberry Metrosideros Champak Umbrella wort Wild bergamot Mulberry Orange jessamine Myoporum Myrsine Myrtle Nandina Sword fern Oleander Tree tobacco Tupelo Evening primrose Olive Cactus Osmanthus Osteospermum Spurge Pandorea Woodbine Passion fruit Pelargonium Beard-tongue Avocado Mock orange Philodendron Phlox Date palm Flax lily Photinia Frogfruit Pokeweed Pine Pistachio Pittosporum Sycamore Staghorn fern Leadwort Podocarpus Milkwort Polygonum Cottonwood Portulacaria Protea Prunus Guava Pomegranate Pyracantha/Firethorn Pear Oak Raphiolepis Buckthorn Azalea Sumac Locust

Rudbeckia spp

Rose Blackberry

Coneflower

Salix spp. Sambucus spp. Sapium spp. Sarcococca spp. Sassafras spp. Schefflera spp. Schinus spp. Schlumbergera spp. Simmondsia spp. Solanum spp. Solidago spp. Sonchus spp. Sorbus spp. Sorghum spp Strelitzia spp. Syringa spp. Syzygium spp. Tabebuia spp. Tecomaria spp Ternstroemia spp. Thuja spp. Tipuana spp. Trachelospermum spp. Tradescantia spp. Tristania spp. Tulbaghia spp. Tupidanthus spp. Ulmus spp. Vauquelinia spp. Veronica spp Viburnum spp Vigna spp. Vinca spp. Viola spp. Vitis spp. Washingtonia spp. Wisteria spp. Xanthium spp Xylosma spp. Yucca spp. Zantedeschia spp. Zea spp.

Willow Elderberry Sapium Sweet box Sassafras Umbrella tree Schinus Christmas cactus Joioba Solanum Goldenrod Sonchus Mountain ash Sorghum Bird-of-paradise Lilac Syzygium Trumpet tree Tecomaria Ternstroemia Arborvitae Tipu Tree Trachelospermum Spiderwort Tristania Tulbaghia **Tupidanthus** Elm Arizona rosewood Speedwell Viburnum Vigna Periwinkle Violet Grape Washington palm Wisteria Cocklebur Xylosma Yucca Calla lily

NOTE: Authority cited: Sections 407 and 6047, Food and Agricultural Code. Reference: Section 6045, Food and Agricultural Code.

HISTORY

- New article 3 (sections 3658–3660) and section filed 7–25–2000 as an emergency; operative 7–25–2000 (Register 2000, No. 30). A Certificate of Compliance must be transmitted to OAL by 11–22–2000 or emergency language will be repealed by operation of law on the following day.
- 2. New article 3 (sections 3658–3660) and section refiled 11–21–2000 as an emergency; operative 11–21–2000 (Register 2000, No. 47). A Certificate of Compliance must be transmitted to OAL by 3–21–2001 or emergency language will be repealed by operation of law on the following day.
- 3. New article 3 (sections 3658–3660) and section refiled 3–19–2001 as an emergency; operative 3–19–2001 (Register 2001, No. 12). A Certificate of Compliance must be transmitted to OAL by 7–17–2001 or emergency language will be repealed by operation of law on the following day.
- 4. New article 3 (sections 3658–3660) and section refiled 7–11–2001 as an emergency; operative 7–11–2001 (Register 2001, No. 28). A Certificate of Compliance must be transmitted to OAL by 11–8–2001 or emergency language will be repealed by operation of law on the following day.
- Repealed by operation of Government Code section 11346.1(g) (Register 2002, No. 42).
- 6. New article 3 (sections 3658–3661) and section filed 10–17–2002 as an emergency; operative 10–17–2002 (Register 2002, No. 42). A Certificate of Compliance must be transmitted to OAL by 2–14–2003 or emergency language will be repealed by operation of law on the following day.
- 7. New article 3 (sections 3658–3661) and section refiled 2–6–2003 as an emergency; operative 2–14–2003 (Register 2003, No. 6). A Certificate of Compliance must be transmitted to OAL by 6–16–2003 or emergency language will be repealed by operation of law on the following day.
- 8. Certificate of Compliance as to 2–6–2003 order transmitted to OAL 6–16–2003 and filed 7–28–2003 (Register 2003, No. 31).
- 9. Amendment filed 9–30–2003; operative 9–30–2003 pursuant to Government Code section 11343.4 (Register 2003, No. 40).

§ 3659. Standards for Movement.

- (a) Plants shall meet the following standards prior to shipment from an infested area to a non-infested area:
- (1) The plants have been produced, handled, or treated in a manner approved by the Department to eliminate vectors; or,

- (2) The plants originate from a non-infested premise or a non-infested portion of a premise as determined by surveys, including trapping and visual, approved by the Department to detect the presence of vectors and the plants are monitored during loading for shipment; or,
- (3) The plants have been inspected, found to be free of vectors, and have been safeguarded from vectors until shipped.
- (b) To ensure that the above standards are met, the nursery shall do all of the following:
 - (1) Train employees to inspect for and recognize suspect vectors.
- (2) Conduct a trapping and detection program as specified by the agricultural commissioner (of the county in which the nursery is located) to determine if the vector is present at the nursery facility.
- (3) If the vector is present, conduct an ongoing monitoring program that includes a vector free shipment staging area and inspection of plants for vectors.
- (4) Conduct treatments, as necessary, to ensure that each shipment is free of the vectors.
- (5) Maintain treatment, vector trapping, detection, and monitoring records for two years. These records shall be made available to the county agricultural commissioner during normal business hours.

 $Note: Authority\ cited: Sections\ 407\ and\ 6047, Food\ and\ Agricultural\ Code.\ Reference:\ Section\ 6045,\ Food\ and\ Agricultural\ Code.$

HISTORY

- 1. New section filed 7-25-2000 as an emergency; operative 7-25-2000 (Register 2000, No. 30). A Certificate of Compliance must be transmitted to OAL by 11-22-2000 or emergency language will be repealed by operation of law on the following day.
- 2. New section refiled 11–21–2000 as an emergency; operative 11–21–2000 (Register 2000, No. 47). A Certificate of Compliance must be transmitted to OAL by 3–21–2001 or emergency language will be repealed by operation of law on the following day.
- 3. New section refiled 3–19–2001 as an emergency; operative 3–19–2001 (Register 2001, No. 12). A Certificate of Compliance must be transmitted to OAL by 7–17–2001 or emergency language will be repealed by operation of law on the following day.
- 4. New section refiled 7-11-2001 as an emergency; operative 7-11-2001 (Register 2001, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-8-2001 or emergency language will be repealed by operation of law on the following day.
- 5. Repealed by operation of Government Code section 11346.1(g) (Register 2002, No. 42).
- 6. New section filed 10–17–2002 as an emergency; operative 10–17–2002 (Register 2002, No. 42). A Certificate of Compliance must be transmitted to OAL by 2–14–2003 or emergency language will be repealed by operation of law on the following day.
- 7. New section refiled 2–6–2003 as an emergency; operative 2–14–2003 (Register 2003, No. 6). A Certificate of Compliance must be transmitted to OAL by 6–16–2003 or emergency language will be repealed by operation of law on the following day.
- 8. Certificate of Compliance as to 2-6-2003 order transmitted to OAL 6-16-2003 and filed 7-28-2003 (Register 2003, No. 31).

§ 3660. Certification.

Shipments of plants shall be certified as meeting the standards for movement in the following manner:

(a) Each shipment of plants shall be accompanied by a certificate issued by the agricultural commissioner at origin affirming that the shipment meets the standards for movement set forth in Section 3659.

NOTE: Authority cited: Sections 407 and 6047, Food and Agricultural Code. Reference: Section 6045, Food and Agricultural Code.

HISTORY

- 1. New section filed 7-25-2000 as an emergency; operative 7-25-2000 (Register 2000, No. 30). A Certificate of Compliance must be transmitted to OAL by 11-22-2000 or emergency language will be repealed by operation of law on the following day.
- 2. New section refiled 11–21–2000 as an emergency; operative 11–21–2000 (Register 2000, No. 47). A Certificate of Compliance must be transmitted to OAL by 3–21–2001 or emergency language will be repealed by operation of law on the following day.
- 3. New section refiled 3–19–2001 as an emergency; operative 3–19–2001 (Register 2001, No. 12). A Certificate of Compliance must be transmitted to OAL by 7–17–2001 or emergency language will be repealed by operation of law on the following day.
- 4. New section refiled 7-11-2001 as an emergency; operative 7-11-2001 (Register 2001, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-8-2001 or emergency language will be repealed by operation of law on the following day.

- 5. Repealed by operation of Government Code section 11346.1(g) (Register 2002, No. 42).
- 6. New section filed 10–17–2002 as an emergency; operative 10–17–2002 (Register 2002, No. 42). A Certificate of Compliance must be transmitted to OAL by 2–14–2003 or emergency language will be repealed by operation of law on the following day.
- 7. New section refiled 2–6–2003 as an emergency; operative 2–14–2003 (Register 2003, No. 6). A Certificate of Compliance must be transmitted to OAL by 6–16–2003 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 2–6–2003 order transmitted to OAL 6–16–2003 and filed 7–28–2003 (Register 2003, No. 31).

§ 3661. Exemptions.

These standards do not apply to the following types of shipments:

- (a) Privately owned plants which have been maintained indoors.
- (b) Plants which have been designated by the Department as not presenting a risk for the artificial spread of vectors.
- (c) Plants which are being transported without undue delay or diversion through non-infested areas.
 - (d) Plant shipments originating from non-infested areas.

NOTE: Authority cited: Sections 407 and 6047, Food and Agricultural Code. Reference: Section 6045, Food and Agricultural Code.

HISTORY

- 1. New article 4 (sections 3661–3663) and section filed 11–8–2000 as an emergency; operative 11–8–2000 (Register 2000, No. 45). A Certificate of Compliance must be transmitted to OAL by 3–8–2001 or emergency language will be repealed by operation of law on the following day.
- 2. New article 4 (sections 3661–3663) and section refiled 3–8–2001 as an emergency; operative 3–8–2001 (Register 2001, No. 10). A Certificate of Compliance must be transmitted to OAL by 7–6–2001 or emergency language will be repealed by operation of law on the following day.
- 3. New article 4 (sections 3661–3663) and section refiled 7–6–2001 as an emergency; operative 7–6–2001 (Register 2001, No. 27). A Certificate of Compliance must be transmitted to OAL by 11–5–2001 or emergency language will be repealed by operation of law on the following day.
- 4. Repealed by operation of Government Code section 11346.1(g) (Register 2001, No. 46)
- 5. New section filed 10–17–2002 as an emergency; operative 10–17–2002 (Register 2002, No. 42). A Certificate of Compliance must be transmitted to OAL by 2–14–2003 or emergency language will be repealed by operation of law on the following day.
- 6. New section refiled 2–6–2003 as an emergency; operative 2–14–2003 (Register 2003, No. 6). A Certificate of Compliance must be transmitted to OAL by 6–16–2003 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 2–6–2003 order transmitted to OAL 6–16–2003 and filed 7–28–2003 (Register 2003, No. 31).

Article 4. Standards for Citrus Fruit

The Secretary hereby establishes the following standards for the movement of bulk citrus to prevent the artificial spread of the vectors of Pierce's disease.

§ 3662. Standards for Movement.

Bulk citrus from an infested area shall meet the standards in (a) or (b) prior to shipment to a non-infested area or an area in which an active control program is being conducted; or prior to transiting a non-infested area or an area in which an active control program is being conducted. The owner shall notify the county agricultural commissioner (of the county in which the grove is located) a minimum of 72 hours prior to the initiation of harvest.

- (a) The bulk citrus have been harvested, handled, or treated in a manner approved by the Department to eliminate all live vectors including, but not limited to, the following:
- (1) Treat grove(s) when infestation levels of vectors are evidenced by multiple detections(s); or,
- (2) Mechanically brush and protect citrus from infestation by vectors; or,
 - (3) Post-harvest treatment of citrus.
- (b) The bulk citrus have originated from a non-infested grove as determined by surveys, including trapping and visual, approved by the De-

- partment to detect the presence of vectors and the citrus fruit are monitored during harvest.
- (c) To ensure that the standards in (a) or (b) are met, the receiver shall do all of the following:
- (1) Collect the certificates, required in Section 3663, for each shipment and maintain them as part of the shipment documentation.
- (2) Notify the agricultural commissioner (of the county in which the receiver is located) when suspect vectors are detected.
- (3) Safeguard infested shipments until rejection action is specified by the agricultural commissioner.
- (4) Maintain shipment records for two years. These records shall be made available to the county agricultural commissioner during normal business hours

NOTE: Authority cited: Sections 407 and 6047, Food and Agricultural Code. Reference: Section 6045, Food and Agricultural Code.

HISTORY

- 1. New section filed 11–8–2000 as an emergency; operative 11–8–2000 (Register 2000, No. 45). A Certificate of Compliance must be transmitted to OAL by 3–8–2001 or emergency language will be repealed by operation of law on the following day.
- 2. New section refiled 3–8–2001 as an emergency; operative 3–8–2001 (Register 2001, No. 10). A Certificate of Compliance must be transmitted to OAL by 7–6–2001 or emergency language will be repealed by operation of law on the following day.
- 3. New section refiled 7–6–2001 as an emergency; operative 7–6–2001 (Register 2001, No. 27). A Certificate of Compliance must be transmitted to OAL by 11–5–2001 or emergency language will be repealed by operation of law on the following day.
- Repealed by operation of Government Code section 11346.1(g) (Register 2001, No. 46).
- 5. New article 4 (sections 3662–3663.5) and section filed 10–17–2002 as an emergency; operative 10–17–2002 (Register 2002, No. 42). A Certificate of Compliance must be transmitted to OAL by 2–14–2003 or emergency language will be repealed by operation of law on the following day.
- 6. New article 4 (sections 3662–3663.5) and section refiled 2–6–2003 as an emergency; operative 2–14–2003 (Register 2003, No. 6). A Certificate of Compliance must be transmitted to OAL by 6–16–2003 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 2–6–2003 order transmitted to OAL 6–16–2003 and filed 7–28–2003 (Register 2003, No. 31).
- 8. Amendment of subsections (c)(2) and (c)(4) filed 9-30-2003; operative 9-30-2003 pursuant to Government Code section 11343.4 (Register 2003, No. 40)

§ 3663. Certification.

Shipments of bulk citrus shall be certified as meeting the standards for movement in the following manner:

(a) Each shipment of bulk citrus shall be accompanied by a certificate or other document issued by the agricultural commissioner at origin affirming that the shipment meets the standards for movement set forth in Section 3662.

NOTE: Authority cited: Sections 407 and 6047, Food and Agricultural Code. Reference: Section 6045, Food and Agricultural Code.

History

- 1. New section filed 11–8–2000 as an emergency; operative 11–8–2000 (Register 2000, No. 45). A Certificate of Compliance must be transmitted to OAL by 3–8–2001 or emergency language will be repealed by operation of law on the following day.
- 2. New section refiled 3-8-2001 as an emergency; operative 3-8-2001 (Register 2001, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-6-2001 or emergency language will be repealed by operation of law on the following day.
- 3. New section refiled 7–6–2001 as an emergency; operative 7–6–2001 (Register 2001, No. 27). A Certificate of Compliance must be transmitted to OAL by 11–5–2001 or emergency language will be repealed by operation of law on the following day.
- 4. Repealed by operation of Government Code section 11346.1(g) (Register 2001, No. 46).
- 5. New section filed 10–17–2002 as an emergency; operative 10–17–2002 (Register 2002, No. 42). A Certificate of Compliance must be transmitted to OAL by 2–14–2003 or emergency language will be repealed by operation of law on the following day.
- 6. New section refiled 2–6–2003 as an emergency; operative 2–14–2003 (Register 2003, No. 6). A Certificate of Compliance must be transmitted to OAL by 6–16–2003 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 2–6–2003 order transmitted to OAL 6–16–2003 and filed 7–28–2003 (Register 2003, No. 31).

§ 3663.5. Exemptions.

These standards do not apply to the following types of shipments:

- (a) Processed citrus fruit, including citrus fruit which has been washed and waxed and is being moved in bulk quantities.
 - (b) Shipments originating from non-infested areas.
- (c) Shipments originating in the infested area that do not enter a non-infested area or an area in which an active control program is being conducted.

NOTE: Authority cited: Sections 407 and 6047, Food and Agricultural Code. Reference: Section 6045, Food and Agricultural Code.

HISTORY

- 1. New section filed 10–17–2002 as an emergency; operative 10–17–2002 (Register 2002, No. 42). A Certificate of Compliance must be transmitted to OAL by 2–14–2003 or emergency language will be repealed by operation of law on the following day.
- 2. New section refiled 2-6-2003 as an emergency; operative 2-14-2003 (Register 2003, No. 6). A Certificate of Compliance must be transmitted to OAL by 6-16-2003 or emergency language will be repealed by operation of law on the following day.
- 3. Certificate of Compliance as to 2–6–2003 order transmitted to OAL 6–16–2003 and filed 7–28–2003 (Register 2003, No. 31).

Article 5. Grapevine Loss Assistance Program

The Secretary hereby establishes the grapevine loss assistance program to compensate eligible vineyard growers for grapevine losses due to Pierce's disease spread by the glassy—winged sharpshooter.

§ 3664. Purpose.

The Grapevine Loss Assistance Program (GVLAP) is established to provide a maximum aggregate \$7.14 million in payment to eligible vine-yard owners who incur losses due to Pierce's disease spread by the glassy-winged sharpshooter.

NOTE: Authority cited: Section 407, Food and Agricultural Code; and Stats. 2002, AB1242, Chapter 18, (An Act Relating to the Glassy-winged Sharpshooter). Reference: Stats. 2002, AB1242, Chapter 18, (An Act Relating to the Glassy-winged Sharpshooter); and Sections 6045–6047, Food and Agricultural Code.

HISTORY

- New article 5 (sections 3664–3669) and section filed 4–11–2002 as an emergency; operative 4–11–2002 (Register 2002, No. 15). A Certificate of Compliance must be transmitted to OAL by 8–9–2002 or emergency language will be repealed by operation of law on the following day.
- 2. Certificate of Compliance as to 4-11-2002 order transmitted to OAL 7-19-2002 and filed 8-19-2002 (Register 2002, No. 34).

§ 3665. Application for GVLAP Form GWSS-003 (March 1, 2002).

- (a) Application for compensation shall be made using a Department application form for this purpose.
- (b) Application forms are available from the county agricultural commissioner, Pierce's Disease Control Program, or from the web site: http://www.cdfa.ca.gov/phpps/pdcp.
- (c) Applications for the GVLAP shall be submitted directly to the county agricultural commissioner(s) of the county(ies) in which the vine-yard(s) is located.
- (d) The application form(s) shall be complete and submitted by mail, courier, or hand delivery by the close of business on June 1, 2002 and must include the original signature(s) of the person or entity (authorized representative).
- (e) The application form(s) must be accompanied by Form W–9 Request for Taxpayer Identification Number and Certification (Department of the Treasury, Internal Revenue Service, Rev. January 2002) and all other documents required by this article.
- (f) The application shall indicate the names of all owners (person) of each vineyard or the entity doing business.
- (g) Any person or entity applying for and/or receiving compensation must permit authorized representatives of the program to enter their property during normal business hours without prior notice to assess the accuracy of information supplied to the department; to inspect, examine,

and make copies on site of such reports and accounts to determine qualification or eligibility for or compliance with the program.

NOTE: Authority cited: Section 407, Food and Agricultural Code; and Stats. 2002, AB1242, Chapter 18, (An Act Relating to the Glassy-winged Sharpshooter). Reference: Stats. 2002, AB1242, Chapter 18, (An Act Relating to the Glassy-winged Sharpshooter); and Sections 6045–6047, Food and Agricultural Code.

HISTORY

- 1. New section filed 4–11–2002 as an emergency; operative 4–11–2002 (Register 2002, No. 15). A Certificate of Compliance must be transmitted to OAL by 8–9–2002 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 4–11–2002 order transmitted to OAL 7–19–2002 and filed 8–19–2002 (Register 2002, No. 34).

§ 3666. Eligibility.

The following eligibility requirements apply to the GVLAP:

- (a) Payments are authorized to compensate grape growers only for grapevine losses resulting from Pierce's disease spread by the glassy-winged sharpshooter. Payments are not authorized for grape production losses or for the cost of replanting grapevines.
- (b) Distribution of the compensation payments shall be based on vineyard establishment cost, or a portion thereof, in the county in which the vineyard is located.
- (c) Removal of the grapevines shall have been conducted as a result of infection by Pierce's disease spread by the glassy-winged sharpshooter
- (d) Each removed vineyard acre must have a minimum of 30 percent infection per contiguous acre.
 - (e) Vineyards must have been removed on or after August 10, 1999.
 - (f) Vineyards must have been removed on or before May 1, 2002.
- (g) Documentation must be provided to confirm that the grapevine removal was due to infection by Pierce's disease spread by the glassywinged sharpshooter.
- (h) Proof or confirmation of Pierce's disease infection of the grapevines removed must be confirmed in writing by the local county agricultural commissioner, or the University of California Cooperative Extension farm advisor for viticulture, or by the vineyard owner by written certification that the vines were removed because of infection by Pierce's disease.
- (1) Owner certification must be accompanied by documentation and verification of the number of acres infected and removed.
- (2) Owner certification shall include the date(s) the grapevines were planted and removed.
- (3) The vineyard owner must submit as much evidence as possible (the most preferable method of confirmation being an accepted diagnostic test to indicate the presence of Pierce's disease by a government or university laboratory facility) indicating that the presence of Pierce's disease was the factor causing removal.
- (A) The county agricultural commissioner and/or the farm advisor shall be consulted to identify and verify the actual acreage removed.
- (B) If the presence of Pierce's disease is confirmed as described in (3) above, the sample submitted to the laboratory must be positively identified as representing the acreage removed.
- (C) The number of samples must sufficiently evidence, to the satisfaction of the county agricultural commissioner or the farm advisor, that the infection rate was a minimum of 30 percent per contiguous acre.

NOTE: Authority cited: Section 407, Food and Agricultural Code; and Stats. 2002, AB1242, Chapter 18, (An Act Relating to the Glassy-winged Sharpshooter). Reference: Stats. 2002, AB1242, Chapter 18, (An Act Relating to the Glassy-winged Sharpshooter); and Sections 6045–6047, Food and Agricultural Code.

HISTORY

- New section filed 4-11-2002 as an emergency; operative 4-11-2002 (Register 2002, No. 15). A Certificate of Compliance must be transmitted to OAL by 8-9-2002 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 4-11-2002 order transmitted to OAL 7-19-2002 and filed 8-19-2002 (Register 2002, No. 34).

§ 3667. Application Review and Eligibility Determination.

(a) After receipt and review of each application, the county agricultural commissioner shall forward his/her recommendation regarding vineyard eligibility for compensation and the application, accompanied by all required documentation, to the Department's Pierce's Disease Control Program Sacramento office.

- (b) All information provided by an applicant is subject for review for completeness and verification by the Pierce's Disease Control Program prior to the final determination of vineyard(s) eligibility. The area from which the grapevines were removed must be verified as an "infested area" based on the distribution of glassy—winged sharpshooter as determined by the Pierce's Disease Control Program.
- (c) The program shall provide written eligibility determinations to the applicant(s) by September 30, 2002.
- (d) Payment shall be made to the name/business name that corresponds to the information provided on Form W-9 (as required by Section 3665[c]) by September 30, 2002, unless an extension is provided by the United States Department of Agriculture for distribution of the funds by December 31, 2002.

NOTE: Authority cited: Section 407, Food and Agricultural Code; and Stats. 2002, AB1242, Chapter 18, (An Act Relating to the Glassy-winged Sharpshooter). Reference: Stats. 2002, AB1242, Chapter 18, (An Act Relating to the Glassy-winged Sharpshooter); and Sections 6045–6047, Food and Agricultural Code.

HISTORY

- 1. New section filed 4–11–2002 as an emergency; operative 4–11–2002 (Register 2002, No. 15). A Certificate of Compliance must be transmitted to OAL by 8–9–2002 or emergency language will be repealed by operation of law on the following day.
- 2. Certificate of Compliance as to 4-11-2002 order transmitted to OAL 7-19-2002 and filed 8-19-2002 (Register 2002, No. 34).

§ 3668. Payment Criteria.

- (a) The minimum acreage criterion is one (1) contiguous acre of removed vines demonstrating at least 30% infection rate per acre.
- (b) Vineyards that were removed after two (2) years of age and prior to ten (10) years of age will be compensated at the adjusted compensation rate per acre. The adjusted compensation rate per acre will be calculated using the average cost of vineyard establishment (planting and development costs for the first five [5] years of vineyard age) for the areas affected prorated on the basis of total qualified acreage determined by the Department.
- (c) The maximum rate of compensation for grapevine losses shall not exceed the estimated cost to establish a like vineyard, or portion thereof, in the county in which the vineyard is located.
- (d) For every year of vineyard age greater than ten (10) years, three (3) % will be deducted from the adjusted compensation rate per year per acre for the first 25 years of vine age. For every year of vineyard age greater than 25 years, three and six-tenths (3.6) % will be deducted from the adjusted compensation rate up to and including vineyard age 40. There will be no compensation available for vineyards in excess of 40 years of age.
- (e) If the total amount of applications for compensation exceeds the available funds, payments shall be reduced by a uniform percentage to match the available funds.
- (f) All owners accepting vine loss compensation funds from the Department for the acreage claimed are prohibited from reapplying for vine loss compensation from the Department for the same acreage.
- (g) Compensation limits per acre and pro-rata reimbursement levels will be calculated as a function of total qualified acreage at the end of the qualifying period.
- (h) If the Department or United States Department of Agriculture determines that any provisions of the application, or of the rules and regulations governing the program have not been complied with by the owner receiving compensation, noncompliance may result in the owner not being entitled to any additional payments, the owner refunding any payments made in connection with the compensation program, and owner liability for any other damages incurred as a result of such non-compliance. Non-compliance includes, but is not limited to:
- (1) The owner has adopted any scheme or other device which tends to defeat the purpose of the program provided for by this article;
- (2) The owner has made any fraudulent representation with respect to such program;
- (3) The owner has misrepresented any fact affecting a program determination.

(i) A vineyard owner must retain all financial records and accounts relating to compensation received under the program for a period of six (6) years after the date of payment, or until final resolution of any audit of records by the Department, whichever is later.

NOTE: Authority cited: Section 407, Food and Agricultural Code; and Stats. 2002, AB1242, Chapter 18, (An Act Relating to the Glassy-winged Sharpshooter). Reference: Stats. 2002, AB1242, Chapter 18, (An Act Relating to the Glassy-winged Sharpshooter); and Sections 6045–6047, Food and Agricultural Code.

HISTORY

- 1. New section filed 4–11–2002 as an emergency; operative 4–11–2002 (Register 2002, No. 15). A Certificate of Compliance must be transmitted to OAL by 8–9–2002 or emergency language will be repealed by operation of law on the following day.
- 2. Certificate of Compliance as to 4–11–2002 order transmitted to OAL 7–19–2002 and filed 8–19–2002 (Register 2002, No. 34).

§ 3669. Appeal/Hearing Procedures.

- (a) An appeal of an eligibility decision relative to a compensation application may be filed with the Department's Pierce's Disease Control Program Sacramento office within fourteen (14) calendar days of the date of the decision. A hearing shall be conducted within seven (7) calendar days of an appeal that is timely filed. An appeal that is not timely filed shall be denied and no hearing shall be conducted in connection therewith.
- (b) Hearings shall be conducted pursuant to Chapter 4.5 (commencing with Section 11400) of Division 3 of Title 2 of the Government Code and these regulations.
- (c) Hearings shall be presided over and conducted by a hearing officer designated by the Secretary.
- (d) Hearings may be conducted by telephone, at the discretion of the Secretary.
- (e) The decision of the hearing officer shall be in writing. The decision shall be in minute order form, containing only a brief statement of the conclusion and findings to support the conclusion. It may be handwritten.
- (f) The decision shall be issued within 24 hours after the conclusion of the hearing and may be issued orally at the conclusion of the hearing subject to written confirmation.
- (g) The written decision shall be served on the appellant or designated representative either by personal service or, if available, by facsimile transmission.
- (h) The hearing officer's decision shall be final and not appealable to the Secretary or any other officer of the Department.
- (i) The appellant may seek judicial review of the hearing officer's decision by filing a petition for a writ of administrative mandamus in the appropriate court pursuant to Code of Civil Procedure Section 1084 *et sea*.
 - (i) Hearings shall be recorded by audiotape.

NOTE: Authority cited: Section 407, Food and Agricultural Code; and Stats. 2002, AB1242, Chapter 18, (An Act Relating to the Glassy-winged Sharpshooter). Reference: Stats. 2002, AB1242, Chapter 18, (An Act Relating to the Glassy-winged Sharpshooter); Sections 6045–6047, Food and Agricultural Code; Sections 11425.50 and 11440.10, Government Code; and Section 1084 et seq., Code of Civil Procedure.

HISTORY

- New section filed 4-11-2002 as an emergency; operative 4-11-2002 (Register 2002, No. 15). A Certificate of Compliance must be transmitted to OAL by 8-9-2002 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 4-11-2002 order transmitted to OAL 7-19-2002 and filed 8-19-2002 (Register 2002, No. 34).

Subchapter 6. Plant Disease Control

§ 3700. Oak Mortality Disease Control.

Restrictions are hereby established against the following pest, its hosts, and possible carriers.

- (a) Pest. A fungus, *Phytophthora ramorum*, which causes oak mortality disease (sudden oak death).
- (b) Regulated Area. The regulated area for the pest is: The entire counties of Alameda, Contra Costa, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Mateo, Santa Clara, Santa Cruz, San Francisco, Solano and Sonoma.

(c) Articles and Commodities Covered. The following are declared to be hosts or potential carriers of the pest:

(1) Plants and plant parts (except acorns or seed and a \ast includes the bole) of:

Acer macrophyllum (bigleaf maple)

Acer pseudoplatanus (planetree maple)*

Adiantum aleuticum (Western maidenhair fern)

Adiantum jordanii (California maidenhair fern)

Aesculus californica (California buckeye)

Aesculus hippocastanum (horse chestnut)*

Arbutus menziesii (madrone)

Arctostaphylos manzanita (manzanita)

Calluna vulgaris (Scotch heather)

Camellia spp. (includes all species, hybrids and cultivars)

Castanea sativa (sweet chestnut)
Fagus sylvatica (European beech)*

Frangula californica (=Rhamnus californica) (California coffeeberry)

Frangula purshiana (=Rhamnus purshiana) (cascara)

Fraxinus excelsior (European ash)*

Griselinia littoralis (Griselinia)

Hamamelis virginiana (witch hazel)

Heteromeles arbutifolia (Toyon or Christmas berry)

Kalmia spp. (includes all species, hybrids and cultivars)

Laurus nobilis (bay laurel)

Lithocarpus densiflorus (tanoak)*

Lonicera hispidula (California honeysuckle)

Magnolia doltsopa (=Michelia doltsopa) (Michelia)

Maianthemum racemosum (=Smilacina racemosa, false

Solomon's seal)

Parrotia persica (Persian ironwood)

Photinia fraseri (red tip or Fraser's photinia)

Pieris spp. (includes all species, hybrids and cultivars)

Pseudotsuga menziesii var. menziesii and all nursery grown

P. menziesii (Dougles-fir)

Quercus agrifolia (coast live oak)*

Quercus cerris (European turkey oak)*

Quercus chrysolepis (canyon live oak)*

Quercus falcata (Southern red oak)*

Quercus ilex (Holm oak)

Quercus kelloggii (California black oak)*

Quercus parvula var. shrevei and all nursery grown Q. parvula

(Shreve's oak)*

Rhododendron species (azaleas and rhododendrons)

Rosa gymnocarpa (wood rose)

Salix caprea (goat willow)

Sequoia sempervirens (coast redwood)

Syringa vulgaris (lilac)

Taxus baccata (European yew)

Trientalis latifolia (Western star flower)

Umbellularia californica (California bay laurel)

Vaccinium ovatum (huckleberry)

Viburnum spp. (All species of viburnum);

(2) Associated articles (nursery stock) of the following plants:

Abies concolor (white fir)

Abies grandis (grand fir)

Abies magnifica (red fir)

Acer circinatum (vine maple)

Acer davidii (striped bark maple)

Acer laevigatum (evergreen maple)

Arbutus unedo (strawberry tree)

Arctostaphylos columbiana (manzanita) Arctostaphylos uva-ursi (Kinnikinnick)

Ardisia japonica (Ardisia)

Berberis diversifolia (=Mahonia aquifolium (Oregon grape)

Calveanthus occidentalis (spicebush)

Castanopsis orthacantha (Castanopsis)

Ceanothus thyrsiflorus (blue blossom)

Cercis chinense (Chinese redbud)

Cinnamomum camphora (camphor tree)

Clintonia andrewsiana (Andrew's clintonia bead lily)

Cornus kousa x Cornus capitata (Cornus Norman Haddon)

Corylopsis spicata (spike winter hazel) Corylus cornuta (California hazelnut)

Distylium myricoides (myrtle-leafed distylium)

Drimys winteri (Winter's bark)

Dryopteris arguta (California wood fern)

Eucalyptus haemastoma (Scribbly gum)

Euonymus kiautschovicus (spreading euonymus)

Fraxinus latifolia (Oregon ash)

Garrya elliptica (silk tassel tree, coast silk tassel)

Gaultheria shallon (salal, Oregon wintergreen)

Hamamelis x intermedia [(H. mollis and H. japonica) (hybrid witchhazel)]

Hamamelis mollis (Chinese witch-hazel)

Ilex purpurea (Oriental holly)

Kalmia angustifolia (sheep laurel)

Leucothoe axillaries (fetter-bush, dog hobble)

Leucothoe fontanesiana (drooping leucothoe)

Loropetalum chinense (Loropetalum)

Magnolia denudata x salicifolia (magnolia)

Magnolia ernestii (=Michelia wilsonii) (Michelia)

Magnolia figo (banana shrub)

Magnolia grandiflora (Southern magnolia)

Magnolia kobus (kobus magnolia)

Magnolia liliiflora (=M. quinquepeta) (purple magnolia)

Magnolia maudiae (=Michelia maudiae) (Michelia)

Magnolia salicifolia (=M. proctoriana) (anise magnolia)

Magnolia stellata (star magnolia)

Magnolia x loebneri (Loebner magnolia)

Magnolia x soulangeana (saucer magnolia)

Magnolia x thompsoniana (M. tripetala and M. virginiana)

(magnolia)

Manglietia insignis (red lotus tree)

Nerium oleander (oleander)

Nothofagus obliqua (Roble beech)

Osmorhiza berteroi (sweet Cicely)

Osmanthus delavavi (Delavav Osmanthus)

Osmanthus decorus [(=Phillyrea decora; =P. vilmoriniana)

(Osmanthus)]

Osmanthus fragrans (sweet olive)

Osmanthus heterophyllus (holly olive)

Parakmeria lotungensis (Eastern joy lotus tree)

Physocarpus opulifolius (ninebark)

Pittosporum undulatum (Victorian box)

Prunus laurocerasus (English laurel)

Prunus lusitanica (Portuguese laurel cherry)

Pyracantha koidzumii (Formosa firethorn)

Quercus acuta (Japanese evergreen oak)

Quercus petraea (Sessile oak)

Quercus rubra (Northern red oak)

Rosa cultivars: Royal Bonica (tagged: "MEImodac"), Pink Meidiland

(tagged: "MEIpoque"), Pink Sevillana (tagged: "MEIgeroka")

Rosa rugosa (rugosa rose)

Rubus spectabilis (salmonberry)

Schima wallichii (Chinese guger tree)

Taxus brevifolia (Pacific yew)

Taxus x media (Yew)

Torreya californica (California nutmeg)

Toxicodendron diversilobum (poison oak)

Vancouveria planipetala (Redwood ivy)

- (3) Unprocessed wood and wood products (including but not limited to bark chips, mulch and firewood except when completely free of bark) of the plants listed in paragraph (c)(1) as bole hosts and plant products of the plants in paragraph (c)(1), including but not limited to dried or preserved wreaths;
- (4) Any other product, article or means of conveyance when it is determined by the secretary, based upon generally accepted scientific principles, that it presents a risk of spreading the pest because it is a host or potential carrier of the pest.
 - (d) Restrictions
- (1) Articles and commodities covered in subsection (c) are prohibited movement from the regulated area except as provided in paragraph (A), (B) or (C) below:
- (A) If accompanied by a certificate issued by an authorized agricultural official affirming that the articles and commodities have been:
- 1. produced and maintained in an area which has been surveyed by an authorized agricultural official in a manner approved, based upon generally accepted scientific principles, by the secretary to detect the pest and the area has been found to be free of the pest; or,
- 2. grown, produced, manufactured, stored, or handled in a manner approved by the secretary, based upon generally accepted scientific principles, to prevent infestation by the pest; or,
- 3. tested in a manner approved, based upon generally accepted scientific principles, by the secretary to detect the pest and found to be free of the pest.
- (B) If the article or commodity does not meet the conditions in paragraph (d)(1)(A), it may nevertheless be moved if a permit is issued by an authorized agricultural official specifying the required containment conditions necessary to prevent potential spread of the pest; the article or commodity covered; the destination; and the handling, utilization, or processing which is authorized by the official and the conditions under which this shall be conducted. If the issuance of a permit is denied, an appeal may be filed with the department as provided in subsection (e).
- (C) If the article or commodity is being moved from outside the regulated area and is being moved through the regulated area by direct route and without delay.
- (2) At the retail level, articles and commodities covered are prohibited movement from the regulated area except when the person in possession has proof of purchase showing the commodity was purchased from a seller who is in compliance with paragraph (d)(1)(A).
 - (e) Appeal/Hearing Procedures.
- (1) An appeal pursuant to paragraph (d)(1)(B) may be filed with the department within seven (7) calendar days of the date of denial of the permit. A hearing shall be conducted within 48 hours of an appeal that is timely filed. An appeal that is not timely filed shall be denied and no hearing shall be conducted in connection therewith.
- (2) Hearings shall be conducted pursuant to Chapter 4.5 (commencing with section 11400) of Division 3 of Title 2 of the Government Code and these regulations.
- (3) Hearings shall be presided over and conducted by a hearing officer designated by the secretary.
- (4) Hearings may be conducted by telephone, at the discretion of the secretary.
- (5) The decision of the hearing officer shall be in writing. The decision shall be in minute order form, containing only a brief statement of the conclusion and findings to support the conclusion. It may be handwritten.
- (6) The decision shall be issued within 24 hours after the conclusion of the hearing and may be issued orally at the conclusion of the hearing subject to written confirmation.
- (7) The written decision shall be served on the appellant or designated representative either by personal service or, if available, by facsimile transmission.
- (8) The hearing officer's decision shall be final and not appealable to the secretary or any other officer of the Department.
- (9) The appellant may seek judicial review of the hearing officer's decision by filing a petition for a writ of administrative mandamus in the

appropriate court pursuant to Code of Civil Procedure section 1084 et sea.

(10) Hearings shall be recorded by audiotape.

NOTE: Authority cited: Sections 407, 5321 and 5322, Food and Agricultural Code. Reference: Sections 24.5, 5321 and 5322, Food and Agricultural Code.

HISTORY

- 1. New subchapter 6 (section 3700) and section filed 5–22–2001 as an emergency; operative 5–22–2001 (Register 2001, No. 21). A Certificate of Compliance must be transmitted to OAL by 9–19–2001 or emergency language will be repealed by operation of law on the following day.
- 2. Certificate of Compliance as to 5-22-2001 order transmitted to OAL 9-19-2001 and filed 10-4-2001 (Register 2001, No. 40).
- 3. Amendment of subsections (a), (b)(1) and (c)(1) filed 12–14–2001 as an emergency; operative 12–14–2001 (Register 2001, No. 50). A Certificate of Compliance must be transmitted to OAL by 4–15–2002 or emergency language will be repealed by operation of law on the following day.
- 4. Certificate of Compliance as to 12–14–2001 order transmitted to OAL 4–10–2002 and filed 5–2–2002 (Register 2002, No. 18).
- 5. Amendment of subsection (b)(1) filed 7-11-2002 as an emergency; operative 7-11-2002 (Register 2002, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-8-2002 or emergency language will be repealed by operation of law on the following day.
- 6. New subsection (e)(2) and subsection renumbering filed 9–10–2002 as an emergency; operative 9–10–2002 (Register 2002, No. 37). A Certificate of Compliance must be transmitted to OAL by 1–8–2003 or emergency language will be repealed by operation of law on the following day.
- 7. Editorial correction of HISTORY 6 (Register 2002, No. 50).
- 8. Certificate of Compliance as to 7-11-2002 order transmitted to OAL 11-5-2002 and filed 12-10-2002 (Register 2002, No. 50).
- 9. Editorial correction of HISTORY 6 (Register 2003, No. 5).
- 10. Certificate of Compliance as to 9-10-2002 order transmitted to OAL 12-23-2002 and filed 1-27-2003 (Register 2003, No. 5).
- 11. Amendment of subsection (c)(1), new subsection (c)(3) and subsection renumbering filed 2–3–2003 as an emergency; operative 2–3–2003 (Register 2003, No. 6). A Certificate of Compliance must be transmitted to OAL by 6–3–2003 or emergency language will be repealed by operation of law on the following day.
- 12. Amendment of subsections (c)(1)–(3), new subsections (c)(4)–(5) and subsection renumbering filed 3–20–2003 as an emergency; operative 3–20–2003 (Register 2003, No. 12). A Certificate of Compliance must be transmitted to OAL by 7–18–2003 or emergency language will be repealed by operation of law on the following day.
- 13. Certificate of Compliance as to 2-3-2003 order transmitted to OAL 6-2-2003 and filed 7-8-2003 (Register 2003, No. 28).
- 14. Certificate of Compliance as to 3-20-2003 order transmitted to OAL 6-10-2003 and filed 7-10-2003 (Register 2003, No. 28).
- 15. Amendment of subsections (d)(1) and (d)(2) filed 11–6–2003 as an emergency; operative 11–15–2003 (Register 2003, No. 45). A Certificate of Compliance must be transmitted to OAL by 3–15–2004 or emergency language will be repealed by operation of law on the following day.
- 16. Amendment of subsections (c)(1) and (c)(4), new subsection (c)(5) and subsection renumbering filed 1–5–2004 as an emergency; operative 1–5–2004 (Register 2004, No. 2). A Certificate of Compliance must be transmitted to OAL by 5–4–2004 or emergency language will be repealed by operation of law on the following day.
- 17. Certificate of Compliance as to 11-6-2003 order transmitted to OAL 2-27-2004 and filed 4-1-2004 (Register 2004, No. 14).
- 18. Amendment of subsection (c)(4) filed 4–20–2004 as an emergency; operative 4–20–2004 (Register 2004, No. 17). A Certificate of Compliance must be transmitted to OAL by 8–18–2004 or emergency language will be repealed by operation of law on the following day.
- 19. New subsection (c)(7) and subsection renumbering filed 5–3–2004 as an emergency; operative 5–3–2004 (Register 2004, No. 19). A Certificate of Compliance must be transmitted to OAL by 8–31–2004 or emergency language will be repealed by operation of law on the following day.
- 20. Amendment of subsection (b)(1) filed 5–13–2004 as an emergency; operative 5–13–2004 (Register 2004, No. 20). A Certificate of Compliance must be transmitted to OAL by 9–10–2004 or emergency language will be repealed by operation of law on the following day.
- 21. Certificate of Compliance as to 1-5-2004 order transmitted to OAL 4-27-2004 and filed 6-9-2004 (Register 2004, No. 24).
- 22. Amendment of subsections (c)(4) and (c)(7) filed 7–6–2004 as an emergency; operative 7–6–2004 (Register 2004, No. 28). A Certificate of Compliance must be transmitted to OAL by 11–3–2004 or emergency language will be repealed by operation of law on the following day.
- 23. Certificate of Compliance as to 4-20-2004 order transmitted to OAL 8-6-2004 and filed 8-19-2004 (Register 2004, No. 34).
- 24. Amendment of subsections (b)(1), (c)(1) and (c)(7) filed 9–2–2004 as an emergency; operative 9–2–2004 (Register 2004, No. 36). A Certificate of Com-

- pliance must be transmitted to OAL by 12–31–2004 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 5–3–2004 order transmitted to OAL 8–6–2004 and filed 9–20–2004 (Register 2004, No. 39).
- 26. Certificate of Compliance as to 5-13-2004 order transmitted to OAL 8-30-2004 and filed 10-13-2004 (Register 2004, No. 42).
- 27. Certificate of Compliance as to 7-6-2004 order transmitted to OAL 9-14-2004 and filed 10-25-2004 (Register 2004, No. 44).
- 28. Amendment of subsections (c)(1) and (c)(7) filed 1–14–2005 as an emergency; operative 1–14–2005 (Register 2005, No. 2). A Certificate of Compliance must be transmitted to OAL by 5–16–2005 or emergency language will be repealed by operation of law on the following day.
- 29. Certificate of Compliance as to 9-2-2004 order transmitted to OAL 12-10-2004 and filed 1-21-2005 (Register 2005, No. 3).
- 30. Repealed pursuant to the terms of former subsection (f) effective 12–31–2004; new section filed 1–21–2005 as an emergency; operative 1–21–2005 (Register 2005, No. 3). A Certificate of Compliance must be transmitted to OAL by 5–23–2005 or emergency language will be repealed by operation of law on the following day.
- 31. Certificate of Compliance as to 1–21–2005 order transmitted to OAL 4–29–2005 and filed 6–9–2005 (Register 2005, No. 23).
- 32. Amendment of subsection (c)(4), new subsections (c)(7)–(c)(10), subsection renumbering and amendment of newly designated subsection (c)(11) filed 8–12–2005 as an emergency; operative 8–12–2005 (Register 2005, No. 32). A Certificate of Compliance must be transmitted to OAL by 12–12–2005 or emergency language will be repealed by operation of law on the following day.
- 33. Amendment of subsection (c)(11) filed 9-27-2005 as an emergency, operative 9-27-2005 (Register 2005, No. 39). A Certificate of Compliance must be transmitted to OAL by 1-25-2006 or emergency language will be repealed by operation of law on the following day.
- 34. Amendment of subsections (c)(1) and (c)(11) filed 12–1–2005 as an emergency; operative 12–1–2005 (Register 2005, No. 48). A Certificate of Compliance must be transmitted to OAL by 3–31–2006 or emergency language will be repealed by operation of law on the following day.
- 35. Amendment of subsection (c)(4), new subsections (c)(7)–(c)(10), subsection renumbering and amendment of newly designated subsection (c)(11) refiled 12–13–2005 as an emergency; operative 12–13–2005 (Register 2005, No. 50). A Certificate of Compliance must be transmitted to OAL by 4-12–2006 or emergency language will be repealed by operation of law on the following day.
- 36. Certificate of Compliance as to 9-27-2005 order transmitted to OAL 12-20-2005 and filed 2-2-2006 (Register 2006, No. 5).
- 37. Certificate of Compliance as to 12–13–2005 order, including amendment of subsections (c)(3) and (c)(11), transmitted to OAL 1–9–2006 and filed 2–21–2006 (Register 2006, No. 8).
- 38. Amendment of subsections (c)(1)–(2), (c)(5) and (c)(11) filed 3–7–2006 as an emergency, operative 3–7–2006 (Register 2006, No. 10). A Certificate of Compliance must be transmitted to OAL by 7–5–2006 or emergency language will be repealed by operation of law on the following day.
- 39. Certificate of Compliance as to 12-1-2005 order transmitted to OAL 3-9-2006 and filed 4-11-2006 (Register 2006, No. 15).
- 40. Amendment of subsection (c)(11) filed 4–11–2006 as an emergency; operative 4–11–2006 (Register 2006, No. 15). A Certificate of Compliance must be transmitted to OAL by 8–9–2006 or emergency language will be repealed by operation of law on the following day.
- 41. Amendment of subsections (c)(1) and (c)(11) filed 7-26-2006 as an emergency; operative 8-1-2006 (Register 2006, No. 30). A Certificate of Compliance must be transmitted to OAL by 11-29-2006 or emergency language will be repealed by operation of law on the following day.
- 42. Certificate of Compliance as to 3–7–2006 order transmitted to OAL 7–3–2006 and filed 8–15–2006 (Register 2006, No. 33).
- 43. Certificate of Compliance as to 4–11–2006 order transmitted to OAL 7–18–2006 and filed 8–15–2006 (Register 2006, No. 33).
- 44. Amendment of subsections (c)(1) and (c)(11) and amendment of Note filed 10–6–2006 as an emergency; operative 10–10–2006 (Register 2006, No. 40). A Certificate of Compliance must be transmitted to OAL by 2–7–2007 or emergency language will be repealed by operation of law on the following day.
- 45. Certificate of Compliance as to 7-26-2006 order transmitted to OAL 10-27-2006 and filed 12-6-2006 (Register 2006, No. 49).
- 46. Editorial correction removing duplicative listing of *Drimys winteri* (Winter's bark) in subsection (c)(11) (Register 2007, No. 7).
- 47. Certificate of Compliance as to 10-6-2006 order transmitted to OAL 12-29-2006 and filed 2-14-2007 (Register 2007, No. 7).
- 48. Amendment of subsection (c)(1), repealer of subsections (c)(2)–(10), subsection renumbering and amendment of newly designated subsections (c)(2)–(4) filed 3–6–2007 as an emergency; operative 3–6–2007 (Register 2007, No. 10). A Certificate of Compliance must be transmitted to OAL by 9–2–2007 or emergency language will be repealed by operation of law on the following day.
- 49. Editorial correction of subsection numbering (Register 2007, No. 11).

- 50. Amendment of subsection (c)(2) filed 9–12–2007 as an emergency; operative 9–12–2007 (Register 2007, No. 37). A Certificate of Compliance must be transmitted to OAL by 3–10–2008 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 3–6–2007 order transmitted to OAL 8–9–2007 and filed 9–19–2007 (Register 2007, No. 38).
- 52. Amendment of subsection (c)(2) filed 12–19–2007 as an emergency; operative 1–1–2008 (Register 2007, No. 51). A Certificate of Compliance must be transmitted to OAL by 6–30–2008 or emergency language will be repealed by operation of law on the following day.
- 53. Certificate of Compliance as to 9-12-2007 order transmitted to OAL 12-13-2007 and filed 1-29-2008 (Register 2008, No. 5).
- 54. Amendment of subsections (c)(1)–(2) filed 3–17–2008 as an emergency; operative 4–1–2008 (Register 2008, No. 12). A Certificate of Compliance must be transmitted to OAL by 9–29–2008 or emergency language will be repealed by operation of law on the following day.
- 55. Certificate of Compliance as to 12-19-2007 order transmitted to OAL 3-7-2008 and filed 4-21-2008 (Register 2008, No. 17).
- 56. Amendment of subsection (c)(2) filed 6–9–2008 as an emergency; operative 6–9–2008 (Register 2008, No. 24). A Certificate of Compliance must be transmitted to OAL by 12–8–2008 or emergency language will be repealed by operation of law on the following day.
- 57. Certificate of Compliance as to 3-17-2008 order transmitted to OAL 6-3-2008 and filed 7-16-2008 (Register 2008, No. 29).

Chapter 5. Rodent and Weed Control and Seed Inspection

(Originally Printed 7–25–45)

Subchapter 1. San Joaquin Valley Quality Cotton District

Article 1. Definitions

§ 3800. Definitions.

The following definitions, in addition to those stated in Sections 25–50 and 5001–5008 of the Food and Agricultural Code, apply to this Subchapter 1.

- (a) "Applicant" means any person who applies for and/or is approved to participate in the nonapproved cotton variety research program.
- (b) "Approved Cotton" means any cotton which has been tested and approved by the San Joaquin Valley Cotton Board for release and is planted within the San Joaquin Valley Quality Cotton District.
 - (c) "Board" means the San Joaquin Valley Cotton Board.
- (d) "Board Testing" means tests conducted or commissioned by the Board for production and quality evaluation of nonapproved cotton varieties.
- (e) "California Naturally Colored Cotton" means nonapproved naturally colored cotton that is planted for commercial production or is under Article 3, Article 4, or seed increase as specified in Section 3803. It means any variety of the genus Gossypium that does not naturally produce white fiber as established in Title 7, Code of Federal Regulations, Sections 28.401 through 28.407 (Official Cotton Standards of the United States for the Color Grade of American Upland Cotton), as amended August 5, 1992, or in Title 7, Code of Federal Regulations, Sections 28.501 through 28.507 (Official Cotton Standards of the United States for the Grade of American Pima Cotton), as amended June 18, 1985. These two documents are incorporated by reference.
- (f) "California Pima Cotton" means nonapproved white cotton of the species *Gossypium barbadense* that is planted for commercial production or is under Article 3, Article 4, or seed increase as specified in Section 3803.
- (g) "California Upland Cotton" means nonapproved white cotton of the species *Gossypium hirsutum* that is planted for commercial production or is under Article 3, Article 4, or seed increase as specified in Section 3803.
 - (h) "Cooperator" shall mean any of the following:
- (1) "Cooperating Ginner" means any person who owns or operates a cotton gin and who participates by ginning nonapproved cotton.

- (2) "Cooperating Grower" means any person who provides the husbandry in the production of nonapproved cotton.
- (3) "Cooperating Delinter" means any person who, for hire, participates by delinting nonapproved cottonseed.
- (4) "Cooperating Marketer" means any person who, by September 1 of the current year, has registered with the Board expressing the intent to market nonapproved cotton.
- (i) "District" means the San Joaquin Valley Quality Cotton District.
- (j) "Entry" means any nonapproved variety which has been accepted into Board Testing.
 - (k) "Nonapproved Cotton" means:
- (1) Any cotton that has not been approved by the San Joaquin Valley Cotton Board for release and planting within the San Joaquin Valley Quality Cotton District;

[The next page is 343.]

- (2) Any cotton grown outside the District.
- (*l*) "Person" also means individual, firm, corporation, company, organization, cooperative association, partnership, trust association, association, or any other legal entity.
- (m) "SJV Experimental Cotton" means nonapproved cotton grown in Board Testing.
- (n) "Seed Certifying Agency" is an agency approved to certify seed as defined under the Federal Seed Act regulations (Title 7, Code of Federal Regulations, Sections 201.67 through 201.78).
- (o) "White cotton" means any variety of the genus Gossypium that produces white fiber as established in Title 7, Code of Federal Regulations, Sections 28.401 through 28.407 (Official Cotton Standards of the United States for the Color Grade of American Upland Cotton), as amended August 5, 1992, or in Title 7, Code of Federal Regulations, Sections 28.501 through 28.507 (Official Cotton Standards of the United States for the Grade of American Pima Cotton), as amended June 18, 1985. These two documents are incorporated by reference.

NOTE: Authority cited: Sections 407, 52901 and 52981, Food and Agricultural Code. Reference: Sections 52901 and 52981, Food and Agricultural Code.

HISTORY

- 1. Amendment of group 1 heading and new articles 1–6 (sections 3800–3830, not consecutive) filed 1–22–79 as an emergency; effective upon filing (Register 79, No. 4). For prior history of group 2 (sections 3800–3805), see Registers 59, No. 15 and 19, No. 4.
- 2. Certificate of Compliance filed 4-11-79 (Register 79, No. 15).
- 3. Amendment filed 1–7–83; effective thirtieth day thereafter (Register 83, No. 2).
- 4. Editorial correction of HISTORY 1. (Register 86, No. 15).
- 5. Amendment of subchapter heading, first paragraph, subsections (b), (e) and (g) and new subsection (h) filed 3–11–92; operative 4–10–92 (Register 92, No. 12).
- 6. Amendment of section and NOTE filed 3-4-99 as an emergency; operative 3-4-99 (Register 99, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-2-99 or emergency language will be repealed by operation of law on the following day.
- 7. Amendment of section and NOTE refiled 7–2–99 as an emergency; operative 7–2–99 (Register 99, No. 27). A Certificate of Compliance must be transmitted to OAL by 11–1–99 or emergency language will be repealed by operation of law on the following day.
- 8. Certificate of Compliance as to 7–2–99 order transmitted to OAL 11–1–99 and filed 12–10–99 (Register 99, No. 50).

Article 1.1. Quality Standards

§ 3800.1. Acala and Pima Quality Standards.

The varieties that embody the District Acala and Pima quality standard as defined in Section 52891(a) of the Food and Agricultural Code are, respectively, Acala Summit and Pima S-7.

NOTE: Authority cited: Sections 407, 52891 and 52901, Food and Agricultural Code. Reference: Sections 52891 and 52936, Food and Agricultural Code.

HISTORY

- New article 1.1 (sections 3800.1 and 3800.2) and section filed 12–30–96; operative 12–30–96 pursuant to Government Code section 11343.4(d) (Register 97, No. 1).
- 2. Amendment filed 1–18–2007; operative 2–17–2007 (Register 2007, No. 3).

§ 3800.2. Referendum.

Pursuant to Section 52936 of the Food and Agricultural Code, the Board may hold a referendum vote whenever the Board proposes that a variety other than Acala Summit or Pima S-7 embodies the Acala or Pima quality standard, but is not so required.

NOTE: Authority cited: Sections 407, 52891, 52901 and 52936, Food and Agricultural Code. Reference: Sections 52891 and 52936, Food and Agricultural Code.

HISTORY

- 1. New section filed 12–30–96; operative 12–30–96 pursuant to Government Code section 11343.4(d) (Register 97, No. 1).
- 2. Amendment filed 1-18-2007; operative 2-17-2007 (Register 2007, No. 3).

Article 2. General

§ 3801. Responsibilities.

- (a) These regulations apply to applicants, cooperating growers, delinters, and ginners. They shall be enforced by the director.
- (b) Applicants shall inform cooperating growers, delinters, and ginners of the cooperators' responsibilities under these regulations when handling nonapproved cottonseed and lint from such seed.
- (c) Applicants shall enter into agreements with their cooperators which provide that the applicant maintains title to all nonapproved seed cotton produced.

NOTE: Authority cited: Sections 407 and 52901, Food and Agricultural Code. Reference: Section 52901, Food and Agricultural Code.

HISTORY

1. Amendment filed 1–7–83; effective thirtieth day thereafter (Register 83, No. 2).

§ 3802. Performance Testing of Nonapproved Cottons Developed Outside the San Joaquin Valley Quality Cotton District.

A person desiring to evaluate a nonapproved cotton variety or strain that was not developed or evaluated in a breeding and testing program within the District, as provided under Sections 3810 and 3811, shall submit a request to the Board for performance testing pursuant to Section 52902 of the Food and Agricultural Code.

NOTE: Authority cited: Sections 407 and 52901, Food and Agricultural Code. Reference: Section 52901, Food and Agricultural Code.

HISTORY

- Amendment of section heading filed 1-7-83; effective thirtieth day thereafter (Register 83, No. 2).
- Amendment of section heading and text filed 3-11-92; operative 4-10-92 (Register 92, No. 12).

§ 3803. Exemption.

- (a) Acreage limitations imposed by these district regulations do not apply as restrictions to the Board or the director.
- (b) The director may waive the limitations of Sections 3815(a) and 3816(a) upon finding of need or upon recommendation of the Board.
- (c) The director, upon recommendation of the Board, may allow an applicant additional limited acreage for seed increase.

NOTE: Authority cited: Sections 407 and 52901, Food and Agricultural Code. Reference: Section 52901, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 1-7-83; effective thirtieth day thereafter (Register 83, No. 2).
- 2. Amendment of subsection (c) filed 5-5-86; effective thirtieth day thereafter (Register 86, No. 19).
- 3. Amendment of subsections (a) and (c) filed 3–11–92; operative 4–10–92 (Register 92, No. 12).

Article 2.5. California Upland and California Pima Cotton

§ 3804. Seed Distribution.

By June 1 of each year, seed companies, delinters, gins, and other entities distributing seed of California Upland and California Pima cotton directly to growers in the District shall notify the department of the names, addresses, and telephone numbers of each entity to which they have distributed seed, and the volume of each variety distributed to such entity. Note: Authority cited: Sections 407, 52901 and 52981, Food and Agricultural Code. Reference: Sections 52901 and 52981, Food and Agricultural Code.

HISTORY

- 1. New article 2.5 (sections 3804–3808) and section filed 3–4–99 as an emergency; operative 3–4–99 (Register 99, No. 10). A Certificate of Compliance must be transmitted to OAL by 7–2–99 or emergency language will be repealed by operation of law on the following day.
- 2. New article 2.5 (sections 3804–3808) and section refiled 7–2–99 as an emergency; operative 7–2–99 (Register 99, No. 27). A Certificate of Compliance must be transmitted to OAL by 11–1–99 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 7–2–99 order transmitted to OAL 11–1–99 and filed 12–10–99 (Register 99, No. 50).

§ 3805. Planting, Field Isolation, and Harvest Notification.

- (a) Only seed that has been certified by a seed certifying agency shall be planted in the District, except acreage planted under Article 3, Article 4, or under Section 3803.
- (b) "Cotton Seed Certification Standards in California," as amended February 11, 1999, shall be used to determine isolation of acreage planted with California Upland and California Pima cotton from acreage planted with cotton grown to produce all classes of certified seed. This document is incorporated by reference. In the absence of seed certifying agency standards for genetically engineered cotton, this cotton shall be isolated from cotton being grown to produce foundation or registered seed by 1/2 mile plus an additional 20 buffer rows of cotton; and from other cotton being grown to produce certified seed by 1/8 mile plus 20 buffer rows of cotton.
- (c) Within 72 hours after planting and 48 hours prior to harvest each grower of California Upland or California Pima cotton shall provide to the department:
 - (1) The name of the grower,
 - (2) The farming entity,
 - (3) Telephone number,
 - (4) Address,
 - (5) Cotton gin to be used,
 - (6) California Upland and California Pima cotton varieties planted,
- (7) Exact field locations involved, including Township, Range and Section.
- (d) At harvest, growers shall complete information tags furnished by the department.
- (1) Prior to movement, these tags shall be attached to all modules and trailers of seed cotton of California Upland and California Pima cotton varieties.

NOTE: Authority cited: Sections 407, 52901 and 52981, Food and Agricultural Code. Reference: Sections 52901 and 52981, Food and Agricultural Code.

HISTORY

- New section filed 3-4-99 as an emergency; operative 3-4-99 (Register 99, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-2-99 or emergency language will be repealed by operation of law on the following day.
- 2. New section refiled 7–2–99 as an emergency; operative 7–2–99 (Register 99, No. 27). A Certificate of Compliance must be transmitted to OAL by 11–1–99 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 7-2-99 order transmitted to OAL 11-1-99 and filed 12-10-99 (Register 99, No. 50).

§ 3806. Ginning.

Ginning of California Upland and California Pima cotton shall be regulated by Sections 3823 and 3824.

NOTE: Authority cited: Sections 407, 52901 and 52981, Food and Agricultural Code. Reference: Sections 52901 and 52981, Food and Agricultural Code.

HISTORY

- New section filed 3-4-99 as an emergency; operative 3-4-99 (Register 99, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-2-99 or emergency language will be repealed by operation of law on the following day.
- 2. New section refiled 7–2–99 as an emergency; operative 7–2–99 (Register 99, No. 27). A Certificate of Compliance must be transmitted to OAL by 11–1–99 or emergency language will be repealed by operation of law on the following day.
- 3. Certificate of Compliance as to 7-2-99 order transmitted to OAL 11-1-99 and filed 12-10-99 (Register $99,\,No.\,50$).

§ 3807. Delinting of Cottonseed for Planting.

Delinting of California Upland and California Pima cottonseed shall be regulated by Section 3826. "Cotton Seed Certification Standards in California," as amended February 11, 1999, shall be used. This document is incorporated by reference.

NOTE: Authority cited: Sections 407, 52901 and 52981, Food and Agricultural Code. Reference: Sections 52901 and 52981, Food and Agricultural Code.

HISTORY

- New section filed 3-4-99 as an emergency; operative 3-4-99 (Register 99, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-2-99 or emergency language will be repealed by operation of law on the following day.
- 2. New section refiled 7–2–99 as an emergency; operative 7–2–99 (Register 99, No. 27). A Certificate of Compliance must be transmitted to OAL by 11–1–99

- or emergency language will be repealed by operation of law on the following
- 3. Certificate of Compliance as to 7–2–99 order transmitted to OAL 11–1–99 and filed 12–10–99 (Register 99, No. 50).

§ 3808. Marketing.

The marketer shall maintain the identity of California Upland and California Pima cotton. Records shall be made available by the marketer to the department, upon request, to indicate bale numbers of such cotton sold. Records shall be maintained for one year after the end of each cotton production season and the initial delivery of the cotton bales produced during that season.

NOTE: Authority cited: Sections 407, 52901 and 52981, Food and Agricultural Code. Reference: Sections 52901 and 52981, Food and Agricultural Code.

HISTORY

- New section filed 3-4-99 as an emergency; operative 3-4-99 (Register 99, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-2-99 or emergency language will be repealed by operation of law on the following day.
- 2. New section refiled 7-2-99 as an emergency; operative 7-2-99 (Register 99, No. 27). A Certificate of Compliance must be transmitted to OAL by 11-1-99 or emergency language will be repealed by operation of law on the following day.
- 3. Certificate of Compliance as to 7–2–99 order, with amendments, transmitted to OAL 11–1–99 and filed 12–10–99 (Register 99, No. 50).

Article 3. Nonapproved Cotton Breeding and Performance Testing

§ 3810. Nonapproved Cotton Breeding Programs.

- (a) Location. Each applicant conducting a breeding program with non-approved cotton within the District shall be restricted to planting the introductions of germ plasm or genetic material, at no more than five (5) locations, totaling no more than one hundred (100) acres. Each planting shall be at least one-half (1/2) mile removed from any Acala or Pima planting cottonseed production area.
- (b) Application. Application for permission to conduct a breeding program shall be made annually in writing to the director on or before January 15 of each year to provide for Board review and comment as required by section 3820, article 5. A plot map detailing the specific location(s) including Township, Range, section, and acreage of said proposed breeding plot(s) shall be filed with the director by February 15 of each year, so that the director may determine that the proposed location(s) does not fall within the isolation area designated in section 3810(a).

NOTE: Authority cited: Sections 407 and 52901, Food and Agricultural Code. Reference: Section 52901, Food and Agricultural Code.

HISTORY

- 1. Amendment of article 3 heading and of section filed 1–7–83; effective thirtieth day thereafter (Register 83, No. 2).
- Amendment of subsection (a) filed 5-5-86; effective thirtieth day thereafter (Register 86, No. 19).
- 3. Amendment of subsection (a) filed 2–15–91; operative 3–17–91 (Register 91, No. 11).
- 4. Amendment of subsection (a) filed 3–11–92; operative 4–10–92 (Register 92, No. 12).

§ 3811. Nonapproved Cotton Performance Testing.

- (a) Location. Nonapproved cotton, for which initial crosses or evaluation have been made in a breeding program within the District, may be performance tested by an applicant at no more than eight (8) locations for a total of not more than two hundred (200) acres. Each planting shall be at least one-half (1/2) mile removed from any Acala or Pima planting cottonseed production area. Any approved cotton acreage within the test locations shall be included when computing the two hundred (200) acre limit
- (b) Application. Applications for permission to conduct nonapproved cotton performance testing shall be in writing to the director annually on or before January 15 of each year to provide for Board review and comment as required by Section 3820, Article 5. A plot map detailing the specific location(s) including Township, Range, Section, and acreage of the proposed planting(s) shall be received by the department on or before February 15 of each year so that the director may determine that the pro-

posed location(s) does not fall within the isolation area designated in Section 3811(a).

NOTE: Authority cited: Sections 407 and 52901, Food and Agricultural Code. Reference: Section 52901, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 1-7-83; effective thirtieth day thereafter (Register 83, No. 2).
- 2. Amendment of subsection (a) filed 3–11–92; operative 4–10–92 (Register 92, No. 12).

Article 4. Nonapproved Cotton Agronomic Research

§ 3815. Public Agency Nonapproved Cotton Agronomic Research.

- (a) Location. Public agencies, including the U.S. Department of Agriculture and the University of California, may conduct nonapproved cotton agronomic research at a maximum of twelve (12) locations for a total not to exceed two hundred forty (240) acres. Each planting shall be at least one–half (1/2) mile removed from any Acala or Pima planting cottonseed production area. Any approved cotton acreage within the test locations shall be included when computing the two hundred forty (240) acre limit.
- (b) Application. Applications for permission to conduct nonapproved cotton agronomic research shall be made in writing to the director annually, on or before January 15 of each year, to provide for Board review and comment as required by Section 3820, Article 5. A plot map detailing the specific location(s) including Township, Range, Section, and acreage of the proposed planting(s) shall be received by the department on or before February 15 each year, so that the director may determine that the proposed location(s) does not fall within the isolation area designated in Section 3815(a).

NOTE: Authority cited: Sections 407 and 52901, Food and Agricultural Code. Reference: Section 52901, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 1–7–83; effective thirtieth day thereafter (Register 83, No. 2).
- 2. Amendment of subsection (a) filed 3–11–92; operative 4–10–92 (Register 92, No. 12).

§ 3816. Private Agronomic Research on Nonapproved Cotton.

- (a) Locations. Any person primarily engaged in agronomic research, and not an applicant under Article 3, shall have the director's permission to conduct nonapproved cotton agronomic research within the District. The maximum acreage allowed for such testing shall not exceed ten (10) acres. Any approved cotton acreage within the test locations shall be included when computing the ten (10) acre limit. Each planting shall be at least one–half (1/2) mile removed from any Acala or Pima planting cottonseed production area.
- (b) Application. Applications for permission to conduct nonapproved cotton agronomic research shall be made annually in writing to the director on or before January 15 of each year, to provide for Board review and comment, as required by Section 3820, Article 5. A plot map detailing the specific location(s) including Township, Range, Section, and acreage of the proposed planting(s) shall be received by the department on or before February 15 of each year so that the director may determine that the proposed location(s) does not fall within the isolation area designated in Section 3816(a).

NOTE: Authority cited: Sections 407 and 52901, Food and Agricultural Code. Reference: Section 52901, Food and Agricultural Code.

HISTORY

- $1.\,Amendment\,filed\,1-7-83; effective\,thirtieth\,day\,thereafter\,(Register\,83,No.\,2).$
- 2. Amendment of subsection (a) filed 3–11–92; operative 4–10–92 (Register 92, No. 12).

Article 4.3. Nonapproved Naturally Colored Cotton Research

§ 3817. Research on Nonapproved Naturally Colored Cotton.

- (a) Each applicant conducting:
- (1) a breeding program, which is a program where initial crosses and evaluations of cotton germplasm or genetic material are made, shall be limited to no more than two (2) locations totaling no more than one hundred (100) acres;
- (2) performance tests, which are tests used to evaluate cotton for which initial crosses and evaluations have been made in a breeding program, shall be limited to no more than four (4) locations for a total of not more than two hundred (200) acres;
- (3) agronomic tests, which are tests used to develop scientific data for cotton evaluation, shall be limited to three (3) locations for a total of not more than ten (10) acres.
- All research indicated in this section shall adhere to the field isolation requirements in Section 3818.3.
- (b) Applications for permission to conduct nonapproved naturally colored cotton research shall be made annually in writing to the department by January 15 of each year. A plot map detailing the specific location(s) including Township, Range, and Section, and acreage of each proposed location shall be filed with the department by February 15 of each year, so that the department may determine that each proposed location meets the isolation requirements of Section 3818.3.
- (c) Cotton grown under this article shall adhere to the requirements of Sections 3818.5 (harvest equipment), 3818.8 (ginning), 3819 (delinting), and 3819.3 (marketing).

NOTE: Authority cited: Sections 407, 52901 and 52981, Food and Agricultural Code. Reference: Sections 52901 and 52981, Food and Agricultural Code.

HISTORY

- 1. New article 4.3 (section 3817) and section filed 3–4–99 as an emergency; operative 3–4–99 (Register 99, No. 10). A Certificate of Compliance must be transmitted to OAL by 7–2–99 or emergency language will be repealed by operation of law on the following day. For prior history, see Register 83, No. 2.
- 2. New article 4.3 (section 3817) and section refiled 7–2–99 as an emergency; operative 7–2–99 (Register 99, No. 27). A Certificate of Compliance must be transmitted to OAL by 11–1–99 or emergency language will be repealed by operation of law on the following day.
- 3. Certificate of Compliance as to 7–2–99 order transmitted to OAL 11–1–99 and filed 12–10–99 (Register 99, No. 50).

Article 4.5. California Naturally Colored Cotton

§ 3818. Production and Notification Requirements.

A producer who intends to grow California naturally colored cotton shall provide written notification to the department by January 15. The notification shall include the name, address, telephone number, and signature of the producer, property owner, or company official contracting for the production or purchase of such cotton and the acreage intended for planting. By February 15, the producer shall provide the department with a legal description of each production location including Township, Range, and Section; a map of each of these locations; the acreage that will be planted; and the names and means of contacting any person controlling cotton production on property within one (1) mile of each production location.

By March 1 of each year, the department shall notify each person controlling said proximal cotton production of the California naturally colored cotton producer's intent. The person controlling said proximal cotton production shall notify the department by March 20 if they intend to plant white cotton within the required isolation distances from the noticed colored cotton locations.

NOTE: Authority cited: Sections 407, 52901 and 52981, Food and Agricultural Code. Reference: Sections 52901 and 52981, Food and Agricultural Code.

HISTORY

- 1. New article 4.5 (sections 3818–3819.3) and section filed 3–4–99 as an emergency; operative 3–4–99 (Register 99, No. 10). A Certificate of Compliance must be transmitted to OAL by 7–2–99 or emergency language will be repealed by operation of law on the following day.

 2. New article 4.5 (sections 3818–3819.3) and section refiled 7–2–99 as an emergency language will be repealed by operation of law on the following day.
- 2. New article 4.5 (sections 3818–3819.3) and section refiled 7–2–99 as an emergency; operative 7–2–99 (Register 99, No. 27). A Certificate of Compliance must be transmitted to OAL by 11–1–99 or emergency language will be repealed by operation of law on the following day.
- 3. Certificate of Compliance as to 7–2–99 order transmitted to OAL 11–1–99 and filed 12–10–99 (Register 99, No. 50).

§ 3818.3. Isolation of Naturally Colored Cotton from Other Cotton.

It is the responsibility of the producer of colored cotton to ensure that isolation requirements are met prior to planting.

- (a) "Cotton Seed Certification Standards in California," as amended February 11, 1999, shall be used to determine isolation of acreage planted with California naturally colored cotton from acreage planted with cotton grown to produce all classes of certified seed. This document is incorporated by reference. In the absence of such standards, a grower shall not plant colored cotton within five (5) miles of any white cotton grown for production of planting seed. A grower shall not plant colored cotton within one (1) mile of any white cotton, except on property under his supervision. That grower may plant colored cotton as close as two hundred (200) feet from white cotton providing that the latter will not be used for the production of planting seed.
- (b) Colored cotton acreage shall be subject to destruction in the field if it is planted within these isolation distances. However, destruction shall not be required under the following circumstances:
- (1) Growers who have planted the colored cotton have provided the notification and location information required in Section 3818; and,
- (2) Growers who have planted white cotton within the isolation distances have not provided the notification required in Section 3818.
- (c) California Upland, California Pima, or Approved cotton shall not be planted on land used to grow naturally colored cotton until the land has been irrigated at least twice and gone without cotton for at least two cotton growing seasons.
- (d) Prior to the beginning of each cotton planting season, the department shall notify all colored cotton producers of the cotton plant back restrictions.

NOTE: Authority cited: Sections 407, 52901 and 52981, Food and Agricultural Code. Reference: Sections 52901 and 52981, Food and Agricultural Code.

HISTORY

- New section filed 3-4-99 as an emergency; operative 3-4-99 (Register 99, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-2-99 or emergency language will be repealed by operation of law on the following day.
- 2. New section refiled 7-2-99 as an emergency; operative 7-2-99 (Register 99, No. 27). A Certificate of Compliance must be transmitted to OAL by 11-1-99 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 7–2–99 order, including amendment of subsections (a) and (d), transmitted to OAL 11–1–99 and filed 12–10–99 (Register 99, No. 50).

§ 3818.5. Equipment Used During the Harvest of Naturally Colored Cotton.

Mechanical harvesters, module builders, module movers, and trailers that have held colored cotton shall be inspected and released by the department before they are used for other cotton. Prior to movement, all modules, trailers, or other containers holding colored cotton shall be clearly marked as to contents under the supervision of the department. Colored cottonseed and seed cotton shall be totally enclosed or covered when transported.

NOTE: Authority cited: Sections 407, 52901 and 52981, Food and Agricultural Code. Reference: Sections 52901 and 52981, Food and Agricultural Code.

HISTORY

- New section filed 3-4-99 as an emergency; operative 3-4-99 (Register 99, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-2-99 or emergency language will be repealed by operation of law on the following day.
- New section refiled 7-2-99 as an emergency; operative 7-2-99 (Register 99, No. 27). A Certificate of Compliance must be transmitted to OAL by 11-1-99

- or emergency language will be repealed by operation of law on the following day.
- 3. Certificate of Compliance as to 7–2–99 order transmitted to OAL 11–1–99 and filed 12–10–99 (Register 99, No. 50).

§ 3818.8. Naturally Colored Cotton Ginning.

Colored cotton shall not be ginned in the San Joaquin Valley Quality Cotton District except at a facility dedicated to colored cotton ginning or at a facility which gins colored cotton at the end of the season to be followed by at least fifty (50) bales of white cotton immediately prior to ceasing operation for the season. All such white cotton bales shall be marked to the satisfaction of the department. Prior to the beginning of the next ginning season, the department will inspect each facility that has ginned both colored and white cotton. No saving of white cottonseed for planting shall be done by a gin which processes any colored cotton.

- (a) All bales and seed for planting shall be clearly identified by the department as being colored cotton.
- (b) All seed not for planting shall be crushed, cracked, or otherwise rendered non-viable or shipped out of the District subject to destination state and federal requirements.
- (c) Gin trash shall be disposed of in a manner and at locations which will mitigate any contamination risk from any seed which may be present.

NOTE: Authority cited: Sections 407, 52901 and 52981, Food and Agricultural Code. Reference: Sections 52901 and 52981, Food and Agricultural Code.

HISTORY

- Renumbering of former section 3823.1 to new section 3818.8, including amendment of section heading, section and NoTE, filed 3-4-99 as an emergency; operative 3-4-99 (Register 99, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-2-99 or emergency language will be repealed by operation of law on the following day.
- 2. Renumbering of former section 3823.1 to new section 3818.8, including amendment of section heading, section and NOTE, refiled 7–2–99 as an emergency; operative 7–2–99 (Register 99, No. 27). A Certificate of Compliance must be transmitted to OAL by 11–1–99 or emergency language will be repealed by operation of law on the following day.
- 3. Certificate of Compliance as to 7–2–99 order transmitted to OAL 11–1–99 and filed 12–10–99 (Register 99, No. 50).

§ 3819. Naturally Colored Cottonseed Delinting.

Colored cottonseed shall not be delinted in the San Joaquin Valley Quality Cotton District except at a facility dedicated to colored cottonseed delinting. The delinter shall inform the department of the quantity of each variety delinted, its storage location, and where and when moved.

NOTE: Authority cited: Sections 407, 52901 and 52981, Food and Agricultural Code. Reference: Sections 52901 and 52981, Food and Agricultural Code.

HISTORY

- Renumbering of former section 3826.1 to new section 3819, including amendment of section heading, section and NoTE, filed 3–4–99 as an emergency; operative 3–4–99 (Register 99, No. 10). A Certificate of Compliance must be transmitted to OAL by 7–2–99 or emergency language will be repealed by operation of law on the following day.
- 2. Renumbering of former section 3826.1 to new section 3819, including amendment of section heading, section and Note, refiled 7-2-99 as an emergency; operative 7-2-99 (Register 99, No. 27). A Certificate of Compliance must be transmitted to OAL by 11-1-99 or emergency language will be repealed by operation of law on the following day.
- 3. Certificate of Compliance as to 7–2–99 order transmitted to OAL 11–1–99 and filed 12–10–99 (Register 99, No. 50).

§ 3819.3. Marketing.

The marketer shall maintain the identity of California naturally colored cotton. Records shall be made available by the marketer to the department, upon request, to indicate bale numbers of such cotton sold. Note: Authority cited: Sections 407, 52901 and 52981, Food and Agricultural Code. Reference: Sections 52901 and 52981, Food and Agricultural Code.

HISTORY

- New section filed 3-4-99 as an emergency; operative 3-4-99 (Register 99, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-2-99 or emergency language will be repealed by operation of law on the following day.
- 2. New section refiled 7–2–99 as an emergency; operative 7–2–99 (Register 99, No. 27). A Certificate of Compliance must be transmitted to OAL by 11–1–99 or emergency language will be repealed by operation of law on the following day.
- 3. Certificate of Compliance as to 7–2–99 order transmitted to OAL 11–1–99 and filed 12–10–99 (Register 99, No. 50).

Article 5. Procedure and Enforcement

§ 3820. Board Review and Comment.

The director, upon receipt of the annual application, will forward such application to the Board for review and comment.

The Board may require the applicant to appear in person to present his or her nonapproved cotton testing program.

The director, after Board review and comment, may approve the non-approved cotton testing program proposed by the applicant.

NOTE: Authority cited: Sections 407 and 52901, Food and Agricultural Code. Reference: Sections 52891 and 52901, Food and Agricultural Code.

HISTORY

1. Renumbering and amendment of former Section 3820 to Section 3821, and new Section 3820 filed 1–7–83; effective thirtieth day thereafter (Register 83, No. 2).

§ 3821. Cottonseed Arriving from Outside the District.

- (a) All planting cottonseed arriving from outside the District for planting within the district shall:
- (1) Be free of angular leafspot, Xanthomonas malvacearum; (2) conform to the requirements of the Federal Pink Bollworm Quarantine (7 C.F.R. 301.52); (3) conform to those sections applicable to cotton in Division 4 of this Title 3.
- (b) All planting cottonseed upon arrival within the District shall be inspected for freedom from angular leafspot by the department or by a department approved laboratory. The applicant shall be liable for all costs involved in such inspection.

Sampling to determine freedom from angular leafspot, X. malvacearum, shall be as follows:

- (1) A representative sample of twelve hundred (1200) seeds shall be taken by the department from each lot of planting cottonseed originating outside the District and submitted to the Analysis and Identification Unit, Division of Plant Industry, Department of Food and Agriculture for testing for angular leafspot.
- (2) Seed lots consisting of less than twelve hundred (1200) seeds may be field inspected, after planting, for angular leafspot by the department.
- (c) All lots of planting cottonseed found to be infected with angular leafspot shall be disposed of by discing of the infected fields, if in the field, and destruction of the infected seed lot, under the supervision of the director.
- (d) The importation of planting cottonseed from outside the District for planting purposes shall be suspended upon discovery of any new pest suspected or determined by the director to be of serious economic importance to agriculture. Suspension shall continue until adequate precautions, eradication, or intensive control measures have been applied which assure that such nonapproved planting cottonseed is in compliance with all of the department's pest prevention requirements.

NOTE: Authority cited: Sections 407 and 52901, Food and Agricultural Code. Reference: Section 52901, Food and Agricultural Code.

HISTORY

- 1. Renumbering and amendment of former section 3821 to section 3822, and renumbering and amendment of former section 3820 to section 3821 filed 1–7–83; effective thirtieth day thereafter (Register 83, No. 2).
- 2. Amendment of section heading and subsections (a), (b) and (d) filed 3–11–92; operative 4–10–92 (Register 92, No. 12).

§ 3821.1. Hold Used Cotton Machinery for Inspection in San Joaquin Valley Quality Cotton District.

(a) The Secretary hereby finds that cottonseed and seed cotton from "nonapproved cotton" as defined in section 3800, may be introduced into the San Joaquin Valley Quality Cotton District as defined in Section 52865, Food and Agricultural Code, in, on or associated with cotton machinery, equipment and appliances; and further that such cottonseed or seed cotton if disseminated in the fields of said District or mixed with approved cotton varieties would jeopardize the purposes of said District as set forth in Sections 52851 through 52854, Food and Agricultural Code.

- (b) No person shall bring into the San Joaquin Valley Quality Cotton District any cotton machinery, parts of machinery, equipment or appliances which have been used or field tested outside of said District, without immediately notifying the County Agricultural Commissioner of the arrival thereof, and holding such articles for inspection before use.
- (c) The County Agricultural Commissioner may upon such inspection require that any cottonseed or seed cotton on, in or associated with such articles be removed and destroyed under supervision at the expense of the owner or bailee, in order to avoid the possibility of introduction of seeds of nonapproved cotton varieties into the San Joaquin Valley Quality Cotton District.

NOTE: Authority cited: Sections 407 and 52901, Food and Agricultural Code. Reference: Sections 52851–52855, 52901, and 52971–52976, Food and Agricultural Code.

HISTORY

1. Renumbering and amendment of former section 3552 to new section 3821.1 filed 5–7–97; operative 6–6–97 (Register 97, No. 19).

§ 3822. Planting and Harvesting Notification.

- (a) The director shall be notified at least 48 hours prior to planting or harvesting of any authorized nonapproved cotton.
- (b) After planting or harvest, planters, pickers, and other related field equipent shall be cleaned to the satisfaction of the director to assure against contamination of approved planting seed cotton.

NOTE: Authority cited: Sections 407 and 52901, Food and Agricultural Code. Reference: Section 52901, Food and Agricultural Code.

HISTORY

1. Renumbering and amendment of former Section 3822 to Section 3823, and renumbering and amendment of former Section 3821 to Section 3822 filed 1–7–83; effective thirtieth day thereafter (Register 83, No. 2).

§ 3823. Nonapproved White Cotton Ginning, Including California Upland and California Pima Cotton.

- (a) The department shall be notified at least 48 hours prior to the ginning of any nonapproved cotton.
- (b) All nonapproved white cotton shall be ginned under the supervision of the department to assure proper identification and gin cleanup to prevent contamination of approved cotton lint. Ginning shall be done in a manner that prevents the mixing of nonapproved and approved cotton lint. Nonapproved Pima seed cotton shall only be roller ginned and nonapproved Upland seed cotton shall only be saw ginned.

NOTE: Authority cited: Sections 407, 52901 and 52981, Food and Agricultural Code. Reference: Sections 52901 and 52981, Food and Agricultural Code.

HISTORY

- 1. Renumbering and amendment of former section 3823 to section 3824, and renumbering and amendment of former section 3822 to section 3823 filed 1–7–83; effective thirtieth day thereafter (Register 83, No. 2).
- 2. Amendment filed 3-11-92; operative 4-10-92 (Register 92, No. 12).
- 3. Amendment of section heading, section and NOTE filed 3–4–99 as an emergency; operative 3–4–99 (Register 99, No. 10). A Certificate of Compliance must be transmitted to OAL by 7–2–99 or emergency language will be repealed by operation of law on the following day.
- 4. Amendment of section heading, section and Note refiled 7-2-99 as an emergency; operative 7-2-99 (Register 99, No. 27). A Certificate of Compliance must be transmitted to OAL by 11-1-99 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 7–2–99 order transmitted to OAL 11–1–99 and filed 12–10–99 (Register 99, No. 50).

§ 3823.1. Nonapproved Colored Cotton Ginning.

NOTE: Authority cited: Sections 407 and 52901, Food and Agricultural Code. Reference: Section 52901, Food and Agricultural Code.

HISTORY

- 1. New section filed 3-24-93; operative 4-23-93 (Register 93, No. 13).
- 2. Renumbering of former section 3823.1 to new section 3818.8 filed 3-4-99 as an emergency; operative 3-4-99 (Register 99, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-2-99 or emergency language will be repealed by operation of law on the following day.
- 3. Renumbering of former section 3823.1 to new section 3818.8 refiled 7–2–99 as an emergency; operative 7–2–99 (Register 99, No. 27). A Certificate of Compliance must be transmitted to OAL by 11–1–99 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 7–2–99 order transmitted to OAL 11–1–99 and filed 12–10–99 (Register 99, No. 50).

§ 3824. Nonapproved Cotton Lint Storage and Identification, Including California Upland, California Pima, and California Naturally Colored Cotton.

(a) Cotton lint ginned within the District and not from an approved cotton shall be identified as "SJV EXPERIMENTAL", "CALIFORNIA UPLAND", "CALIFORNIA PIMA", or "CALIFORNIA NATURALLY COLORED" cotton at all times.

(b) Identification tags and decals shall be affixed to bales under the supervision of the department. Identification shall not be removed without permission of the department.

NOTE: Authority cited: Sections 407, 52901 and 52981, Food and Agricultural Code. Reference: Sections 52901 and 52981, Food and Agricultural Code.

HISTORY

- 1. Renumbering and amendment of former section 3824 to section 3825, and renumbering and amendment of former section 3823 to section 3824 filed 1–7–83; effective thirtieth day thereafter (Register 83, No. 2).
- 2. Amendment filed 3-11-92; operative 4-10-92 (Register 92, No. 12).
- 3. Amendment of section heading, section and NOTE filed 3–4–99 as an emergency; operative 3–4–99 (Register 99. No. 10). A Certificate of Compliance must be transmitted to OAL by 7–2–99 or emergency language will be repealed by operation of law on the following day.
- 4. Amendment of section heading, section and Note refiled 7–2–99 as an emergency; operative 7–2–99 (Register 99, No. 27). A Certificate of Compliance must be transmitted to OAL by 11–1–99 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 7–2–99 order transmitted to OAL 11–1–99 and filed 12–10–99 (Register 99, No. 50).

§ 3825. Nonapproved Cottonseed Disposal.

Nonapproved cottonseed shall be disposed of under the supervision of the director. Nonapproved cottonseed saved for use by the applicant shall be identified and safeguarded against being commingled with any approved planting cottonseed.

NOTE: Authority cited: Sections 407 and 52901, Food and Agricultural Code. Reference: Section 52901, Food and Agricultural Code.

HISTORY

- Renumbering and amendment of former Section 3825 to Section 3826, and renumbering and amendment of former Section 3824 to Section 3825 filed 1–7–83; effective thirtieth day thereafter (Register 83, No. 2).
- Editorial correction restoring inadvertently omitted section 3825 (Register 2000, No. 10).

§ 3826. Nonapproved White Cottonseed Delinting, Including California Upland and California Pima Cotton.

The department shall be notified by the delinter at least 48 hours prior to the delinting of any nonapproved white cottonseed. All delinting shall be done in a manner that assures the Secretary that proper identification of nonapproved cottonseed, equipment cleanup, and separation from approved planting cottonseed has been maintained.

NOTE: Authority cited: Sections 407, 52901 and 52981, Food and Agricultural Code. Reference: Sections 52901 and 52981, Food and Agricultural Code.

HISTORY

- 1. Renumbering and amendment of former section 3825 to section 3826 filed 1–7–83; effective thirtieth day thereafter (Register 83, No. 2).
- 2. Amendment filed 3-11-92; operative 4-10-92 (Register 92, No. 12).
- 3. Amendment filed 7–14–94; operative 8–15–94 (Register 94, No. 28).
- 4. Amendment of section heading, section and Note filed 3–4–99 as an emergency; operative 3–4–99 (Register 99, No. 10). A Certificate of Compliance must be transmitted to OAL by 7–2–99 or emergency language will be repealed by operation of law on the following day.
- 5. Amendment of section heading, section and NOTE refiled 7–2–99 as an emergency; operative 7–2–99 (Register 99, No. 27). A Certificate of Compliance must be transmitted to OAL by 11–1–99 or emergency language will be repealed by operation of law on the following day.
- 6. Certificate of Compliance as to 7–2–99 order transmitted to OAL 11–1–99 and filed 12–10–99 (Register 99, No. 50).

§ 3826.1. Nonapproved Colored Cottonseed Delinting.

NOTE: Authority cited: Sections 407 and 52901, Food and Agricultural Code. Reference: Section 52901, Food and Agricultural Code.

HISTORY

- 1. New section filed 3-24-93; operative 4-23-93 (Register 93, No. 13).
- 2. Renumbering of former section 3826.1 to new section 3819 filed 3–4–99 as an emergency; operative 3–4–99 (Register 99, No. 10). A Certificate of Compliance must be transmitted to OAL by 7–2–99 or emergency language will be repealed by operation of law on the following day.
- 3. Renumbering of former section 3826.1 to new section 3819 refiled 7–2–99 as an emergency; operative 7–2–99 (Register 99, No. 27). A Certificate of Compliance must be transmitted to OAL by 11–1–99 or emergency language will be repealed by operation of law on the following day.
- 4. Certificate of Compliance as to 7–2–99 order transmitted to OAL 11–1–99 and filed 12–10–99 (Register 99, No. 50).

Article 6. Refusal of Applications

§ 3830. Refusal of Applications.

The director shall refuse an application or revoke an authorization granted under these regulations, if:

- (a) The proposed location does not meet the isolation requirements under Sections 3810(a), 3811(a), and 3815(a) or 3816(a);
- (b) The applicant or his cooperators fail to comply with the regulations pertaining to this subchapter, or state or federal quarantines applicable to cotton
- (c) After review and comment by the Board, the program proposed is determined not to be in the best interests of the cotton industry in the District.

NOTE: Authority cited: Sections 407 and 52901, Food and Agricultural Code. Reference: Section 52901, Food and Agricultural Code.

HISTORY

- 1. Amendment and new subsection (c) filed 1–7–83; effective thirtieth day thereafter (Register 83, No. 2).
- 2. Amendment of subsection (c) filed 3–11–92; operative 4–10–92 (Register 92, No. 12).

Subchapter 2. Crop Seed Certification and Screenings

NOTE: Authority cited for §§ 3800-3805, Sections 16 and 154.4 of the Agricultural Code.

HISTORY

- 1. Originally published 7-25-45 (Title 3).
- 2. Repealed and new §§ 3800–3805 filed 3–2–50; effective 30th day thereafter (Register 19, No. 4).
- 3. Repealer of Sections 3800 through 3805 filed 9–2–59; effective 30th day thereafter (Register 59, No. 15).
- 4. Editorial correction (Register 86, No. 15).

Subchapter 3. Seed Inspection

(Originally Printed 7-25-45)

Article 1. Definitions and Construction

§ 3850. Terms Defined.

- (a) As used in the California Seed Law, Section 52251 *et seq.*, Food and Agricultural Code, and in Group 3 of these regulations:
- (1) "Lot" means a definite quantity of seed normally identified by a number or other identification.
- (2) Change in Lot. As used in Section 52354(a) of the Food and Agricultural Code the identity of the lot has been changed whenever the information required by any of the following sections of the Food and Agricultural Code has been changed: 52452(b), (h) and 52453(c), (d).
- (3) "Origin Inspected Warehouse" means a premise which has maintained standards included in Article 7 of these regulations and therefore is exempt from the provisions of Section 6501, Food and Agricultural Code.

NOTE: Authority cited: Sections 407 and 52331, Food and Agricultural Code. Reference: Sections 52254.5, 52257.5, 52331, 52333, 52354, 52363, 52391, 52392, 52451–52454, 52482, and 52511, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 1–24–69; effective thirtieth day thereafter (Register 69, No. 4). For prior history, see Register 66, No. 1.
- 2. Amendment filed 3–24–83; effective thirtieth day thereafter (Register 83, No. 13).

§ 3851. Agricultural Seeds.

NOTE: Authority cited: Sections 407 and 52331, Food and Agricultural Code. Reference: Section 52332, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 11-15-62; effective 30th day thereafter (Register 62, No. 23).
- 2. Repealer filed 3-24-83; effective thirtieth day thereafter (Register 83, No. 13).

§ 3852. Vegetable Seeds.

NOTE: Authority cited: Sections 407 and 52331, Food and Agricultural Code. Reference: Section 52332, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 11-15-62; effective 30th day thereafter (Register 62, No. 23).
- 2. Repealer filed 3-24-83; effective thirtieth day thereafter (Register 83, No. 13).

§ 3853. Weed Seeds.

The following species, when occurring incidentally in agricultural seed, are classed as weed seeds for the purpose of labeling as required by Section 52452, Food and Agricultural Code, unless labeled and sold as specific constituents of a definite seed mixture:

- (a) All species not listed in Section 3899, Schedule I (a).
- (b) All species listed in Section 3901, Schedule III.

NOTE: Authority cited: Sections 407 and 52331, Food and Agricultural Code. Reference: Section 52332, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 11-15-62; effective 30th day thereafter (Register 62, No. 23).
- 2. Amendment filed 1–14–66; effective thirtieth day thereafter (Register 66, No. 1)
- 3. Amendment filed 3–24–83; effective thirtieth day thereafter (Register 83, No. 13).

§ 3854. Prohibited Noxious Weed Seed.

In accordance with Section 52332 of the Food and Agricultural Code, the Director hereby designates the seed or propagule of the following species of plants to be prohibited noxious weed seed within the meaning of Section 52257 of the Food and Agricultural Code:

Alhagi pseudalhagi (camelthorn)

Cardaria chalepensis (lens-podded hoary cress)

Cardaria draba (heart-podded hoary cress)

Cardaria pubescens (globe-podded hoary cress)

Carduus acanthoides (plumeless thistle)

Carduus nutans (musk thistle)

Carthamus leucocaulos (whitestem distaff thistle)

Centaurea repens (Russian knapweed)

Cirsium arvense (Canada thistle)

Cirsium undulatum (wavyleaf thistle)

Cucumis melo var. dudaim (dudaim melon)

Euphorbia esula (leafy spurge)

Helianthus ciliaris (blueweed)

Lepidium latifolium (perennial pepperweed)

Onopordum spp. (onopordum thistles)

Rorippa austriaca (Austrian fieldcress)

Solanum carolinense (Carolina horsenettle)

Solanum elaeagnifolium (white horsenettle)

Sonchus arvensis (perennial sowthistle)

NOTE: Authority cited: Sections 407 and 52332, Food and Agricultural Code. Reference: Sections 5004, 52256–52258, 52287 and 52332, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 11–15–62: effective 30th day thereafter (Register 62, No. 23).
- 2. Amendment filed 7–28–77 as organizational and procedural; effective upon filing (Register 77, No. 31).
- 3. Amendment filed 12-21-77 as an emergency; designated effective 1-1-78 (Register 77, No. 52).
- 4. Certificate of Compliance filed 1-6-78 (Register 78, No. 1).

§ 3855. Restricted Noxious Weed Seed.

In accordance with Section 52332 of the Food and Agricultural Code, the Director hereby designates the seed or propagule of the following species of plants to be restricted noxious weed seed within the meaning of Section 52258 of the Food and Agricultural Code:

Agropyron repens (quackgrass)

Allium vineale (wild garlic)

Carduus pycnocephalus (Italian thistle)

Carduus tenuiflorus (Italian thistle)

Carthamus baeticus (smooth distaff thistle)

Carthamus lanatus (woolly distaff thistle)

Cenchrus echinatus (southern sandbur grass)

Cenchrus incertus (coast sandbur grass)

Cenchrus longispinus (mat sandbur grass)

Centaurea solstitialis (yellow starthistle)

Chorispora tenella (purple mustard)

Convolvulus arvensis (field bindweed)

Cuscuta spp. (dodder)

Cyperus esculentus (yellow nutgrass)

Cyperus rotundas (purple nutgrass)

Elymus caputmedusae (medusahead)

Halogeton glomeratus (halogeton)

Hypericum perforatum (Klamath weed)

Iva axillaris (poverty weed)

Salvia aethiopis (Mediterranean sage)

Sida hederacea (alkali mallow)

Sorghum halepense (Johnsongrass and other perennial Sorghum spp. including but not limited to Sorghum almum and perennial sweet sudangrass.)

Tribulus terrestris (puncture vine)

NOTE: Authority cited: Sections 407 and 52332, Food and Agricultural Code. Reference: Sections 5004, 52256–52258, 52287 and 52332, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 12–21–77 as an emergency; designated effective 1–1–78 (Register 77, No. 52). For prior history, see Register 77, No. 31.
- 2. Certificate of Compliance filed 1-6-78 (Register 78, No. 1).

[The next page is 345.]

§ 3856. "Cleaning or Conditioning."

as used in Section 52451, Food and Agricultural Code, means cleaning, scarifying, or blending to obtain uniform quality, and other operations which would change the purity or germination of the seed and therefore require retesting to determine the quality of the seed; but not to include operations such as packaging, labeling, blending together of uniform lots of the same kind or variety without cleaning, or the preparation of a mixture without cleaning, any of which would not require retesting to determine the quality of the seed.

NOTE: Authority cited: Sections 407 and 52331, Food and Agricultural Code. Reference: Section 52451, Food and Agricultural Code.

HISTORY

1. Amendment filed 3–24–83; effective thirtieth day thereafter (Register 83, No. 13)

Article 2. Labeling

§ 3861. Specimen Labels.

NOTE: Authority cited: Sections 407 and 52331, Food and Agricultural Code. Reference: Sections 52451–52454, Food and Agricultural Code.

HISTORY

- Amendment filed 11–15–62; effective thirtieth day thereafter (Register 62, No. 23).
- 2. Repealer filed 3-24-83; effective thirtieth day thereafter (Register 83, No. 13).

§ 3862. Blank Spaces or the Words "Free" or "None."

in the place of a number or percentage on the label are construed as equivalent to "0" or "0.00 percent," as the case may be, for the purpose of applying the tolerances prescribed in these regulations.

NOTE: Authority cited: Sections 407 and 52331, Food and Agricultural Code. Reference: Sections 52452 and 52453, Food and Agricultural Code.

HISTORY

1. Editorial correction adding NOTE filed 4-27-83 (Register 83, No. 18).

§ 3863. Designation of Kind, Type or Variety.

- (a) Agricultural Seeds. The common names listed in Section 3899, Schedule I (a), are recognized as "commonly accepted" names for the purpose of labeling agricultural seeds as required by Section 52452, Food and Agricultural Code.
- (b) Vegetable Seeds. The common names listed in Section 3899, Schedule I (b), are recognized as names of "kind" for the purpose of labeling vegetable seeds as required by Section 52453, Food and Agricultural Code. In addition to the "kind," the "variety" is required to be stated on the label of vegetable seeds. If the variety is not known, the label is construed to be in compliance with this provision if it contains the words "unknown variety."
- (c) Other Names. Any name of kind, type, variety or strain, whether listed in Schedule I or not, is construed to comply with the requirements of Sections 52452 and 52453, Food and Agricultural Code, if its application to the seed so labeled is in fact in common usage in California, unless such usage is misleading or confusing. Names or terms that tend to create a false impression as to history or quality of the seed are construed to be misleading.
- (d) Hybrid. The term "hybrid" applied to kinds or varieties of seed means the first generation seed of a cross produced by controlling the pollination and by combining (1) two or more inbred lines; (2) one inbred or a single cross with an open–pollinated variety; or (3) two selected clones, see lines, varieties, or species. "Controlling the pollination" means to use a method of hybridization which will produce pure seed which is at least 75 percent hybrid seed. Hybrid designations shall be treated as variety names.

Any kind or variety that is less than 95 percent but more than 75 percent hybrid seed as a result of incompletely controlled pollination in a cross shall be labeled to show (a) the percentage that is hybrid seed or (b) a statement such as "contains from 75 percent to 95 percent hybrid seed." NOTE: Authority cited: Sections 407 and 52331, Food and Agricultural Code. Reference: Section 52452, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 7–28–77 as organizational and procedural: effective upon filing (Register 77, No. 31). For prior history, see Register 69, No. 4.
- 2. Editorial correction adding NOTE filed 4-27-83 (Register 83, No. 18).

§ 3864. Seed in Hermetically Sealed Containers.

The period of validity of germination tests is extended, as provided in Section 52481(c), Food and Agricultural Code, to the following period for seed packaged in hermetically sealed containers under conditions and label requirements set forth in this section:

- (a) Germination Tests. The germination test for agricultural and vegetable seed shall have been completed within the following period, exclusive of the calendar month in which the test was completed, immediately prior to shipment, delivery, transportation, or sale:
- (1) In the case of agricultural or vegetable seeds shipped, delivered, transported, or sold to a dealer for resale, 18 months;
- (2) In the case of agricultural or vegetable seeds for sale or sold at retail, 36 months.
- (b) Conditions of Packaging. The following conditions are considered as a minimum under the provisions of Section 52481(c), Food and Agricultural Code:
- (1) A container, to be acceptable under the provisions of this section, shall not allow water vapor penetration through any wall, including the wall seals, greater than 0.05 gram of water per 24 hours per 100 square inches of surface at 100U F. with a relative humidity on one side of 90 percent and on the other of 0 percent. Water vapor penetration or WVP is measured by the standards of the U.S. Bureau of Standards as:

gm H2O/24 hr./100 sq. in./100U F./90% RH V. 0% RH

(2) The percentage of moisture, on a wet weight basis, of agricultural or vegetable seeds subject to the provisions of this section shall not exceed the following:

Family	Kind	Maximum percent seed moisture
Graminae	Sweet corn	6.0
	Red fesue	8.0
Liliaceae	Onion, leek, chive, welsh onion	6.5
Chenopodiaceae	Beet, chard	
Cruciferae	Cabbage, broccoli, cauliflower, collards, C cabbage, kale, turnip, rutabaga, kohlrab Brussels sprouts, mustard, radish	Chinese i,
Leguminosae	Snap bean, lima bean, pea	7.0
Umbelliferae	Carrot, celery, celeriac Parsnip Parsley	7.0 6.0
Solanaceae	Tomato Pepper Eggplant	5.5 4.5
Cucurbitaceae	Cucumber, muskmelon, squash, pumpkin Watermelon	6.0
Compositae	Lettuce	5.5 t

A tolerance of one (1.0) percent moisture is applicable to the maximum percentage of moisture listed above and the percentage of moisture found by an official test. The percentage of moisture shall be determined by the air oven method.

- (c) Labeling Required. In addition to the labeling required by Sections 52452, 52453 or 52484, Food and Agricultural Code, seed packaged under the provisions of this section shall be conspicuously labeled with the following information:
 - (1) Seed has been preconditioned as to moisture content.
- (2) Container is hermetically sealed. "Germination test valid until (month, year)" may be used on the label. (Not to exceed 36 months from date of test.)

NOTE: Authority cited: Sections 407 and 52331, Food and Agricultural Code. Reference: Section 52481, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 7–28–77 as organizational and procedural; effective upon filing (Register 77, No. 31). For prior history, see Register 66, No. 1.
- 2. Amendment of subsections (b) and (c) filed 3-24-83; effective thirtieth day thereafter (Register 8, No. 13).

§ 3865. Germination Standards.

The standards of germination indicated in Section 3900, Schedule II, are the germination standards for vegetable seeds for the purpose of the label statements required by Section 52453, Food and Agricultural Code. The standards include hard seeds, if present, provided that in packages of more than one–half pound the percentage of hard seeds and the percentage of germination exclusive of hard seeds are separately stated on the label.

NOTE: Authority cited: Sections 407 and 52331, Food and Agricultural Code. Reference: Section 52453, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 11–15–62; effective 30th day thereafter (Register 62, No. 23).
- 2. Amendment filed 1–24–69; effective thirtieth day thereafter (Register 69, No. 4).
- 3. Editorial correction adding NOTE filed 4-27-83 (Register 83, No. 18).

§ 3866. Treated Seed.

NOTE: Authority cited: Sections 407, 52331 and 52332, Food and Agricultural Code. Reference: Sections 52332 and 52484, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 5-26-58; designated effective 1-1-59 (Register 58, No. 9).
- 2. Amendment filed 10–15–76; effective thirtieth day thereafter (Register 76, No. 42).
- 3. Amendment of subsection (a) filed 3–24–83; effective thirtieth day thereafter (Register 83, No. 13).
- 4. Repealer filed 9-28-89; operative 10-28-89 (Register 89, No. 41).

§ 3867. Labeling of Seed Containers.

In addition to the information required under Sections 52451 through 52455 of the Food and Agricultural Code each label of agricultural and/or vegetable seed shall include the Arbitration/Conciliation/Mediation Notice required in Section 3915.1, except seed covered by Sections 52454 and 52455; seed covered by Section 52454 shall bear the notice in accordance with Section 52454(b).

The procedure for making the formal complaint referred to in the arbitration/conciliation/mediation notice is set forth in Sections 3915 through 3918.

NOTE: Authority cited: Sections 407, 52331 and 52332, Food and Agricultural Code. Reference: Sections 52332, 52451, 52452, 52453, 55454, 52455 and 52456, Food and Agricultural Code.

HISTORY

- New section filed 8-7-75; effective thirtieth day thereafter (Register 75, No. 32).
- 2. Editorial correction of NOTE filed 4-27-83 (Register 83, No. 18)
- 3. Amendment of section and NOTE filed 1–17–96; operative 2–16–96 (Register 96, No. 3).
- Amendment of first paragraph and Note filed 3-4-2008; operative 4-3-2008 (Register 2008, No. 10).

Article 3. Inspection and Sampling

§ 3871. Classification of Samples.

- (a) An official sample is a sample drawn by an enforcement officer in the manner prescribed by Sections 3872 and 3873 for the purpose of determining whether the seed is in compliance with the provisions of the California Seed Law, Section 52251 *et seq.*, Food and Agricultural Code.
- (b) A certification sample is a sample drawn by an agent of a recognized seed certifying agency, or by an enforcement officer acting upon the request of such agency, in accordance with the rules and regulations of such agency.
- (c) A quarantine sample is a sample submitted for noxious—weed seed examination by a commissioner or a plant quarantine officer.

- (d) A service sample is a sample submitted for testing for an individual or firm.
- (e) A miscellaneous sample is any sample not otherwise classified. NOTE: Authority cited: Sections 407 and 52331, Food and Agricultural Code. Reference: Section 52331, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 1–14–66; effective thirtieth day thereafter (Register 66, No. 1).
- 2. Amendment of subsection (a) filed 3–24–83; effective thirtieth day thereafter (Register 83, No. 13).

§ 3872. Sampling.

- (a) Procedure. The following procedure shall be followed for securing official samples and is recommended for all other samples:
 - (1) General.
- (A) Approximately equal portions shall be taken from fairly evenly distributed parts of the quantity of seed to be sampled. Access shall be had to all parts of that quantity. When more than one trierful of seed is drawn from a container, each successive trierful shall be from evenly separated parts of the container. When more than one handful is taken from a container the handfuls shall be taken from well–separated parts.
- (B) For free-flowing seed in bags or bulk, a probe or trier long enough to sample any portion of the bag shall be used.
- (C) Non-free-flowing seed, such as certain grass seed, or uncleaned seed, difficult to sample with a probe or trier, shall be sampled by thrusting the hand into the bulk and withdrawing representative portions. Protective gloves shall be worn when sampling treated seed.
- (D) As the seed is sampled, each portion shall be examined and if there appears to be a lack of uniformity, the portions shall not be combined but shall be retained as separate samples to determine such lack of uniformity as may exist.
- (E) When the portions appear to be uniform, they shall be combined to form a composite sample.
- (F) If a sealed container is opened or probed for inspection, the inspector shall reseal the container with a suitable seal indicating the purpose for which the container was opened.
- (G) If a label is removed, the inspector shall affix to the container a tag on which the label statements have been copied.
- (2) Bulk. Bulk seeds shall be sampled by inserting a long probe or thrusting the hand into the bulk, as circumstances require, in at least seven fairly uniformly distributed parts of the quantity being sampled.
 - (3) Bags.
 - (A) In quantities of six bags or less each bag shall be sampled.
- (B) In quantities of more than six bags, five bags plus at least 10 percent of the number of bags in the lot shall be sampled. Regardless of the lot size it is not necessary that more than 30 bags be sampled.
- (C) Samples shall be drawn from unopened bags except under circumstances where the identity of the seed has been preserved.
 - (4) Other Containers.
- (A) In sampling seed in sealed containers, such as vegetable seed in packets, or lawn seed in boxes, when it is not practical to sample by other means, one or more entire unopened containers shall be taken.
- (B) If requested by the custodian, sealed containers of single component seeds, containing more weight than needed for the official sample, shall be opened on the premises and the sample taken in the presence of the custodian. The remainder of the contents of the opened container shall be left with the custodian.
- (C) Seed in containers, other than bags, when it is practical to sample by a probe without breaking the seal, shall be sampled in the same manner as seed in bags.
- (D) Regardless of the type of container, the sample in the aggregate shall notbe less than the quantity specified in subsection (b) of this section
- (b) Size of Sample. The following are minimum weights of official samples of seed to be submitted for analysis, test, or examination:

Page 346

- (1) Agricultural Seed.
- (A) Four ounces (114 grams) of bentgrasses, red fescues, bluegrasses, white or alsike clover, or seeds not larger than these.
- (B) Eight ounces (227 grams) red clover, alfalfa, ryegrasses, bromegrasses, meadow or tall fescues, wheatgrasses or seeds of similar size.
- (C) One pound (454 grams) of sudangrass, subclover, sugar beet, or seeds of similar size.
- (D) Two pounds (908 grams) of cereals, vetch, safflower, sorghum, or seeds of similar or larger size.
 - (2) Vegetable Seed.
- (A) One–eighth ounce (3.54 grams) of celery, lettuce, onion, cabbage or seeds not larger than these.
- (B) One-half ounce (14.18 grams) of pepper, eggplant or seeds of similar size.
- (C) One ounce (28.35 grams) of spinach, radish, table beet, muskmelon, or seeds of similar size.
- (D) Four ounces (114 grams) of asparagus, New Zealand spinach, watermelon or seeds of similar size.
- (E) One pound (454 grams) of pea, garden bean, pumpkin, corn or seeds of similar size.
- (F) Two and one-half pounds (1.14 Kilograms) of lima bean, runner bean, horsebean, or seeds of similar or larger size.

When a purity analysis is requested to determine the percentage by weight of any sample of vegetable seed, the minimum weight of the sample shall be not less than the minimum weight required for an official sample of agricultural seed of similar size.

- (c) Preparation of Official Sample.
- (1) A "description of sample" form, provided by the department, shall be completed for each sample, and a label or facsimile label shall be attached to the original copy.
- (2) For seed sampled in bags or bulk the sample shall be enclosed in an official sample bag, properly identified by the appropriate portion of the "description of sample" form and sealed with an official seal. If requested by the custodian, or other financially interested party, the sample shall be divided and a portion left on the premises.
- (3) For seed sampled in packets or other sealed containers, where the entire container is taken as the sample, the sample may be submitted without being enclosed in an official sample bag; provided the appropriate portion of the "description of sample" form is firmly attached to the container or containers submitted as a sample.
- (4) All samples shall be plainly marked outside with an appropriate identification.
- (5) Samples of treated seed shall be double bagged with an inner bag of plastic. The outer container shall be clearly marked to indicate the treatment material and under the remarks section of the "description of sample" form reference to treatment labeling shall be made, such as "properly labeled as to (generic or common name/s) treatment." Any documents accompanying the official sample shall not be placed inside the plastic bag.
- (d) Return of Official Sample. Any portion of the sample not used in making the tests shall be returned to the owner at his expense, if requested within 60 days of sampling.

NOTE: Authority cited: Sections 407 and 52331, Food and Agricultural Code. Reference: Section 52331, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 4–9–54; effective thirtieth day thereafter (Register 54, No. 8).
- 2. Amendment filed 11–15–62; effective thirtieth day thereafter (Register 62, No. 23).
- 3. Amendment filed 1–14–66; effective thirtieth day thereafter (Register 66, No. 1).
- 4. Amendment filed 10–15–76; effective thirtieth day thereafter (Register 76, No. 42).
- 5. Amendment of subsections (b) and (c) filed 3-24-83; effective thirtieth day thereafter (Register 83, No. 13).
- 6. Editorial correction of subsections (b)(1)(B) and (c)(1) (Register 83, No. 21).

§ 3873. Forwarding Sample.

- (a) An official sample and the "description of sample" form, accompanied by a label, shall be sent to California Department of Food and Agriculture, Nursery and Seed Services, 1220 N Street, Sacramento, California 95814.
- (b) All other samples may be placed in any suitable nonsealed container, and forwarded to the State Seed Laboratory, Laboratory Services, California Department of Food and Agriculture, 1220 N Street, Sacramento, California 95814, except as provided in subsection (c).
- (c) Certification samples should be forwarded to the seed-certifying agency for which they were drawn.

NOTE: Authority cited: Sections 407 and 52331, Food and Agricultural Code. Reference: Section 52331, Food and Agricultural Code.

HISTORY

- 1.Amendment filed 11–15–62; effective thirtieth day thereafter (Register 62, No. 23).
- 2. Amendment filed 1–14–66; effective thirtieth day thereafter (Register 66, No. 1).
- 3. Amendment filed 10–15–76; effective thirtieth day thereafter (Register 76, No. 42).
- 4. Editorial correction adding NOTE filed 4–27–83 (Register 83, No. 18).

§ 3874. Labels.

HISTORY

- 1. Amendment filed 11–15–62; effective thirtieth day thereafter (Register 62, No. 23).
- 2. Repealer filed 1-14-66; effective thirtieth day thereafter (Register 66, No. 1).

Article 4. Certification

§ 3875. Seed-Certifying Agencies.

(a) Recognized Agency. The Secretary, after consultation with the Director of the University of California Agricultural Experiment Station, as provided in Food and Agricultural Code Section 52401, finds that the following is qualified to certify as to variety, type, strain, and other genetic characters of agricultural and vegetable seeds, and is hereby officially approved and recognized as a seed–certifying agency within the meaning of the California Seed Law:

California Crop Improvement Association, a nonprofit corporation incorporated under the laws of the State of California.

(b) Official Agencies authorized by law to certify as to matters of fact respecting agricultural or vegetable seeds are not construed to be "seed-certifying agencies" within the meaning of Section 52482, Food and Agricultural Code, and such certification does not authorize representation of seed so certified as "certified seed" unless expressly provided by law

NOTE: Authority cited: Sections 407, 52331 and 52401, Food and Agricultural Code. Reference: Section 52331, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 10–15–76; effective thirtieth day thereafter (Register 76, No. 42).
- 2. Editorial correction adding NOTE filed 4-27-83 (Register 83, No. 18).
- Change without regulatory effect amending subsection (a) and NOTE filed 3-5-2008 pursuant to section 100, title 1, California Code of Regulations (Register 2008, No. 10).

§ 3876. Cooperation with Seed-Certifying Agencies.

All services performed at the request of and in cooperation with an officially recognized seed–certifying agency shall be performed in accordance with the rules and regulations of that agency, insofar as consistent with the provisions of law.

NOTE: Authority cited: Sections 407 and 52331, Food and Agricultural Code. Reference: Section 52421, Food and Agricultural Code.

HISTORY

1. Editorial correction adding NOTE filed 4-27-83 (Register 83, No. 18).

§ 3877. Fees for Certification Services.

(a) Schedules. The fees for certification services performed by the director are shown in Section 4603(f). The fees for certification services performed by commissioners may be established as provided in Section 52422, Food and Agricultural Code, and in this regulation.

- (b) Approval of Schedules. Each commissioner, before establishing a schedule of fees for certification services performed under the provisions of Section 52422, Food and Agricultural Code, is required to submit the proposed schedule to the director for approval. Schedules of fees submitted for approval should be based on the approximate cost of these services
- (c) Transmittal. Claims for fees according to the approved schedule may be submitted directly to the seed—certifying agency, and payment of fees for services performed by a commissioner may be transmitted directly to the commissioner for such disposition as may be directed by the board of supervisors.

NOTE: Authority cited: Sections 407, 5851, 5852 and 52331, Food and Agricultural Code. Reference: Sections 5851, 5852, 52331 and 52422, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 11–15–62; effective thirtieth day thereafter (Register 62, No. 23)
- 2. Amendment filed10–15–76; effective thirtieth day thereafter (Register 76, No. 42).
- 3. Editorial correction adding NOTE filed 4-27-83 (Register 83, No. 18).
- 4. Amendment of subsection (a) and Note filed 10–6–2004; operative 11–5–2004 (Register 2004, No. 41). Pursuant to Food and Agricultural Code section 5852(h), regulations establishing charges for services listed in subsection (a) of that section are not subject to review by OAL.

Article 5. Analysis and Testing

§ 3878. Indistinguishable Seed.

Determinations shall be made in the same manner as currently required by Sections 201.58a–201.58c, Federal Seed Act Regulations (Title 7, Chapter 1, Part 201 of the Code of Federal Regulations).

NOTE: Authority cited: Sections 407 and 52331, Food and Agricultural Code. Reference: Section 52331, Food and Agricultural Code.

HISTORY

- Amendment filed 10-5-76; effective thirtieth day thereafter (Register 76, No. 42). For prior history, see Register 66, No. 12.
- 2. Editorial correction adding NOTE filed 4-27-83 (Register 83, No. 18).

§ 3879. Noxious-Weed Seed Examination.

Examination of a sample for noxious—weed seeds shall be made in accordance with the current procedure prescribed in Section 201.52, Federal Seed Act Regulations (Title 7, Chapter 1, Part 201 of the Code of Federal Regulations).

NOTE: Authority cited: Sections 407 and 52331, Food and Agricultural Code. Reference: Section 52331, Food and Agricultural Code.

HISTORY

- Amendment filed 1–24–69; effective thirtieth day thereafter (Register 69, No. 4). For prior history, see Register 66, No. 1.
- 2. Amendment filed 11–28–73; effective thirtieth day thereafter (Register 73, No. 48).
- 3. Editorial correction adding NOTE filed 4–27–83 (Register 83, No. 18).

§ 3880. Purity Analysis.

A purity analysis includes examination for noxious—weed seeds, as defined in Section 3879, and shall be made in the same manner as currently required by Sections 201.45–201.51(a), Federal Seed Act Regulations (Title 7, Chapter 1, Part 201 of the Code of Federal Regulations).

NOTE: Authority cited: Sections 407 and 52331, Food and Agricultural Code. Reference: Section 52331, Food and Agricultural Code.

HISTORY

- Amendment filed 1–24–69; effective thirtieth day thereafter (Register 69, No. 4). For prior history, see Register 66, No. 1.
- 2. Amendment filed 11–28–73; effective thirtieth day thereafter (Register 73, No. 48).
- 3. Editorial correction adding NOTE filed 4-27-83 (Register 83, No. 18).

§ 3881. Germination Tests.

Germination tests shall be made in the same manner as currently required by Sections 201.53–201.58, Federal Seed Act Regulations (Title 7, Chapter 1, Part 201 of the Code of Federal Regulations).

NOTE: Authority cited: Sections 407 and 52331, Food and Agricultural Code. Reference: Section 52331, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 1–24–69; effective thirtieth day thereafter (Register 69, No. 4). For prior history, see Register 66, No. 1.
- 2. Amendment filed 11–28–73; effective thirtieth day thereafter (Register 73, No. 48).
- 3. Editorial correction adding NOTE filed 4-27-83 (Register 83, No. 18).

§ 3882. Tolerances.

The tolerances to be applied in all enforcement procedure required by the California Seed Law shall be the same as currently provided in Sections 201.59–201.65, Federal Seed Act Regulations (Title 7, Chapter 1, Part 201 of the Code of Federal Regulations).

NOTE: Authority cited: Sections 407 and 52331, Food and Agricultural Code. Reference: Section 52331, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 1–24–69; effective thirtieth day thereafter (Register 69, No. 4). For prior history, see Register 66, No. 1.
- 2. Amendment filed 11–28–73; effective thirtieth day thereafter (Register 73, No. 48)
- 3. Editorial correction adding NOTE filed 4-27-83 (Register 83, No. 18).

§ 3883. Fees for Testing and Other Services.

The fees for tests other than those made free of charge are shown in Section 4603(f). All fees for testing are payable in advance, except that for governmental agencies prohibited by law from making advance payments, tests may be made on receipt of a purchase order or other authorization for payment of the proper fees.

NOTE: Authority cited: Sections 407, 5851, 5852 and 52331, Food and Agricultural Code. Reference: Sections 5851, 5852 and 52331, Food and Agricultural Code. HISTORY

- 1. Amendment filed 4-9-54; effective thirtieth day thereafter (Register 54, No. 8).
- 2. Amendment filed 11–15–62; effective thirtieth day thereafter (Register 62, No. 23).
- 3. Editorial correction adding Note filed 4-27-83 (Register 83, No. 18).
- 4. Amendment of section and Note filed 10–6–2004; operative 11–5–2004 (Register 2004, No. 41). Pursuant to Food and Agricultural Code section 5852(h), regulations establishing charges for services listed in subsection (a) of that section are not subject to review by OAL.

§ 3884. Free Tests.

NOTE: Authority cited: Sections 407 and 52331, Food and Agricultural Code. Reference: Section 52331, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 11–15–62; effective thirtieth day thereafter (Register 62, No. 23)
- 2. Repealer filed 3-24-83; effective thirtieth day thereafter (Register 83, No. 13).

§ 3885. Mixtures.

- (a) For germination tests of mixtures of three or more kinds of lawn or pasture seed which require a purity separation before a germination test is made, the fee established in Section 4603(f) includes a purity analysis report if specifically requested.
- (b) For germination tests of mixtures other than those specified in subsection (a) of this section, the fee is the sum of the fees established in Section 4603(f) for germination tests of the several components. For a purity analysis of such mixtures, the fee is the same as for that component of the mixture for which the highest charge would be made if analyzed separately.

NOTE: Authority cited: Sections 407, 5851, 5852 and 52331, Food and Agricultural Code. Reference: Sections 5851, 5852 and 52331, Food and Agricultural Code. HISTORY

- 1. Amendment filed 8–10–51; effective thirtieth day thereafter (Register 25, No. 3).
- 2. Amendment filed 4–9–54; effective thirtieth day thereafter (Register 54, No. 8).
- 3. Amendment filed 8-2-56; effective thirtieth day thereafter (Register 56, No. 15)
- 4. Amendment filed 12–2–57; effective thirtieth day thereafter (Register 57, No. 21).
- 5. Amendment filed 11–15–62; effective thirtieth day thereafter (Register 62, No. 23).
- 6. Editorial correction adding NOTE filed 4-27-83 (Register 83, No. 18).
- Amendment of section and Note filed 10–6–2004; operative 11–5–2004 (Register 2004, No. 41). Pursuant to Food and Agricultural Code section 5852(h), regulations establishing charges for services listed in subsection (a) of that section are not subject to review by OAL.

Article 6. Enforcement and Procedure

§ 3887. Hearings.

Hearings held before the director pursuant to Sections 52311(c) and 52393 of the Food and Agricultural Code shall, as far as practicable, be governed by the procedure prescribed by the Government Code, Title 2, Division 3, Part 1, Chapter 5, Section 11500 et seq., except that the director, or a hearing officer designated by the director shall preside.

NOTE: Authority cited: Sections 407 and 52331, Food and Agricultural Code. Reference: Sections 52311 and 52393, Food and Agricultural Code.

HISTORY

- Amendment filed 1–14–66; effective thirtieth day thereafter (Register 66, No. 1).
- 2. Amendment filed 7–28–77 as organizational and procedural; effective upon filing (Register 77, No. 31).
- 3. Amendment filed 3–24–83; effective thirtieth day thereafter (Register 83, No. 13).

§ 3888. Procedure Under "Stop-Sale" Order.

- (a) Form. The "stop–sale" order shall be in the form provided for the purpose by the Department. A warning tag or notice may be attached by the enforcement officer to any lot of seed held under a "stop–sale" order. Such tag or notice shall be in the form provided by the Department and shall not be removed except by or under the direction of an enforcement officer, until the "stop–sale" order has been removed.
- (b) Proof of Service. Within five days after service of any "stop-sale" order, the person making the service shall forward to the Director a copy of the order together with an acknowledgment of service signed by the person served, or an affidavit stating the time and place of service upon the person named in the order.
- (c) Release. Upon notification that the law has been complied with, the Commissioner or the Director shall examine the evidence of compliance, and if satisfied that the law has been complied with, shall immediately cause the "stop-sale" order to be removed. When a new test is required, evidence of compliance shall include a copy of the record of the new test, indicating that the seed held under the "stop-sale" order has been sampled and tested.
- (d) Disposal Permits. Permission to move or otherwise dispose of a lot of seed held under "stop—sale" order shall be in the form provided by the Department, and shall specify the purpose for which the permit is given. No permit shall be issued for movement to another county except with the approval of the Commissioner of the county of destination.
- (e) Demand for Hearing. Demand for hearing as to justification of a "stop–sale" order shall be in writing and shall be filed with the Director or Commissioner who issued the order. Such demand may be filed at any time before the "stop–sale" order is removed.
- (f) Notice of Hearing. Within fifteen days after receipt of a demand for a hearing as to the justification of a "stop-sale" order, the Director or the Commissioner upon whom demand has been made shall fix a time and place for such hearing, and shall so notify the person making the demand.
- (g) Hearing. Hearings as to justification of "stop-sale" orders shall be private and shall be conducted in the manner prescribed by Section 3887.
- (h) Record. The original record of the proceedings shall be filed in the office of the Director; one copy shall be filed in the office of the Commissioner, if the hearing was called by a Commissioner; and one copy shall be mailed to the person on whose demand the hearing was called.
- (i) Findings. If the hearing officer, upon the facts shown at the hearing, finds that the "stop-sale" order is justified, the hearing officer shall make an order dismissing the proceedings. If the hearing officer finds that the "stop-sale" order is not justified, the hearing officer shall cause the "stop-sale" order to be removed forthwith.
- (j) Appeal. Appeals shall be made in writing and filed in the office of the Director. Hearings on appeal shall be conducted in like manner and with like effect as hearings on the original cause.

NOTE: Authority cited: Sections 407 and 52331, Food and Agricultural Code. Reference: Sections 52391, 52392 and 52393, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 11–15–62; effective thirtieth day thereafter (Register 62, No. 23).
- 2. Amendment filed 1–14–66; effective thirtieth day thereafter (Register 66, No. 1).
- 3. Amendment of subsection (i) filed 7–28–77 as organizational and procedural; effective upon filing (Register 77, No. 31).
- 4. Editorial correction adding NOTE filed 4-27-83 (Register 83, No. 18).
- 5. Editorial correction of section number (Register 95, No. 25).

Article 7. Origin Inspection of Seed

§ 3890. Designation of Origin Inspected Warehouse.

An origin inspected warehouse shall:

- (a) Maintain complete records of all lots of seed subject to Article 8 of the California Seed Law, Sections 52451–52454, Food and Agricultural Code, and have such records available to an enforcing officer.
- (b) Maintain a compliance level for lots of seed officially sampled at origin as indicated in Section 3891. A lot of seed is deemed to comply if
- (1) found free of the seed of a "noxious weed" as defined under the provisions of Section 52256, Food and Agricultural Code and
- (2) found in compliance with Sections 52452 or 52453, Food and Agricultural Code.

A premise shipping seed complying with these standards may apply the director for designation as an "Origin Inspected Warehouse" and if approved in accordance with Section 3892, shall be assigned a designation which may be used on all labeling.

NOTE: Authority cited: Sections 407 and 52333, Food and Agricultural Code. Reference: Section 52333, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–24–69; effective thirtieth day thereafter (Register 69, No. 4).
- 2. Amendment filed 3–24–83; effective thirtieth day thereafter (Register 83, No. 13).

§ 3891. Sampling.

NOTE: Authority cited: Sections 407 and 52331, Food and Agricultural Code. Reference: Sections 52331 and 52333, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–24–69; effective thirtieth day thereafter (Register 69, No. 4).
- 2. Editorial correction adding NOTE filed 4-27-83 (Register 83, No. 18).
- 3. Repealer filed 4-24-97; operative 5-24-97 (Register 97, No. 17).

§ 3892. Designation and Reinstatement As an "Origin Inspected Warehouse."

Before issuing an official designation to an establishment, the responsible party shall show the Director technical competence, responsibility and good faith in seeking to hold said designation. The Director may refuse to issue an official designation to a responsible party who fails to make such a showing and may refuse to reissue a designation to a party whose designation has been revoked until such a showing is made.

NOTE: Authority cited: Sections 407 and 52331, Food and Agricultural Code. Reference: Section 52333, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–24–69; effective thirtieth day thereafter (Register 69, No. 4).
- 2. Editorial correction adding NOTE filed 4-27-83 (Register 83, No. 18).

§ 3893. Revocation of Designation As "Origin Inspected Warehouse."

NOTE: Authority cited: Sections 407 and 52331, Food and Agricultural Code. Reference: Section 52333, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–24–69; effective thirtieth day thereafter (Register 69, No. 4)
- 2. Amendment filed 7–28–77 as organizational and procedural; effective upon filing (Register 77, No. 31).
- 3. Editorial correction adding NOTE filed 4-27-83 (Register 83, No. 18).
- 4. Repealer filed 4-24-97; operative 5-24-97 (Register 97, No. 17).

Article 8. Schedules

§ 3899. Schedule I

(a) Agricultural Seeds*

Common name ** Botanical name Alfalfa Medicago sativa L. Alfilaria: Filaree

Alyceclover Alysicarpus vaginalis (L.) DC. Amaranth Amaranths spp. Paspalum Notatum Fluegge Bahiagrass Hordeum vulgare L.

Barley Bean * as follows:

Adzuki bean Vigna angularis (wild) ohwi and Ohashi Bean (field) Phaseolus vulgaris L.

Bell bean: Horsebean, small seeded Blackeye bean: Cowpea Broadbean: Horsebean

Garbanzo bean: Chickpea Lima bean

Mat bean Moth bean: Mat bean

Mung bean V. radiata (L.) Wilczek var. radiata Rice bean V. umbellata (Thunb.) ohwi and Ohashi Phaseolus acutifolius A. Gray var. latif Tepary bean olius Freem.

P. lunatus L.

Vigna acontifolia (Jacq.) Marechal

Windsor bean: Horsebean

See also: Castorbean Horsebean Soybean Velvetbean

Beet * as follows: Field beet: Mangel wurzel Beta vulgaris L. Beta vulgaris L. Sugar beet Bentgrass as follows:

Colonial bentgrass, Agrostis tenuis Sibth.

including all cultivar Creeping bentgrass

A. stolonifera L. var. palustris (Huds.) Farw.

Seaside bentgrass: Creeping bentgrass

Velvet bentgrass A. canina L.

Bermudagrass as follows:

Bermudagrass Cynodon dactylon (L.) Pers. var. dactyl

Giant bermudagrass Cynodon dactylon var. aridus Harlan and deWet

Bluegrass as follows: Annual bluegrass Poa annua L. Big bluegrass P. ampla Merr. P. bulbosa L. Bulbous bluegrass Canada bluegrass P. compressa L. Kentucky bluegrass P. pratensis L Nevada bluegrass nevadensis Vasey Rough bluegrass P. trivialis L. Texas bluegrass P. arachnifera Torr.

Winter bluegrass: Bulbous bluegrass P. nemoralis L.

Wood bluegrass

Bluestem as follows: Andropogon gerardi Vitman Big bluestem Little bluestem Schizachyrium scoparium Michx. Andropogon Hallii Hack. Sand bluestem

Yellow bluestem Bluestem wheatgrass: see wheatgrass

Broomcorn: Sorghum Broomcorn millet: Proso millet

Brome as follows:

Blando brome: Soft chess California brome Harlan brome Mountain brome Prairie brome: Rescuegrass

Smooth brome Buckhorn plantain: see plantain

Buckwheat Common buckwheat Tartary buckwheat Buffalograss

Buffelgrass Burclover as follows:

California burclover Spotted burclover Burnet, little Canarygrass

Bromus mollis L. B. carinatus Hook and Arn. B.stamineus (L.) Desv. B. marginatus Steudel B. cathartics Vahl. B. inermis Leyss

Fagopyrum esculentum Moench. F. tataricum Gaertn. Buchloe dactyloides (Nutt.) Engl. Cenchrus ciliaris L.

Bothriuchloa ischaemum (L.) Keng

Medicago polymorpha L. M. arabica (L.) Huds. Sanguisorbà minor Scop. Phalaris canariensis L

Canarygrass Reed Cane: Sorghum P. arundinacea L.

Carpetgrass Axonopus affinis Chase Castorbean Ricinus communis L Charlock: Field mustard

Chess, soft: Blando brome Bromus mollis L. Chickpea Cicer arietinum L Clover as follows:

Alsike clover Trifolium hybridum L. Berseem clover T. alexandrinum L. Cluster clover T. glomeratum L. Crimson clover T. incarnatum L.

Egyptian clover: Berseem clover

Hop clover

Large hop clover T. campestris Schreb.

Low hop clover: Large hop clover Small hop clover: Suckling clover Ladino clover T. repens L. T. lappaceum L. Lappa clover Persian clover T. resupinatum L. Red clover pratense L. Rose clover T. hirtum All. Strawberry clover T. fragiferum L. Subclover T. subterraneum L. Suckling clover T. dubium Sibth.

White clover See also: Alyceclover Burclover Sourclover Sweetclover Corn * as follows:

Corn Zea mavs L. Popcorn Z. mays L.

Broomcorn: Sorghum Egyptian corn: Sorghum Kafir corn: Sorghum

Gossypium spp. Cotton

Vigna unguiculata (L.) Walp. subsp. un Cowpea

guiculata

T. repens L.

Paspalum dilatatum Poir. **Dallisgrass** Dichondra repens Forst. Dichondra Dogtail, crested Cynosurus cristatus L.

Dropseed, sand Sporobolus cryptandrus (Torr). A. Gray Durra: Sorghum

Fenugreek

Trigonella foenum-graecum L. Fescue as follows:

Chewings fescue Festuca rubra L. subsp. commutata Gaud.

Creeping fescue: Red fescue, creeping

Hard fescue F. longifolia Thuill Meadow fescue F. pratensis Huds. Red fescue F. rubra L. subsp. rubra F. ovina L. var. ovina Sheep fescue Tall fescue F. arundinacea Schreb.

Feterita: Sorghum Filaree as follows:

Broadleaf filaree Erodium botrys Bertol. Redstem filaree E. cicutarium (L.) Aiton Whitestem filaree E. moschatum (Burm. f.) L'Her. Flax Linum usitatissimum L Alopecurus pratensis L.

Foxtail, Meadow Foxtail millet: See Millet Garbanzo: Chickpea Goatnut: Joioba

Grama as follows: Blue grama

Bouteloua gracilis (H.B.K.) Stendel Side-oats grama B. curtipendula (Michx.) Torr. Grasspea Lathyrus sativus L. Guar Cyamopsis tetragonoloba (L.) Taub. Guayule

Parthemium argentatum Gray Guineagrass Panicum maximum Jacq. var. maximum Hardinggrass Phalaris stenoptera Hack. Heronbill: Filaree

Horsebean 3 Vicia Faba L. V. faba L. Horsebean, small seeded

Indiangrass Sorghastrum nutans (L.) Nash Jojoba Simmondsia chinensis Gray Kafir: Sorghum

Kaoliang: Sorghum Lespedeza as follows:

Chinese lespedeza; Lespedeza cuneata G. (Don)

sericea lespedeza Common lespedeza; L. striata (J. A. Murray) Hook and Arn. striate lespedeza

Page 350 Register 2004, No. 41: 10-8-2004

Korean lespedeza Lotus: Trefoil Lovegrass as follows: Boer lovegrass Lehmann lovegrass Sand lovegrass Weeping lovegrass Lupine * as follows: . Blue lupine White lupine Yellow lupine Maize: Corn Mallow, little Malva: Mallow Mangel wurzel: Beet Medick as follows: Black medick Spotted medick: Spotted burclover Millet as follows:

Broomcorn millet: Proso millet Foxtail millet

Hog millet: Proso millet Japanese millet Pearl millet Proso millet Ragi millet
Milo: Sorghum
Milo maize: Sorghum Molassesgrass Mustard * as follows: Black mustard Field mustard India mustard White mustard Napiergrass Natalgrass Needlegrass: Stipa Oatgrass, tall Oat as follows: Common oat

Green panicgrass

Pea as follows:
Field pea

Wedge pea: Grasspea
See also: Chickpea
Cowpea
Grasspea
Pigeonpea
Roughpea
Tangier-pea

Panicgrass as follows: Blue panicgrass

Red oat Orchardgrass

Peanut
Pigeonpea
Pigweed: Amaranth
Plantain, buckhorn
Popcorn: See Corn
Proso millet: See Millet
Rape as follows:
Annual rape
Bird rape: Annual turniprape
Turniprape, Biennial
Winter rape

Redtop Rescuegrass Rhodesgrass Rice

See also: Wildrice Ricegrass, Indian

Roughpea

L. stipulacea Maxim.

Eragrostis chloromelas Steud. E. Lehmanniana Nees E. trichodes (Nutt.) Wood E. curvula (Schrad.) Nees

Lupinus augustifolius L. L. albus L.

L. albus L. L. luteus L.

Malva parviflora L.

Medicago lupulina L.

Setaria italica (L.) Beauv.

Echinochloa crusgalli var. frumentacea Pennisetum americanum (L.) Schum. Panicum miliaceum L. Eleusine coracana (L.) Gaertn.

Melinis minutiflora Beauv.

Brassica nigra (L.) Koch.
B. kaber (DC) L.C. Wheeler
B. juncea (L.) Coss.
B. hirta Moench
Pennisetum purpureum Schum.
Rhynchelytrum repens (Willd.) C.E.
Hubb

Arrhenatherum elatius Koch. J. S. & K.B. Presl.

Avena sativa L. Avena byzantina E. Koch Dactylis glomerata L.

Panicum antidotal Retz.
Panicum maximum var. trichoglume
Eyles

Pisum sativum (L.)

Arachis hypogaea L. Cajanus Cajan Millsp.

Plantago lanceolata L.

Brassica napus L. annua Koch. B. Rapa L. B. napus var. biennis (Schubl. and Mart.) Reichb. Agrostis gigantea Roch Bromus unioloides Kunth. Chloris gayana Kunth. Oryza sativa L.

Oryzopsis hymenoides (Roem. and Schultz.) Ricker Lathyrus hirsutus L.

Ryegrass as follows:
Annual ryegrass
Perennial ryegrass
Wimmera ryegrass
Safflower
Sainfoin
Sesame
Sesbania
Shallu: Sorghum
Smilograss

Sorghum
Sorgo: Sorghum
Sourclover
Soybean
Stipa as follows:
Nodding stipa
Purple stipa
Sudangrass
Sulla
Sunflower*
Sweetclover as follows:
White sweetclover

Yellow sweetclover Switchgrass Tangier-pea Timothy Tobacco Trefoil as follows: Big trefoil Birdsfoot trefoil Triticale Vaseygrass Veldtgrass

Velvetgrass
Vernalgrass as follows:
Annual vernalgrass
Sweet vernalgrass
Velvetbean

Vetch as follows:
Bard vetch
Calcarata vetch: Bard vetch
Common vetch

Hairy vetch Hungarian vetch Monantha vetch Narrowleaf vetch; Blackpod vetch Oneflower vetch: Monantha vetch Purple vetch

Purple vetch
Winter vetch: Hairy vetch
Woollypod vetch; Winter pod vetch
Wheat

Wheatgrass as follows: Beardless wheatgrass

Bluestem wheatgrass: Western wheatgrass
Crested or fairway crested

wheatgrass
Crested or standard crested
wheatgrass
Intermediate wheatgrass

Pubescent wheatgrass

Siberian wheatgrass Slender wheatgrass Streambank wheatgrass Tall wheatgrass Western wheatgrass Wildrice, annual Wildrye as follows: Canada wildrye Russian wildrye Secale cereale L.

Lolium multiflorum Lam. L. perenne L. L. rigidum Gaud. Carthamus tinctorius L. Onobrychis viciifolia Scopoli Sesamum indicum L. Sesbania exaltata (Raf.) Rybd

Oryzopsis miliacea (L.) Asch & Schweinf.
Sorghum bicolor (L.) Moench.

Melilotus indica (L.) All. Glycine max L.

Stipa cernua Stebbins & Love S. pulchra Hitchc. Sorghum sudanese (Piper) Stopf. Hedysarum coronarium L. Helianthus annuus L.

Melilotus alba Desr. M. officinalis (L.) Lam. Panicum virgatum L. Lathyrus tingitanus L. Phleum pratense L. Nicotiana tabacum L.

Lotus uliginosus Schkuhr L. cornicuatus L. X Triticosecale (Secale X Triticum) Paspalum urvillei Steud. Ehrhartia calycina Sm. Holcus lanatus L.

Anthoxanthum aristatum Boiss. A. odoratum L. Mucuna deeringiana (Bort.) Merr.

Vicia calcarata Desf.

V. sativa L. subsp. sativa V. villosa R. subsp. villosa V. pannonica Grantz V. articulata Hornem. V. sativa L. subsp. (L.)Ehrh.

V. benghalensis L.

V. villosa R. subsp. varia (Host) Corb. Triticum aestivum L.

Agropyron spicatum (Pursh) Scribner & Smith f. inerme(Scribner & Smith)
Beetle

A. cristatum (L.) Gaertn.

A. desertorum (Link) Schult. A. intermedium (Host) Beauv. var. in termedium A. intermedium (Host) Beauv. var. tri chohorum (Link) Halacsy

A. sibiricum (Willd.) Beauv.
A. trachycaulum (Link) H. F. Lewis
A. riparium Schribn. and Smith
A. elongatum (Host) Beauv.
A. smithii Rydb.

A. smithii Kydb. Zizania aquatica L

Elymus canadensis L. E. junceus Fisch.

Melon

See: Muskmelon

Schedule I		Watermelon	
(b) Vegetable Seeds*		Muskmelon Mustard as follows:	Cucumis melo L.
Anise	Pimpinella anisum L.	Mustard as follows. Mustard, India	Brassica juncea (L.) Czernajew
Anise, sweet	Foeniculum vulgare Mill.	Mustard, spinach	B. Rapa L. Perviridis Group
Artichoke	Cynara scolymus L. Asparagus officinalis L.	Napa: Chinese cabbage	
Asparagus Balm; lemon	Melissa officinalis L.	Okra	Abelmoschus esculentus (L.) Moench
Basil, sweet	Ocinum basilicum L.	Onion Onion, Welsh	Allium cepa L. Allium fistulosum L.
Bean *		Oysterplant: Salsify	Amum jistutosum L.
Asparagus bean: Yardlong cowpea		Parsley	Petroselinum crispum (Mill.) W.W.
Blackeye bean: Cowpea	Train Enhant	•	Hill
Broadbean: Horsebean Garden bean	Vicia faba L. Phaseolus vulgaris L.	Parsnip	Pastinaca sativa L.
Lima bean	P. lunatus L.	Pea Pepper	Pisum sativum L. Capsicum spp.
Runner bean, scarlet	P. coccineus L.	Pe-tsai: Chinese cabbage	Capsicum spp.
Snap bean: Garden bean		Pumpkin	Cucurbita spp.
String bean: Garden bean		Radish	Raphanus sativus L.
See also:		Rhubarb	Rheum spp.
Horsebean		Romaine: lettuce Roquette	Eruca vesicara L. Cav. subsp. sativa
Soybean		Roquette	(Mill.) Thell
Beet *	Beta vulgaris L.	Rosemary	Rosmarinus officinalis L.
Borage Borecole: Kale	Borago officinalis L.	Rutabaga	Brassica napus L. Napobrassica Group
Broccoli	Brassica oleracea L. Botrytis Group	Sage	Salvia officinalis L.
Brussels sprouts	Brassica oleracea L. Gemmifera Group	Salsify Savory, summer	Tragopogon porrifolius L. Satureja hortensis L.
Burdock, great	Arctium lappa L.	Savory, winter	Satureja montana L.
Cabbage	Brassica oleracea L. Capitata Group	Sorrel	Rumex acetosa L.
Cabbage, celery—(Pak-choi) Cabbage, Chinese—(pe-tsai)	Brassica chinensis L. Brassica pekinensis (Lour.) Rupr.	Soybean *	Glycine max (L.) Merrill
Cabbage, Tronchuda	Brassica oleracea L.Tronchuda Group	Spinach	Spinacia oleracea L.
Cantaloupe: Muskmelon	2.1. Shortage	Spinach, New Zealand Squash	Tetragonia tetragonioides (Pall.) Ktze. Cucurbita spp.
Caraway	Carum carvi L.	Thyme	Thymus vulgaris L.
Cardoon	Cynara cardunculus L.	Tomato	Lycopersicon esculentum Mill.
Carrot Catnip	Daucus carota L. Nepeta cataria L.	Tomato, husk	Physalis pubescens L.
Cauliflower	Brassica oleracea L. Botrytis Group	Turnip	Brassica rapa L.
Celeriac	Apium graveolens var. rapaceum	Watercress Watermelon	Nasturtium officinale R. Br. Citrullus lanatus (Thunb.) Mansf. Mat
	(Mill.) Gaudich	v dermeron	sum and Makai
Celery	Apium graveolens var. dulce (Mill.)		
Chard, Swiss	Pers. Beta vulgaris var. cicla L.		nd 52332, Food and Agricultural Code.Ref-
Chervil as follows:	Deta vingaris var. eleta D.	erence: Section 52332, Food and Agri	
Salad chervil	Anthriscus cerefolium Hoffm.		ISTORY
Turnip-rooted chervil	Chaerophyllum bulbosum L.		thirtieth day thereafter (Register 54, No. 8).
Chicory Chives	Cichorium intybus L. Allium schoenoprasum L.		ated effective 7–1–63 (Register 62, No. 23).
Citron	Citrullus lanatus (Thunb.) Matsum &		ve thirtieth day thereafter (Register 83, No.
	Nakai var. citroides (Bailey) Mansf.	13).	(- 21)
Collards	Brassica oleracea L. Acephala Group	4. Editorial correction (Register 83, N	
Coriander	Coriandrum sativum L.		luded as agricultural seeds in Schedule I(a) e generally known and sold as flowerseeds
Corn Cornsalad as follows:	Zea mays L.	or vegetable seeds.	generally known and sold as nowerseeds
European cornsalad	Valerianella locusta (L.) Laterrade	**The alternative names are in boldfa	ice.
Italian cornsalad	Valerianella eriocarpa Desv.	§ 3900. Schedule II. Vegeta	
Cowpea	Vigna unguiculata (L.) Walp.subsp. un	Standards.	bio coca domination
Cowpea, Yardlong	guiculata V. unguiculata (L.) Walp. subsp. sesqui	Percent	Percent
pedalis	v. unguicuidid (E.) Waip. 3dosp. 3csqui	Artichoke 60	Kale 75
Cress, garden	Lepidium sativum L.	Asparagus 70	Kale, Chinese 75
Cress, upland	Barbarea verna (Mill.) Aschers.	Asparagus bean	Kohlrabi
Cucumber Cumin	Cucumis sativus L. Cuminum cyninum L.	Bean, Lima	Leek 60 Lettuce
Dandelion	Taraxacum officinale Wiggers	Beans, garden 70	Muskmelon
Dill	Anethum graveolens L.	Beet 65	Mustard 75
Eggplant	Solanum melongena L.	Broadbean 75	Mustard, Spinach 75
Endive	Cichorium endivia L.	Broccoli	Okra
Escarole: Endive Fennel	Foeniculum vulgare Mill.	Brussels sprouts 70 Cabbage	Onion
Fennel, Florence	Foeniculum vulgare Mill.	Cantaloupe (see Muskmelon)	Pak-choi
Fetticus: Cornsalad	g.	Cardoon 60	Parsley 60
Finnocchio: Florence Fennel		Carrot	Parsnip 60
Gherkin	Cucumis anguria L.	Cauliflower	Pea 80
Kale as follows: Kale	Brassica oleracea L. Acephala Group	Celeriac 55 Celery 55	Pepper
Chinese kale	B. oleracea L. Alboglabra Group	Chard, Swiss 65	Radish
Sea kale	Crambe maritima L.	Chicory 65	Rhubarb 60
Siberian kale	Brassica napus L. Pabularia Group	Chinese Cabbage 75	Rutabaga
Kohlrabi	Brassica oleracea L. Gongylodes Group	Citron	Salsify
Leek	Allium ampeloprasum L.	Corn, sweet	Soybean
Lettuce	Lactuca sativa L.	Cornsalad 70	Spinach 60
Marjoram, sweet	Origanum majorana L.		-
Marjoram, wild	Origanum vulgare L.		

Page 352 Register 2004, No. 41; 10-8-2004

Percent	Percent
Cowpea 75	Spinach, New Zealand 40
Cress, garden 60	Squash 75
Cress, water 40	Tomato 75
Cucumber 80	Tomato, husk 50
Dandelion 45	Turnip 80
Eggplant 60	Watermelon 70
Endive 70	
All other vegetable seed not listed above	ye

NOTE: Authority cited: Sections 407 and 52331, Food and Agricultural Code. Reference: Section 52331, Food and Agricultural Code.

HISTORY

- 1. Amendments filed 12-2-57; effective thirtieth day thereafter (Register 57, No.
- 2. Amendment filed 1-24-69; effective thirtieth day thereafter (Register 69, No.
- 3. Editorial correction adding Note filed 4–27–83 (Register 83, No. 18). 4. Editorial correction (Register 95, No. 25).

§ 3901. Schedule III. Agricultural and Vegetable Seeds Classed As Weed Seeds When Occurring Incidentally in Agricultural Seeds.'

Common Name Botanical Name Amaranths spp Amaranth Buckwheat, tartary Fagopyrum tataricum Gaertn. Daucus carota L. Carrot Chess, soft Bromus mollis L Chicory Cichorium intybus L. Dandelion Taraxacum officinale Weber Erodium spp. Filaree Grass Annual bluegrass Poa annua L. Bermuda grass Cynodon spp Blue panicgrass Sand dropseed Panicum antidotal Retz. Sporobolus cryptandrus (Torr.) A. Grav Velvetgrass Holcus lanatus L Mallow, little Malva parviflora L. Mustard Black mustard Brassica nigra (L.) Koch Common yellow mustard B. Rapa L B. Kaber (DC.) L. C. Wheeler Field mustard B. juncea (L.) Coss. India mustard Plantain, buckhorn Plantago lanceolata L. Radish Raphanus sativus L Sesbania exaltata (Raf.) Rydb. Sesbania Helianthus annuus L. Sunflower

NOTE: Authority cited: Sections 407 and 52332, Food and Agricultural Code. Reference: Section 52332, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 4-9-54; effective thirtieth day thereafter (Register 54, No. 8). 2. Amendment filed 11–15–62; effective thirtieth day thereafter (Register 62, No.
- 3. Amendment filed 3–24–83; effective thirtieth day thereafter (Register 83, No. 13).

§ 3902. Schedule IV. Fees for Sampling and Testing.

NOTE: Authority cited: Sections 407 and 52331, Food and Agricultural Code. Reference: Section 52331, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 10-7-63; effective thirtieth day thereafter (Register 63, No. 18). For prior history see Register 62, No. 23.

 2. Amendment filed 8-7-75; effective thirtieth day thereafter (Register 75, No.
- 32).
- 3. Amendment filed 3-24-83; effective thirtieth day thereafter (Register 83, No.
- 4. Editorial correction (Register 83, No. 21)
- 5. Amendment of subsections (a) and (b) filed 9-28-89; operative 10-28-89 (Register 89, No. 41).
- 6. Editorial correction restoring subsections (b), (c) and (d) 1.-3. dropped in printing (Register 91, No. 24).
- 7. Repealer filed 10-6-2004; operative 11-5-2004 (Register 2004, No. 41). Pursuant to Food and Agricultural Code section 5852(h), regulations establishing charges for services listed in subsection (a) of that section are not subject to review by OAL.

§ 3903. Schedule V. Specimen Labels.

NOTE: Authority cited: Sections 407 and 52331, Food and Agricultural Code. Reference: Sections 52451-52454, Food and Agricultural Code.

HISTORY

1. Amendment filed 4–9–54; effective thirtieth day thereafter (Register 54, No. 8).

- 2. Amendment filed 12-2-57; effective thirtieth day thereafter (Register 57, No.
- 3. Amendment filed 12-7-59; effective thirtieth day thereafter (Register 59, No.
- 4. Former Section 3903 repealer filed 11-15-62, effective 30th day thereafter; renumbering of former Section 3904 to 3903 and amendment filed 11-15-62; effective 30th day thereafter (Register 62, No. 23)
- 5. Repealer filed 3-24-83; effective thirtieth day thereafter (Register 83, No. 13).

Article 9. Registration and Assessment

§ 3906. Assessment Fees.

The Secretary pursuant to sections 52331, 52354, and 52354.5 of the Food and Agricultural Code, hereby establishes an annual assessment of \$0.15 per one-hundred dollars (\$100) gross annual dollar volume sales of agricultural and/or vegetable seed in this State for the preceding fiscal year as defined in section 52352 of the Food and Agricultural Code. Such assessment shall be paid to the Secretary within one calendar month of July 1 for the preceding fiscal year. If not paid within the time allotted, a penalty of 10% of the assessment fee due shall be added.

NOTE: Authority cited: Sections 407, 52331 and 52354.5, Food and Agricultural Code. Reference: Sections 52331, 52352 and 52354, Food and Agricultural Code. HISTORY

- 1. New article 9 (sections 3906 and 3907) filed 6-18-74 as an emergency; designated effective 7-1-74 (Register 74, No. 25).
- Certificate of Compliance filed 7-31-74 (Register 74, No. 31).
- Amendment filed 5-2-80; effective thirtieth day thereafter (Register 80, No.
- 4. Amendment filed 3-21-86; effective thirtieth day thereafter (Register 86, No.
- 5. Amendment filed 7-1-87; operative 7-1-87 pursuant to Government Code sec-
- tion 11346.2(d) (Register 87, No. 28). 6. Amendment of fee filed 5-6-91; operative 6-5-91 (Register 91, No. 24).
- Amendment of section and Note filed 5-5-98; operative 7-1-98 (Register 98, No. 19)
- . Amendment filed 6-23-99 as an emergency; operative 6-23-99 (Register 99, No. 26). A Certificate of Compliance must be transmitted to OAL by 10–21–99 or emergency language will be repealed by operation of law on the following
- 9. Certificate of Compliance as to 6-23-99 order transmitted to OAL 10-19-99 and filed 11-16-99 (Register 99, No. 47).

§ 3907. Identity of Lot.

NOTE: Authority cited: Sections 407 and 52331, Food and Agricultural Code. Reference: Section 52354, Food and Agricultural Code.

HISTORY

1. Repealer filed 3-24-83; effective thirtieth day thereafter (Register 83, No. 13.)

Article 10. Seed Complaint Mediation

§ 3915. Mediation of Complaints Required.

Use and completion of the complaint meditation procedures set forth in this article is a prerequisite to pursuing other dispute resolution mechanisms against a seed labeler when seed planted in California fails to conform to the label statements required by Sections 52452 and 52453 of the Food and Agricultural Code. Only those completing the complaint process are eligible to pursue other dispute resolution mechanisms except as otherwise provided.

- (a) The complaint process requires the filing of a complaint followed by an investigation by the Secretary. At the conclusion of the investigation, mediation may be requested.
- (b) Mediation as used in this article shall mean an alternative dispute resolution process which utilizes a neutral third party who facilitates the resolution of a dispute between parties. The mediator does not make a decision or an award. Resolution of a dispute that is mediated occurs when an agreement is reached between the complainant and the respondent.
- (c) The Secretary may terminate the complaint mediation procedure and issue an Order of the Secretary stating that the requirement of Section 52332(f) of the Food and Agricultural Code has not been met if the person alleging damage to a crop (designated herein as complainant):
 - (1) fails to maintain the crop until notification of release;
 - (2) withdraws the complaint at any time;
 - (3) refuses to cooperate in the investigation;

^{*} See Section 3853.

- (4) fails to request mediation after receipt of the report of investigation; or
- (5) fails to appear at the mediation hearing without reasonable cause.
- (d) The Secretary may release the complainant to pursue other dispute resolution mechanisms by issuing an Order of the Secretary stating that the requirement of Section 52332(f) has been met if the seller or labeler of the seed (designated herein as respondent):
 - (1) fails to file an answer;
 - (2) refuses to cooperate in the investigation procedure;
 - (3) fails to agree to mediation; or
- (4) fails to appear at the mediation hearing without reasonable cause. NOTE: Authority cited: Sections 407 and 52332, Food and Agricultural Code. Reference: Section 52332, Food and Agricultural Code.

HISTORY

- New Article 10 (Sections 3915–3921) filed 8–7–75; effective thirtieth day thereafter (Register 75, No. 32).
- 2. Amendment filed 7–28–77 as organizational and procedural; effective upon filing (Register 77, No. 31).
- 3. Editorial correction of NOTE filed 4-27-83 (Register 83, No. 18).
- Amendment of article heading, repealer and new section filed 1–17–96; operative 2–16–96 (Register 96, No. 3).

§ 3915.1. Mediation Notice.

The following notice shall appear upon every label of agricultural or vegetable seed except as provided in Section 3867:

NOTICE

ARBITRATION/CONCILIATION/MEDIATION REQUIRED BY SEVERAL STATES

Under the seed laws of several states, arbitration, mediation or conciliation is required as a prerequisite to maintaining a legal action based upon the failure of seed to which this notice is attached to produce as represented. The consumer shall file a complaint (sworn for AR, FL, IN, MS, SC, TX, WA; signed only CA, ID, ND, SD) along with the required filing fee (where applicable) with the Commissioner/Director/Secretary of Agriculture, Seed Commissioner, or Chief Agricultural Officer within such time as to permit inspection of the crops, plants or trees by the designated agency and the seedman from whom the seed was purchased. A copy of the complaint shall be sent to the seller by certified or registered mail or as otherwise provided by state statute.

NOTE: Authority cited: Sections 407 and 52332, Food and Agricultural Code. Reference: Section 52332, Food and Agricultural Code.

HISTORY

1. New section filed 1-17-96; operative 2-16-96 (Register 96, No. 3).

§ 3916. Complaint Procedures.

In order to make a formal complaint and seek mediation of a dispute as required by Section 3915, the complainant shall file a complaint within such time as to permit inspection of the crop by the Secretary and the respondent.

- (a) To file a complaint, the complainant shall:
- (1) File a written complaint with the Secretary giving the following information:
 - (A) the complainant's name, address and telephone number;
 - (B) the nature of the complaint and the alleged causes thereof;
- (C) evidence of purchase and the label of the seed used to plant the affected crop (copies are acceptable, but originals must be presented upon demand by the Secretary during the investigation or mediation); and
 - (D) accurate and complete directions to locate the affected crop;
- (2) forward a copy of the written complaint to the respondent by certified or registered mail, at the time of filing;
- (3) pay to the Department of Food and Agriculture a nonrefundable filing fee of two hundred and fifty dollars (\$250), at the time of filing in accordance with Section 52321 of the Food and Agricultural Code; and
- (4) maintain the crop alleged to be damaged in the field until notified of release by the Secretary. The Secretary may require the complainant to maintain a representative portion of the crop. Designation of a representative portion by the Secretary shall be made within seven (7) days after receipt of the complaint.

- (b) Within seven (7) calendar days after receipt of the copy of the written, filed complaint, the respondent shall file with the Secretary a written answer to the complaint and send a copy of the answer to the complainant by certified mail.
- (c) The Secretary shall review the complaint to determine if the complaint is within the scope of Section 52332(f) of the Food and Agricultural Code and has been filed in accordance with this section. Within ten (10) calendar days of receipt of the respondent's written answer, the Secretary shall notify both parties in writing of the acceptance or the reason for rejection of the complaint.

NOTE: Authority cited: Sections 407 and 52332, Food and Agricultural Code. Reference: Section 52332, Food and Agricultural Code.

HISTORY

- 1. Editorial correction adding NOTE filed 4-27-83 (Register 83, No. 18).
- 2. Repealer and new section filed 1–17–96; operative 2–16–96 (Register 96, No. 3).

§ 3916.1. Respondent's Rights.

NOTE: Authority cited: Sections 407 and 52332, Food and Agricultural Code. Reference: Section 52332, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 7–28–77 as organizational and procedural; effective upon filing (Register 77, No. 31).
- 2. Editorial correction adding NOTE filed 4-27-83 (Register 83, No. 18).
- 3. Repealer filed 1-17-96; operative 2-16-96 (Register 96, No. 3).

§ 3916.2. Establishing Dates.

NOTE: Authority cited: Sections 407 and 52332, Food and Agricultural Code. Reference: Section 52332, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 7–28–77 as organizational and procedural; effective upon filing (Register 77, No. 31).
- 2. Editorial correction adding NOTE filed 4–27–83 (Register 83, No. 18).
- 3. Repealer filed 1–17–96; operative 2–16–96 (Register 96, No. 3).

§ 3916.3. Appointment of Investigational Committee.

NOTE: Authority cited: Sections 407 and 52332, Food and Agricultural Code. Reference: Section 52332, Food and Agricultural Code.

HISTORY

- 1. Editorial correction adding Note filed 4-27-83 (Register 83, No. 18).
- 2. Repealer filed 1-17-96; operative 2-16-96 (Register 96, No. 3).

§ 3917. Investigation Procedures.

Upon review and acceptance of a complaint, the Secretary shall initiate an investigation of the complaint.

- (a) Within seven (7) calendar days, the Secretary shall appoint an investigational committee whose purpose is to assist the Secretary in conducting the investigation, make recommendations, offer opinions, and file an investigational report with the Secretary. Each investigational committee shall be composed of four disinterested members as follows: one member shall be the Secretary's designee, who shall serve as chairperson of all investigational committees and who shall make and maintain the file of each committee's investigations and opinions; one member, plus an alternate, shall be a County Agricultural Commissioner in whose county there is production of the kind of crop under consideration; one member, plus an alternate, shall be engaged primarily in the production and/or sale of the kind of seed cited in the complaint; and one member, plus an alternate, shall be a user of such seed.
- (1) Members of each investigational committee shall serve until dismissed by the Secretary or until the report of investigation is filed with the Secretary, whichever occurs first. Alternates shall serve only in the absence of their respective members.
- (2) Committee members shall receive no compensation for the performance of their duties but may receive per diem and mileage as authorized by law.
- (3) Each committee may be called into session by the chairperson to consider matters referred to it. The chairperson shall conduct all meetings and deliberations held by the committee.
- (b) The Secretary shall make a full and complete investigation of the matters complained of, including, but not limited to, an inspection of the crop in the field. The investigation shall be completed within sixty (60)

Page 354

days of the receipt of the complaint unless the investigation requires a growout or other procedure which cannot be completed within that time; in such case, the Secretary shall notify the complainant and respondent in writing stating the reasons for the extension.

- (c) In conducting the investigation, the Secretary may:
- (1) require the parties to provide pertinent records;
- (2) require testimony under oath or statements under penalty of perjury;
- (3) cause to be tested or grown to production a representative sample of seed under the supervision of the Secretary;
 - (4) obtain assistance from qualified experts; and
 - (5) investigate any other matters relative to the complaint.
- (d) The chairperson shall file with the Secretary the committee's written report of investigation along with the investigation file within thirty (30) days after the conclusion of the investigation of the complaint. The Secretary shall transmit the report by certified mail to the complainant and to the respondent. The file, including the report of investigation, shall be maintained by the Secretary for a period of five (5) years.

NOTE: Authority cited: Sections 407 and 52332, Food and Agricultural Code. Reference: Section 52332, Food and Agricultural Code.

HISTORY

- 1. Editorial correction adding Note filed 4-27-83 (Register 83, No. 18).
- Repealer and new section filed 1–17–96; operative 2–16–96 (Register 96, No. 3).

§ 3918. Mediation Procedures.

- If, during the course of the investigation, the complainant and respondent have not resolved the disputed complaint, the complainant may request mediation.
- (a) To request mediation of the disputed complaint the complainant shall:
- (1) file a written request for mediation with the Secretary within ten (10) days after the receipt of the investigation report; and
- (2) forward a copy of the request for mediation to the respondent by certified mail.
- (b) Within seven (7) days after receipt of the request for mediation, the Secretary shall:
- (1) appoint a mediator from within the Department or by contract with outside mediation services; and
- (2) set a time and place for the mediation hearing. The mediation hearing shall begin within thirty (30) days after the request for mediation and shall take place in the county in which the crop alleged to be damaged was grown unless other arrangements are agreed to by the complainant and the respondent.
- (c) The Secretary may declare an impasse if the mediator determines that either party fails to be responsive to the mediation process during the mediation hearing.
- (d) The mediator shall file a report with the Secretary within seven (7) days after completion of the mediation hearing and transmit same by certified mail to the complainant and respondent.
- (e) Within seven (7) days after receipt of the mediator's report, the complainant and respondent shall file with the Secretary written notice of acceptance or rejection of the mediation. Upon completion of mediation or declared impasse, the prerequisite requirement as specified in Section 52332(f) of the Food and Agricultural Code shall be satisfied. NOTE: Authority cited: Sections 407 and 52332, Food and Agricultural Code. Reference: Section 52332, Food and Agricultural Code.

HISTORY

- Amendment filed 7-28-77 as organizational and procedural; effective upon filing (Register 77, No. 31).
- 2. Editorial correction adding Note filed 4-27-83 (Register 83, No. 18).
- 3. Repealer and new section filed 1–17–96; operative 2–16–96 (Register 96, No. 3).

§ 3919. Investigational Committees' Duties and Findings.

NOTE: Authority cited: Sections 407 and 52332, Food and Agricultural Code. Reference: Section 52332, Food and Agricultural Code.

HISTORY

- 1. Editorial correction adding NOTE filed 4-27-83 (Register 83, No. 18).
- 2. Repealer filed 1-17-96; operative 2-16-96 (Register 96, No. 3).

§ 3920. Authorization of Investigational Committees to Obtain Information.

NOTE: Authority cited: Sections 407 and 52332, Food and Agricultural Code. Reference: Section 52332, Food and Agricultural Code.

HISTORY

- 1. Editorial correction adding NOTE filed 4-27-83 (Register 83, No. 18).
- 2. Repealer filed 1-17-96; operative 2-16-96 (Register 96, No. 3).

§ 3921. Compensation of Investigational Committee Members.

NOTE: Authority cited: Sections 407 and 52331, Food and Agricultural Code. Reference: Section 52332, Food and Agricultural Code.

HISTORY

- 1. Editorial correction adding Note filed 4-27-83 (Register 83, No. 18).
- 2. Repealer filed 1-17-96; operative 2-16-96 (Register 96, No. 3).

Subchapter 4. Vertebrate Pests

Article 1. Vertebrate Pest Control Research

§ 3940. Assessment Fee for Vertebrate Pest Control Material.

NOTE: Authority cited: Sections 407 and 6027, Food and Agricultural Code. Reference: Sections 6025 – 6209, Food and Agricultural Code.

HISTORY

- 1. New section filed 2-7-91 as an emergency; operative 2-7-91. A Certificate of Compliance must be transmitted to OAL 6-7-91 or emergency language will be repealed by operation of law on the following day.
- 2. Repealed by operation of Government Code section 11346.1(g) (Register 91, No. 46)

Chapter 6. Weed Free Areas and Weed Eradication Areas

(Originally Printed 7-25-45)

Article 1. Klamath Weed

NOTE: Authority cited: Sections 7201–7204, Food and Agricultural Code. HISTORY

 Repealer of Article 1 (Sections 3927 and 3932) filed 3-9-83; effective thirtieth day thereafter (Register 83, No. 11). For prior history, see Register 77, No. 31.

Article 2. Puncture Vine

NOTE: Authority cited: Sections 407 and 7205, Food and Agricultural Code. Reference: Sections 7201 and 7202, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 7–28–77 as organizational and procedural; effective upon filing (Register 77, No. 31).
- Repealer of Article 2 (Sections 3937–3949, not consecutive) filed 12–8–82; effective thirtieth day thereafter (Register 82, No. 50).

Article 3. Wild Scotch Broom

NOTE: Authority cited: Sections 407 and 7205, Food and Agricultural Code. Reference: Sections 7201 and 7202, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 7–28–77 as organizational and procedural; effective upon filing (Register 77, No. 31).
- 2. Repealer of Article 3 (Section 3954) filed 12–8–82; effective thirtieth day thereafter (Register 82, No. 50).

Article 4. Russian Thistle

NOTE: Authority cited: Sections 407 and 7205, Food and Agricultural Code. Reference: Sections 7201 and 7202, Food and Agricultural Code.

HISTORY

- 1. New Article 4 (Section 3955) filed 7–20–62; effective thirtieth day thereafter (Register 62, No. 14).
- 2. Amendment filed 7–28–77 as organizational and procedural; effective upon filing (Register 77, No. 31).
- Repealer of Article 4 (Section 3955) filed 12–8–82; effective thirtieth day thereafter (Register 82, No. 50).

Article 5. Alligatorweed

§ 3960. Alligatorweed Eradication Areas.

(a) Those portions of the State of California described as follows, within which a certain pest, alligatorweed *Alternanthera philoxeroides*, is known to exist, are hereby proclaimed to be an eradication area with respect to said pest:

The entire counties of Riverside, Tulare, Kings and Los Angeles.

(b) Possible Carriers.

Any and all premises, soil, stream or channel water and any other articles or things which are infested or exposed to infestation by alligatorweed, within said area.

(c) Means and Methods.

The following means and methods are to be used in the eradication of said pest within said area.

- (1) Repeated timely application of sterilants or herbicidal sprays to properties, water channels and other places or things that are infested or are exposed to infestation by alligatorweed.
- (2) The placement of screens in infested water channels or ditches to prevent the spread or reinfestation of alligatorweed.
- (3) The visual inspection of properties, streams, water channels and other places and things for the presence of alligatorweed.
- (4) In addition to the other means and methods described in this subsection (c) eradication of alligatorweed in Los Angeles County may be accomplished by excavation, removal or burial within Los Angeles County after on–site destruction of above ground portions.

NOTE: Authority cited: Sections 407 and 5322, Food and Agricultural Code. Reference: Sections 5322 and 5761–5763, Food and Agricultural Code.

HISTORY

- 1. New section filed 7-5-68; effective thirtieth day thereafter (Register 68, No. 25).
- Amendment filed 5–11–70; effective thirtieth day thereafter (Register 70, No. 20).
- 3. Amendment of NOTE filed 3–9–83; effective thirtieth day thereafter (Register 83, No. 11).
- 4. Amendment of section heading and subsection (a) filed 1-2-97 as an emergency; operative 1-2-97 (Register 97, No. 1). A Certificate of Compliance must be transmitted to OAL by 5-2-97 or emergency language will be repealed by operation of law on the following day.
- ation of law on the following day.

 5. Certificate of Compliance as to 1–2–97 order transmitted to OAL 5–1–97 and filed 6–6–97 (Register 97, No. 23).

Article 6. Dudaim Melon

§ 3961. Dudaim Melon Eradication Area Regulation.

- (a) Proclamation of Eradication Area. The portion of the State of California described as follows, within which a certain pest, *Cucumis melo* var. *dudaim*, is known to exist, is hereby proclaimed to be an eradication area with respect to said pest:
 - (1) The entire county of Imperial.
- (b) Possible Carriers. Any and all premises, soil, equipment, containers and any other articles or things which are infested or exposed to infestation by dudaim melon, within said area.
- (c) Methods and Means. The following means and methods are to be used in the eradication of said pest within said area:
- (1) Repeated timely applications of herbicides to crops, ditch banks, roadsides and other areas that are infested by dudaim melon.
- (2) Thoroughly cleaning machinery and harvesting equipment after use in infested fields before moving into uninfested fields.
- (3) The visual inspection of properties, roadsides, ditch banks and other places and things for the presence of dudaim melon.

(4) Picking, removing and burning fruits of the dudaim melon, which escape control.

NOTE: Authority cited: Sections 407 and 5322, Food and Agricultural Code. Reference: Sections 5322 and 5761–5763, Food and Agricultural Code.

HISTORY

- 1. New section filed 2–16–72; effective thirtieth day thereafter (Register 72, No. 8).
- 2. Amendment of NOTE filed 3–9–83; effective thirtieth day thereafter (Register 83, No. 11).

Article 7. Hydrilla

§ 3962. Hydrilla Eradication Area.

- (a) Proclamation of Eradication Area. The portions of the State of California described as follows, within which a certain pest, *Hydrilla verticillata*, is known to exist, are hereby proclaimed to be eradication areas with respect to said pest:
- (1) The entire counties of Calaveras, Imperial, Lake, Madera, Mariposa, Nevada, Shasta, Tulare and Yuba.
- (b) Possible Carriers. Any and all premises, soil, streams, lakes, ponds, water channels, and any other articles or things which are infested or exposed to infestation by hydrilla, within said area.
- (c) Means and Methods. The following means and methods may be used in the eradication of said pest within said area.
- (1) Repeated timely application of herbicides to lakes, ponds, water channels and other places that are infested with hydrilla.
- (2) The placement of screens in infested water channels or ditches to prevent the spread or reinfestation of hydrilla.
- (3) The visual inspection of lakes, ponds, water channels, streams, and other places and things for the presence of hydrilla.
- (4) Thorough cleaning of any machinery or equipment after use in infested areas before moving equipment to an uninfested location.
- (5) Excavating or removal by hydraulic or other means of hydrilla followed with burial or drying on a non-aquatic site within the eradication

NOTE: Authority cited: Sections 407 and 5322, Food and Agricultural Code. Reference: Sections 5322, 5761 and 6048, Food and Agricultural Code.

History

- 1. Editorial correction renumbering former section 3591.7 to article 7 (section 3962) filed 4–11–83 (Register 83, No. 16). For prior history of former section 3591.7, see Registers 82, No. 50; 79, No. 22; and 77, Nos. 18 and 7.
- Amendment of subsection (a) filed 6-8-88 as an emergency; operative 6-8-88 (Register 88, No. 25). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 10-6-88.
- 3. Certificate of Compliance transmitted to OAL 10-6-88 and filed 11-4-88 (Register 88, No. 46).
- 4. Amendment of subsection (a) filed 11–4–88; operative 12–4–88 (Register 88, No. 46).
- Amendment of subsection (a) filed 6-26-89 as an emergency; operative 6-26-89 (Register 89, No. 26). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 10-24-89.
- Certificate of Compliance transmitted to OAL 10-24-89 and filed 11-7-89 (Register 89, No. 45).
- Amendment of subsection (a) filed 8-20-90 as an emergency; operative 8-20-90 (Register 90, No. 41). A Certificate of Compliance must be transmitted to OAL by 12-18-90 or emergency language will be repealed by operation of law on the following day.
- 8. Reinstatement of subsection (a)(1) as it existed prior to 8-20-90 emergency amendment filed 5-21-91 by operation of Government Code section 11346 1(f) 120 days from effective date (Register 91 No. 41)
- 11346.1(f) 120 days from effective date (Register 91, No. 41).

 9. Amendment of subsection (a)(1) filed 8–11–94 as an emergency; operative 8–11–94 (Register 94, No. 32). A Certificate of Compliance must be transmitted to OAL by 12–9–94 or emergency language will be repealed by operation of law on the following day.
- on the following day.

 10. Certificate of Compliance as to 8–11–94 order transmitted to OAL 11–29–94 and filed 12–14–94 (Register 94, No. 50).
- 11. Amendment of subsection (a)(1) filed 10–22–96 as an emergency; operative 10–22–96 (Register 96, No. 43). A Certificate of Compliance must be transmitted to OAL by 2–19–97 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 10–22–96 order transmitted to OAL 2–6–97 and filed 3–10–97 (Register 97, No.11).
- 13. Amendment of subsection (a)(1) filed 4–24–97; operative 5–24–97 (Register 97, No. 17).
- 14. Amendment of subsection (a)(1) filed 8–13–97 as an emergency; operative 8–13–97 (Register 97, No. 33). A Certificate of Compliance must be transmitted

- to OAL by 12–11–97 or emergency language will be repealed by operation of law on the following day.
- 15. Certificate of Compliance as to 8–13–97 order transmitted to OAL 12–2–97 and filed 12–31–97 (Register 98, No. 1).
- 16. Amendment of subsection (a) filed 8-5-2004 as an emergency; operative 8-5-2004 (Register 2004, No. 32). A Certificate of Compliance must be transmitted to OAL by 12-3-2004 or emergency language will be repealed by operation of law on the following day.
- 17. Certificate of Compliance as to 8-5-2004 order transmitted to OAL 12-2-2004 and filed 1-13-2005 (Register 2005, No. 2).

Article 8. South American Spongeplant

§ 3963. South American Spongeplant Eradication Area.

(a) Proclamation of Eradication Area. The portions of the State of California described as follows, within which a certain pest, *Limnobium laevigatum* (South American spongeplant), is known to exist, are hereby proclaimed to be eradication areas with respect to said pest:

The entire counties of Fresno, Madera, Merced and Shasta.

- (b) Possible Carriers. Any and all premises, soil, streams, lakes, ponds, water channels, and any other articles or things which are infested or exposed to infestation by South American spongeplant, within said area.
- (c) Means and Methods. The following means and methods may be used in the eradication of said pest within said area.
- (1) The repeated timely application of herbicides to any and all premises, soil, streams, lakes, ponds, water channels, and any other articles or things which are infested or exposed to infestation with South American spongeplant.
- (2) The placement of screens in infested streams, water channels or ditches to prevent the spread or reinfestation of South American sponge-plant.
- (3) The visual inspection of streams, lakes, ponds, water channels and other places and things for the presence of South American spongeplant.
- (4) The thorough cleaning of any machinery or equipment after use in infested areas before moving said machinery or equipment to an uninfested location.
- (5) The excavating or removal by hydraulic or other means of South American spongeplant followed with burial or drying on a non-aquatic site within the eradication area.
- (6) The draining, removing or preventing water from being able to be present to support an infestation of South American spongeplant.

 NOTE: Authority cited: Sections 407 and 5322, Food and Agricultural Code. Ref-

erence: Sections 407, 5322, 5761, 5762 and 5763, Food and Agricultural Code. HISTORY

- 1. New article 8 (section 3963) and section filed 6–3–2005 as an emergency; operative 6–3–2005 (Register 2005, No. 22). A Certificate of Compliance must be transmitted to OAL by 10–3–2005 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 6–3–2005 order transmitted to OAL 9–9–2005 and filed 10–4–2005 (Register 2005, No. 40).
- 3. Amendment of subsection (a) filed 12–26–2007 as an emergency; operative 12–26–2007 (Register 2007, No. 52). A Certificate of Compliance must be transmitted to OAL by 6–23–2008 or emergency language will be repealed by operation of law on the following day.
- 4. Certificate of Compliance as to 12-26-2007 order transmitted to OAL 5-28-2008 and filed 6-24-2008 (Register 2008, No. 26).
- Amendment of subsection (a) filed 7–14–2008; operative 8–13–2008 (Register 2008, No. 29).

Subchapter 5. Wild Bird and Animal Importations

(Originally Printed 7-25-45)

See Rules and Regulations of the Fish and Game Commission, C. A. C. 14, Section 671.

Subchapter 6. Noxious Weed Species

§ 4500. Noxious Weed Species.

It has been determined that the following species of plants are noxious weeds within the meaning of Section 5004 of the Food and Agricultural Code:

Acacia paradoxa (Kangaroo thorn)

Acaena anserinifolia (biddy biddy)

Acaena novae-zelandiae (biddy biddy)

Acaena pallida (biddy biddy)

Achnatherum brachychaetum (punagrass)

Acroptilon repens (Russian knapweed)

Aegilops cylindrica (jointed goatgrass)

Aegilops ovata (ovate goatgrass)

Aegilops triuncialis (barb goatgrass)

Aeschynomene rudis (rough jointvetch)

Alhagi maurorum (camelthorn)

Ailanthus altissima (tree of heaven)

Allium paniculatum (panicled onion)

Allium vineale (wild garlic)

Alternanthera philoxeroides (alligatorweed)

Ambrosia trifida (giant ragweed)

Araujia sericofera (bladderflower)

Arctotheca calendula (capeweed, as seed or fertile plants)

Arundo donax (giant reed)

Cardaras chalepensis (lens-podded hoary cress)

Cardaria draba (heart-podded hoary cress)

Cardaria pubescens (globe-podded hoary cress)

Carduus acanthoides (plumeless thistle)

Carduus nutans (musk thistle)

Carduus pycnocephalus (Italian thistle)

Carduus tenuiflorus (Italian thistle)

Carthamus baeticus (smooth distaff thistle)

Carthamus lanatus (woolly distaff thistle)

Carthamus leucocaulos (whitestem distaff thistle)

Cenchrus echinatus (southern sandbur)

Cenchrus incertus (coast sandbur)

Cenchrus longispinus (mat sandbur)

Centaurea calcitrapa (purple starthistle)

Centaurea diffusa (diffuse knapweed)

Centaurea iberica (Iberian starthistle)

Centaurea maculosa (spotted knapweed)

Centaurea melitensis (tocalote)

Centaurea solstitialis (yellow starthistle)

Centaurea squarrosa (squarrose knapweed)

Centaurea sulphurea (Sicilian thistle)

Chondrilla juncea (skeletonweed)

Chorispora tenella (purple mustard)

Cirsium arvense (Canada thistle)

Cirsium ochrocentrum (yellowspine thistle)

Cirsium undulatum (wavyleaf thistle)

Cirsium vulgare (bull thistle)

Convolvulus arvensis (field bindweed)

Coronopus squamatus (swinecress)

Cortaderia jubata (jubata grass)

Crupina vulgaris (bearded creeper)

Cucumis melo var. dudaim (dudaim melon)

Cucumis myriocarpus (paddy melon)

Cuscuta spp. (dodder)

Cynara cardunculus (artichoke thistle)

Cyperus esculentus (yellow nutsedge)

Cyperus rotundus (purple nutsedge)

Cytisus scoparius (Scotch broom)

Elytrigia repens (quackgrass)

Euphorbia esula (leafy spurge)

Euphorbia oblongata (oblong spurge)

Euphorbia serrata (serrate spurge)

Gaura drummondii (scented gaura)

Gaura sinuata (wavyleaf gaura)

Genista monspessulana (French broom)

Halimodendron halodendron (Russian salt tree)

Halogeton glomeratus (halogeton)

Helianthus ciliaris (blueweed)

Heteropogon contortus (tanglehead)

Hydrilla verticillata (hydrilla)

Hyoscyamus niger (black henbane)

Hypericum perforatum (Klamath weed)

Isatis tinctoria (dyer's woad)

Lepidium latifolium (perennial peppercress)

Linaria genistifolia ssp. dalmatica (Dalmatian toadflax)

Lythrum salicaria (purple loosestrife)

Muhlenbergia schreberi (nimblewill)

Nothoscordum inodorum (false garlic)

Nymphaea mexicana (banana waterlily)

Onopordum (spp. onopordum thistles) Orobanche ramosa (branched broomrape)

Oryza rufipogon (red rice)

Panicum antidotale (blue panicgrass)

Peganum harmala (harmel)

Pennisetum clandestinum (Kikuyugrass)

Physalis virginiana var. sonorae (smooth groundcherry)

Physalis viscosa (grape groundcherry)

Polygonum cuspidatum (Japanese knotweed)

Polygonum polystachyum (Himalayan knotweed)

Polygonum sachalinense (giant knotweed)

Prosopis strombulifera (creeping mesquite)

Rorippa austriaca (Austrian fieldcress)

Salsola australis (common Russianthistle)

Salsola paulsenii (barbwire Russianthistle)

Salsola vermiculata (wormleaf salsola)

Salvia aethiopis (Mediterranean sage)

Salvia virgata (meadow sage)

Scolymus hispanicus (golden thistle)

Senecio jacobaea (tansy ragwort)

Senecio mikanioides (Delairea odorata) (Cape ivy)

Senecio squalidus (Oxford ragwort)

Setaria faberi (giant foxtail)

Solanum cardiophyllum (heartleaf nightshade)

Solanum carolinense (Carolina horsenettle)

Solanum dimidiatum (Torrey's nightshade)

Solanum elaeagnifolium (white horsenettle)

Solanum lanceolatum (lanceleaf nightshade)

Solanum marginatum (white-margined nightshade)

Sonchus arvensis (perennial sowthistle)

Sorghum halepense (Johnsongrass and other perennial Sorghum spp. including but not limited to Sorghum almum and perennial sweet sudangrass)

Spartium junceum (Spanish broom)

Sphaerophysa salsula (Austrian peaweed)

Striga lutea (witchweed)

Symphytum asperum (rough comfrey)

Taeniatherum caput-medusae (medusahead)

Tagetes minuta (wild marigold)

Tamarix chinensis (salt cedar)

Tamarix gallica (salt cedar)

Tamarix parviflora (salt cedar)

Tamarix ramosissima (salt cedar)

Tribulus terrestris (puncture vine)

Ulex europaeus (gorse)

Viscum album (European mistletoe)

Zygophyllum fabago (Syrian beancaper)

This regulation shall in no way restrict the designation of a weed pest to those species listed herein.

NOTE: Authority cited: Sections 407 and 5004, Food and Agricultural Code. Reference: Section 5004, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 12-21-77 as an emergency; designated effective 1-1-78 (Register 77, No. 52). For prior history, see Register 77, No. 31. Certificate of Compliance filed 1–6–78 (Register 78, No. 1).
- 3. Amendment of NOTE filed 3-9-83; effective thirtieth day thereafter (Register
- 4. Amendment filed 5-7-97; operative 6-6-97 (Register 97, No. 19).
- 5. Amendment filed 8–12–2003; operative 9–11–2003 (Register 2003, No. 33).
- 6. Amendment filed 1-28-2008; operative 2-27-2008 (Register 2008, No. 5).

Chapter 7. Miscellaneous Rulings

Subchapter 1. Service Charges

§ 4600. General Provisions.

- (a) The department may provide analytical, diagnostic, inspection, testing and other non-regulatory services related to nursery stock, plants, seed, or other plant pests and diseases on a charge-for-service basis.
- (b) Service charges may include the approximate hourly labor costs of the involved departmental staff, including prorated staff benefits and departmental overhead costs, the cost of any shipping, handling, supplies, equipment and materials; and mileage, travel and per diem pursuant to the State's per diem travel rules, and required to provide the service.
- (c) This subchapter establishes the department's schedule of charges as provided in Sections 5851 and 5852, Food and Agricultural Code.
- (d) The department shall provide a diagnostic result within ten working days of receipt of a nematology, entomology or plant taxonomy sample/specimen or shall notify the client of an estimated time for the delivery of diagnostic results if a period of time longer than ten working days will be required.
- (e) The department shall provide a diagnostic result within 35 working days of receipt of a plant pathology sample/specimen or shall notify the client of an estimated time for the delivery of diagnostic results if a period of time longer than 35 working days will be required.
- (f) The identification of a pest not known to occur in the United States or California, or a pest that is of limited or wide but not general distribution in California shall be reported to the appropriate federal or state plant pest prevention officials.
- (g) The client may establish an account with the department from which fees for services rendered by the department may be debited or the service charges established by this subchapter shall be payable after the service has been provided and billed by the department.
- (h) Payments not received within 30 calendar days of the date of billing shall be considered late. Payments post-marked on the 30th calendar day shall be considered to be on time. Once late, a late charge of 10% of the total amount billed or amount unpaid shall be assessed and added to the
- (i) The department may refuse services for any client who has not paid a previously submitted bill or when there is a lack of qualified staff to provide requested service.

NOTE: Authority: Sections 407, 5851 and 5852, Food and Agricultural Code. Reference: Sections 407, 5851 and 5852, Food and Agricultural Code.

HISTORY

1. New chapter 7 (subchapter 1), subchapter 1 (sections 4600-4603) and section filed 11-12-2002; operative 12-12-2002. Pursuant to Food and Agricultural Code Section 5852, subdivision (h), regulations establishing charges for the services listed in subdivision (a) of that section are not subject to review by the Office of Administrative Law (Register 2002, No. 46).

§ 4601. Disclaimer of Liability and Financial Responsibility.

- (a) The department shall not guarantee the accuracy, level or timeliness of its diagnostic results; or that it can provide diagnostic services for every request or sample or specimen submitted or obtained.
- (b) If the department cannot perform the requested diagnostics, the client shall be contacted and consulted about what action she/he prefers, and

Page 358

informed of any additional time or costs that might be involved if samples or specimens would have to be sent to an outside vendor/specialist for diagnostics.

(c) The department shall not be responsible for shipping costs or samples that are inadequate, lost, not delivered, damaged during transport, decayed or otherwise unfit or unusable for the requested service or for the costs of shipping samples requested by the shipper to be returned.

NOTE: Authority: Sections 407 and 5852, Food and Agricultural Code. Reference: Sections 407 and 5852, Food and Agricultural Code.

HISTORY

1. New section filed 11–12–2002; operative 12–12–2002. Pursuant to Food and Agricultural Code Section 5852, subdivision (h), regulations establishing charges for the services listed in subdivision (a) of that section are not subject to review by the Office of Administrative Law (Register 2002, No. 46).

§ 4602. Payment for Services Provided.

- (a) The department shall establish a schedule of charges for the services described in this subchapter based upon the approximate cost of the service rendered
- (b) The department may charge additional fees, upon approval by the client, when due to conditions, or number of samples and/or determinations made, the fees established will not cover the cost of the service as described.
- (c) A client may request a refund of any funds that the client deposited in an account with the department.

NOTE: Authority: Sections 407, 5851 and 5852, Food and Agricultural Code. Reference: Sections 407, 5851 and 5852, Food and Agricultural Code.

HISTORY

1. New section filed 11–12–2002; operative 12–12–2002. Pursuant to Food and Agricultural Code Section 5852, subdivision (h), regulations establishing charges for the services listed in subdivision (a) of that section are not subject to review by the Office of Administrative Law (Register 2002, No. 46).

§ 4603. Schedule of Charges.

The Secretary of Food and Agriculture, pursuant to Section 5852 of the Food and Agricultural Code, establishes the following schedule of charges for analytical, diagnostic, inspection, testing and other non-regulatory services related to nursery stock, plants, seed, or other plant pests and diseases.

(a) The hourly charge for requested diagnostics or scientific consultations which require travel is \$60 per hour portal to portal, plus any car mileage at \$0.35 per mile, air fare, meals and lodging pursuant to the State's per diem travel rules.

- (b) Nematology
- (1) The charge for processing and providing diagnostics for an unprocessed nematode sample is \$40.
- (2) The charge for diagnostics of processed and preserved nematode samples is \$20.
 - (c) Entomology and Plant Taxonomy
- (1) The charge per specimen for diagnostics of arthropods or plants in quantities of ten specimens or less is \$20 regardless of the level of taxonomic determination.
- (2) The charge for processing multiple samples of 11 or more specimen determinations will be \$60 per hour plus the cost of any materials that might be required.
 - (d) General Pathology
- (1) The general plant pathology per diagnosis charge for up to ten samples is \$20 regardless of the level of taxonomic determination.
- (2) The general plant pathology per diagnosis charge for multiple sample submissions of 11 or more specimens is \$60 per hour plus the cost of any materials that might be required.
- (3) The general plant pathology per diagnosis charge involving the use of an electron microscope is \$160 per hour plus the cost of any materials that might be required.
 - (e) Seed Pathology

For seeds of the same kind in the same sample:

- (1) Seed blotter tests are \$35 for 400 seeds and \$60 for 1000 seeds.
- (2) An agar plate test of 400 seeds for fungal pathogens is \$35.
- (3) An extraction and plating test for the first bacterial pathogen is \$125 and \$25 for each additional bacterial pathogen.
- (4) A Potato Spindle Tuber Viroid DNA hybridization test is \$250.
- (5) Enzyme-linked immunosorbant assay (ELISA) tests are \$60 for 400 seeds and \$85 for 1200 seeds.
 - (6) A centrifuge wash and microscopy test is \$35.
 - (7) A grow–out test is \$125.
- (8) A bioassay test for the presence of a fungicide substance on seeds is \$35.
 - (9) Specific crop seed:

Crop/Disease ALFALFA	Pathogen	Cost	Test duration	Minimum sample size
Bacterial wilt Bacterial leafspot Spring black stem Verticillium wilt Alfalfa mosaic virus	Clavibacter michiganensis subsp. insidiosus Xanthomonas campestris pv. alfalfae Phoma medicaginis Verticillium albo—atrum Alfalfa mosaic virus	\$125 \$125 \$35 \$35 \$85	2–5 weeks 2–5 weeks 2 weeks 2–5 weeks 3 weeks	30,000 nontreated seed 30,000 nontreated seed 500 nontreated seed 2000 nontreated seed 2000 nontreated seed
ASPARAGUS Asparagus latent virus	Asparagus latent virus	\$100	2 weeks	500 nontreated seed
BASIL Fusarium wilt	Fusarium oxysporoum f. sp. basilicum	\$35	2–6 weeks	500 nontreated seed
BEAN and OTHER LEGU	JMES			
Bacterial wilt	Curtobacterium flaccumfaciens pv. flaccumfaciens	\$125	2–5 weeks	30,000 nontreated seed
Common blight	Xanthomonas campestris pv. phaseoli	\$125	2-5 weeks	30,000 nontreated seed
Halo blight	Pseudomonas syringae pv. phaseolicola	\$125	2-5 weeks	30,000 nontreated seed
Bacterial brown spot	Pseudomonas syringae pv. syringae	\$125	2–5 weeks	30,000 nontreated seed
Diaporthe	Diaporthe/Phomopsis spp.	\$35	2–5 weeks	500 nontreated seed
Purple seed stain	Cercospora spp.	\$35	2–5 weeks	500 nontreated seed
Tobacco ringspot virus	Tobacco ringspot virus	\$60	1 week	500 nontreated seed
Tomato ringspot virus	Tomato ringspot virus	\$60	1 week	500 nontreated seed
BEET				
Verticillium wilt	Verticillium dahliae	\$35	2-3 weeks	500 nontreated seed
Cercospora leaf spot	Cercospora beticola	\$35	2-3 weeks	500 seed
Bacterial leafspot	Pseudomonas apata	\$125	3–5 weeks	2000 seed

Crop/Disease	Pathogen	Cost	Test duration	Minimum sample size
CARROT and CORRIANI				•
Bacterial blight	Xanthomonas campestris pv. carotae	\$125	2–5 weeks	30,000 nontreated seed
Leaf spot	Pseudomonas syringae	\$125	2–5 weeks	30,000 nontreated seed
Alternaria leaf blight	Alternaria dauci	\$60	2 weeks	2000 nontreated seed
Black rot	Alternaria radicina	\$60	2 weeks	2000 nontreated seed
CELERY				
Alternaria leaf spot	Alternaria dauci [=A. porri]	\$60	2 weeks	2 g nontreated seed
Late blight	Septoria apiicola	\$35	1 week	4 g nontreated seed
Root rot of celery	Phoma apiicola	\$125	2–5 weeks	2000 seed
•	•			
CLOVER				
Bacterial wilt	Clavibacter michiganensis subsp. insidiosus	\$125	2–5 weeks	30,000 nontreated seed
CODY				
CORN	C	¢25	2.4. 1	500
Diplodia	Stenocarpella macrospora	\$35	2–4 weeks	500 seed
	[=Diplodia macrospora]			
COTTON				
Bacterial angular leafspot	Xanthomonas campestris pv. malvacearum	\$125	6-8 weeks	1200 nontreated seed
	, , , , , , , , , , , , , , , , , , ,	\$175	6–8 weeks	1200 treated seed
Anthracnose	Glomerella gossypii			
	[anamorph Colletotrichum gossypii]	\$125	3 weeks	1200 nontreated seed
	0 77 -	\$175	3 weeks	1200 treated seed
Fusarium wilt (FOV)	Fusarium oxysporum f. sp. vasinfectum	\$35	2-5 weeks	500 nontreated seed
CRUCIFERS (Cabbage, br				
Alternaria leaf spots	Alternaria spp.	\$60	2 weeks	1000 nontreated seed
Black leg	Phoma lingam	\$35	3 weeks	500 nontreated seed
Rhizoctonia	Rhizoctonia spp.	\$35	2 weeks	50g/16,000 nontreated
White mold	C. L. division and	¢25	2	seed
White mold	Sclerotinia spp.	\$35 \$125	2 weeks 2–5 weeks	500 nontreated seed 30,000 nontreated seed
Bacterial leafspot Black rot	Pseudomonas syringae pv. maculicola Xanthomonas campestris pv. campestris	\$125 \$125	2–5 weeks 2–5 weeks	30,000 nontreated seed
Black for	Adminomonas campesiris pv. campesiris	\$123	2-3 weeks	50,000 nontreated seed
CUCURBITS (squash mel	on, cucumber, watermelon, etc.)			
Bacterial angular leafspot	Pseudomonas syringae pv. lachrymans	\$125	2-5 weeks	2,000 nontreated seed
Fruit blotch	Acidovorax avenae subsp. citrulli	\$500	3–6 weeks	30.000 seed
Anthracnose	Colletotrichum orbiculare	\$125	2–5 weeks	2,000 nontreated seed
Fusarium diseases	Fusarium spp.	\$35	2-5 weeks	500 nontreated seed
Gummy stem blight	Didymella bryoniae	\$125	2-5 weeks	2,000 nontreated seed
Scab	Cladosporium cucumerinum	\$35	2–5 weeks	500 nontreated seed
Squash mosaic virus	Squash mosaic virus	\$85	5 weeks	1200 seed
DOCEN AND				
EGGPLANT	P'	¢25	2.5	500
Fusarium wilt	Fusarium oxysporum	\$35	2–5 weeks	500 nontreated seed
GRASSES and GRAINS				
Blind seed	Gloeotinia temulenta	\$35	2-5 weeks	50 g nontreated seed
Ergot of grasses	Claviceps purpurea	\$35	1 week	500 nontreated seed
Foot rot of grasses	Drechslera sorokiniana	\$35	2 weeks	500 nontreated seed
Root rot	Cochliobolus sativus	\$35	2 weeks	500 nontreated seed
LETTUCE	wt	¢125	2.5.	20.000
Bacterial leafspot	Xanthomonas campestris pv. vitians	\$125	2–5 weeks	30,000 nontreated seed
Septoria leaf spot	Septoria lactucae	\$35 \$160	1 week	30,000 nontreated seed
Lettuce mosaic virus	Lettuce mosaic virus	\$100	1 week	30,000 nontreated seed
ONION (leeks, etc.)				
Botrytis diseases	Botrytis spp.	\$35	2 weeks	500 g nontreated seed
Onion smut	Urocystis magica	\$35	1 week	50 g nontreated seed
White rot	Sclerotium cepivorum	\$35	2 weeks	80 g nontreated seed
		, -		5 5 monuture 5000
PARSLEY				
Alternaria leaf spot	Alternaria dauci [=A. porri]	\$60	2 weeks	2 g nontreated seed
Late blight	Septoria apiicola	\$35	1 week	15 g nontreated seed
PEPPER	n 1	¢105	2.5	20.000
Bacterial speck	Pseudomonas syringae pv. tomato	\$125 \$125	2–5 weeks	30,000 nontreated seed
Bacterial spot	Xanthomonas campestris pv. vesicatoria	\$125	2–5 weeks	30,000 nontreated seed
Anthracnose, ripe rot	Colletotrichum spp.	\$35	2–5 weeks	500 nontreated seed
Tobacco mosaic virus	Tobacco mosaic virus	\$60 \$60	1 week	500 nontreated seed
Tomato ringspot virus	Tomato ringspot virus	ቅሀህ	1 week	500 nontreated seed

Crop/Disease RICE	Pathogen	Cost	Test duration	Minimum sample size
Brown leafspot	Drechslera oryzae	\$35	2 weeks	500 nontreated seed
Rice blast	Pyricularia grisea	\$35	2 weeks	500 nontreated seed
Smut	Tilletia horida	\$35	1 week	100 g nontreated seed
Smar	Titletta nortaa	Ψ55	1 Week	100 g nontreated seed
SAFFLOWER				
Fusarium wilt	Fusarium oxysporum f. sp. carthami	\$35	2-5 weeks	500 nontreated seed
Rust	Puccinia carthami	\$35	2 weeks	500 nontreated seed
SPINACH				
Leaf spot	Colletotrichum dematium f. sp. spinaciae	\$60	2–3 weeks	1000 nontreated seed
Verticillium wilt	Verticillium dahliae	\$35	2–3 weeks	500 nontreated seed
SUNFLOWER				
Alternaria leaf blight	Alternaria spp.	\$35	3 weeks	500 nontreated seed
Downy mildew	Plasmopara halstedii	\$125	4–5 weeks	500 nontreated seed
Fusarium wilt or stalk rot	Fusarium spp.	\$35	2–5 weeks	500 nontreated seed
Septoria leaf spot	Septoria helianthi	\$35	3 weeks	500 nontreated seed
Verticillium wilt	Verticillium spp.	\$35	3 weeks	500 nontreated seed
TOMATO				
- -	Donaldomonas muinaga DV tomata	\$125	2–5 weeks	30.000 nontreated seed
Bacterial speck Bacterial spot	Pseudomonas syringae pv. tomato Xanthomonas campestris pv. vesicatoria	\$125 \$125	2–5 weeks	30,000 nontreated seed
Bacterial wilt		\$123	2-3 WEEKS	50,000 nonneated seed
Bacteriai wiit	Clavibacter michiganensis	\$125	2–5 weeks	30.000 nontreated seed
Fusarium root rot	subsp. michiganensis Fusarium oxysporum f. sp. radicis-lycopersici	\$123 \$35	2–5 weeks	500 nontreated seed
Fusarium vilt	Fusarium oxysporum f. sp. radicis-tycopersici Fusarium oxysporum f. sp. lycopersici	\$35 \$35	2–5 weeks	500 nontreated seed
rusarium wiit	Fusurium oxysporum 1. sp. tycopersici	φ33	2-3 weeks	300 nontreated seed
Tobacco mosaic virus	Tobacco mosaic virus	\$60	1 week	500 nontreated seed
Tobacco ringspot virus	Tobacco ringspot virus	\$60	1 week	500 nontreated seed
Tomato mosaic virus	Tomato mosaic virus	\$60	1 week	500 nontreated seed
Tomato ringspot virus	Tomato ringspot virus	\$60	1 week	500 nontreated seed
Potato Spindle Tuber				
Viroid (PSTVd)	PSTVd	\$250	3 weeks	1000 seed
WHEAT and OTHER GRA				
Glume blotch	Leptosphaeria nodorum	\$35	2–5 weeks	500 nontreated seed
Dwarf Bunt	Tilletia controversa (Tck)	\$35	1 week	250 g nontreated seed
Flag Smut	Urocystis agropyri (U.a.)	\$35	I week	250 g nontreated seed
Karnal Bunt	Tilletia indica (T.i.)	\$35	1 week	250 g nontreated seed
Smuts and bunts	TcK + U.a. +T.i.	\$50	1 week	250 g nontreated seed
Smuts and bunts	TcK + U.a. + T.i.	\$50	1 week	250 g nontreated seed

(f) Seed Testing. Where noted below, the hourly rate is \$60 per hour.

(1) Agricultural seed.

(1) Agricultural seed.			
	Purity ¹	Germination ²	Tetrazolium ²
	Analysis	Test	(TZ) Test
Alfalfa	\$ 39.00	30.00	60.00
Barley	63.00	29.00	75.00
Beans		47.00	60.00
Beet	56.00	51.00	100.00
Bentgrass	101.00	41.00	90.00
Bermudagrass	90.00	40.00	90.00
Bluegrass		36.00	90.00
Brome	Hourly	38.00	90.00
Burclover	58.00	31.00	60.00
Clover	48.00	31.00	60.00
Corn, field	30.00	37.00	60.00
Cotton	39.00	55.00	60.00
Cowpea	30.00	46.00	60.00
Dichondra	30.00	40.00	60.00
Fescue	112.00	36.00	75.00
Horsebean	30.00	55.00	60.00
Mustard		36.00	75.00
Oat	75.00	31.00	90.00
Orchardgrass	Hourly	42.00	90.00
Pea, field	30.00	36.00	60.00
Rice		36.00	75.00
Ryegrass		36.00	90.00
Safflower		36.00	90.00
Sorghum	60.00	36.00	90.00
Sudangrass	84.00	36.00	90.00
Sunflower		54.00	90.00
Sweetclover		31.00	60.00
Trefoil		36.00	60.00
Vetch	62.00	31.00	90.00

	Purity ¹	Germination ²	Tetrazolium ²
	Analysis	Test	(TZ) Test
Wheat		29.00 38.00	75.00 90.00

¹Purity Analysis requires a minimum sample of 30,000 seed units and includes California Noxious Weed Seed examination. Samples submitted not meeting the minimum shall not be run. For the minimum weight for a kind of seed, contact the California Seed Laboratory prior to submitting a sample for testing.

²Germination or Tetrazolium test requires a minimum sample of 1,000 seed units. Samples submitted not meeting the minimum shall not be run. For the minimum weight for a kind of seed, contact the California Seed Laboratory prior to submitting a sample for testing.

For germination tests of mixtures of two or more kinds of lawn or pasture seed, which require a purity separation before a germination test is made, the fee will include a purity analysis report if specifically requested.

For germination tests of mixtures of two or more kinds of lawn or pasture seed or all other kinds, the fee will be the sum of the fees established for germination tests of the several components. For a purity analysis of such mixtures, the fee is the same as for that component of the mixture for which the highest charge would be made if analyzed separately. The minimum fee for any mixture will be \$60.00.

(2) Vegetable seed.

	Purity ¹ Analysis	Germination ² Test	Tetrazolium ² (TZ) Test
A			. ,
Asparagus	\$35.00 30.00	40.00 47.00	90.00 60.00
Beans	56.00	51.00	100.00
Broccoli	57.00	31.00	75.00
Brussels sprouts	57.00	31.00	75.00
	57.00	31.00	75.00
Carrot	61.00	40.00	90.00
Carrot	57.00	31.00	75.00
Celery	69.00	40.00	90.00
Chard, Swiss	56.00	51.00	100.00
Chicory	60.00	36.00	75.00
Chives	49.00	35.00	75.00
Corn, sweet	37.00	40.00	60.00
Cucumber	42.00	31.00	60.00
Dill	60.00	40.00	90.00
Eggplant	36.00	36.00	75.00
Endive	60.00	40.00	75.00
Lettuce	52.00	36.00	75.00
Melon	42.00	36.00	60.00
Mustard	57.00	36.00	75.00
Okra	49.00	31.00	75.00
Onion	49.00	31.00	75.00
Parsley	60.00	40.00	90.00
Parsnip	60.00	40.00	90.00
Peas	30.00	36.00	60.00
Pepper	36.00	36.00	75.00
Pumpkin	42.00	40.00	60.00
Radish	40.00	31.00	60.00
Spinach	37.00	31.00	75.00
(except New Zealand)			
Squash	42.00	40.00	60.00
Tomato	36.00	36.00	75.00
Turnip	57.00	36.00	75.00
Watermelon	42.00	36.00	60.00

¹Purity Analysis requires a minimum sample of 30,000 seed units and includes California Noxious Weed Seed examination. Samples submitted not meeting the minimum shall not be run. For the minimum weight for a kind of seed, contact the California Seed Laboratory prior to submitting a sample for testing.

²Germination or Tetrazolium Tests require a minimum sample of 1,000 seed units. Samples submitted not meeting the minimum shall not be run. For the minimum weight for a kind of seed, contact the California Seed Laboratory prior to submitting a sample for testing.

Fees for additional tests, examinations, and services are as follows:
California or All State Noxious Weed Seeds examination \$
Complete Other Species examination ¹ \$35.00 ³
Foreign Noxious Weed Seeds ¹
Ryegrass Florescence ² \$20.00 ⁴
Sclerotia Percentage
Seed Mositure
Sod Quality Exam
Soil Percentage \$35.00 ³
Treated Seed
X-ray Analysis

¹ California, All State and Foreign Noxious Weed Seed examinations and Complete Other Species examination require a minimum sample of 30,000 seed units. Samples submitted not meeting the minimum shall not be run. For the minimum weight for a kind of seed, contact the California Seed Laboratory prior to submitting a sample for testing.

²Ryegrass Florescence test requires a minimum sample of 1,000 seed units. Samples submitted not meeting the minimum shall not be run. For the minimum weight for a kind of seed, contact the California Seed Laboratory prior to submitting a sample for testing.

 3 \$20.00 when a purity test, soil exam, sclerotia exam or noxious exam is also requested.

⁴In addition to Germination test fee.

Charges for tests of agricultural and vegetable seed kinds not listed and for seed that is unclean, field run, or excessively dirty will be based on the cost of a similar test, or on the time required to run the test at \$60.00 per hour (\$60.00 minimum charge).

Fees for special handling and services are as follows:

International Seed Testing Association (ISTA) \$20.00\frac{1}{2}\$
Canadian Seed Act & Regulations (CSAR) \$20.00\frac{1}{2}\$
Express mailing (Federal Express or others) Actual costs
FAXing test results \$3.00 per page

- (g) Postentry Quarantine Program Charges shall be per postentry quarantine inspection performed as required under federal regulation (7 CFR § 319.37–7) and based upon combining the total amounts of (1) and (2) below.
- (1) The charge for inspection performed at the postentry quarantine site is \$60 per hour.
- (2) The charge for travel, based upon the distance traveled from the responsible inspector's office to the postentry quarantine inspection site, shall be:
 - (A) \$50 for up to 50 miles;
 - (B) \$100 from over 50 to 100 miles:
 - (C) \$150 from over 100 to 150 miles;
 - (D) \$240 from over 150 to 200 miles; and,
 - (E) \$340 for over 200 miles.

NOTE: Authority cited: Sections 407, 5851, 5852 and 52331, Food and Agricultural Code. Reference: Sections 407, 5851, 5852 and 52331, Food and Agricultural Code.

HISTORY

- 1. New section filed 11–12–2002; operative 12–12–2002. Pursuant to Food and Agricultural Code Section 5852, subdivision (h), regulations establishing charges for the services listed in subdivision (a) of that section are not subject to review by the Office of Administrative Law (Register 2002, No. 46).
- 2. New subsections (f)-(f)(2) and amendment of Note filed 10-6-2004; operative 11-5-2004 (Register 2004, No. 41). Pursuant to Food and Agricultural Code section 5852(h), regulations establishing charges for services listed in subsection (a) of that section are not subject to review by OAL.
- New subsection (g) filed 2-15-2005; operative 3-17-2005 (Register 2005, No. 7). Pursuant to Food and Agricultural Code section 5852(h), regulations establishing charges for services listed in subsection (a) of that section are not subject to review by OAL.

Division 5. Miscellaneous Matters

NOTE: Authority cited: Sections 4501 and 4502, Food and Agricultural Code. Reference: Section 11385, Government Code.

HISTORY

 Editorial repealer of Chapter 5 (Section 5000), Master Premium List reference (Register 77, No. 10). For prior history, see Register 72, No. 6.

* * *

¹Additional fee for purity testing.

Barclays Official CALIFORNIA CODE OF REGULATIONS

Title 3. Food and Agriculture

Division 6. Pesticides and Pest Control Operations



Division 6. Pesticides and Pest Control Operations

TABLE OF CONTENTS

	P	age		Page
Chapter 1.	Pesticide Regulatory Program	359	§ 6154.	Change of Name.
Subchapter 1.	Definition of Terms	250	§ 6156.	Registration Date.
Subchapter 1.	Definition of Terms	339	§ 6157. § 6158.	Certification. Review and Evaluation.
Article 1.	Definitions for Division 6	359	§ 6159.	Data Requirements.
§ 6000.	Definitions.		§ 6160.	Operational Protocol for Pesticide
§ 6000.1				Registration and Evaluation
§ 6000.2 § 6000.3			§ 6168.	Manual. Fee for a Certificate of Interim
§ 6000.4			ş 0100.	Registration.
§ 6000.5	5. Definitions.		Article 2.	Registration Requirements 369
§ 6000.6			§ 6170.	Application.
	Definitions.		§ 6170.1.	Application. Application for Registration of
Subchapter 2.	Program Certification	364		Economic Poison (Pesticide) Form.
Article 1.	Purpose	364	§ 6170.5.	Application Form.
§ 6100.	Purpose.	504	§ 6171. § 6172.	Document Requests. General Toxicity Data.
§ 6102.	Severance.		-	•
Article 2.	Standards	264	Article 3.	Supplemental Data
§ 6110.	Public Reports.	304		Requirements
§ 6116. § 6116.	Notice of Final Decision.		§ 6176.	Safety Related to Exposure.
§ 6118.	Emergency Actions.		§ 6177.	Mixer, Loader, Applicator Exposure.
Article 3.	Consultation	365	§ 6178.	Management of Poisoning.
§ 6122.	Commissioner Consultation.	303	§ 6179.	Spray Adjuvants.
Ç,			§ 6180.	Rodenticides.
Subchapter 3.	Agricultural Commissioner		§ 6181.	Foliar Residue and Field Reentry.
	Penalties	365	§ 6182. § 6183.	Field Reentry. Indoor Exposure.
Article 1.	Guidelines	365	§ 6184.	Residue Test Method.
§ 6128.	Enforcement Response.		§ 6185.	Residue Data.
§ 6130.	Civil Penalty Actions by		§ 6186.	Efficacy.
	Commissioners.		§ 6187. § 6188.	Hazards to Bees. Closed System Compatibility.
Subchapter 4.	Inspection and		§ 6189.	Effects on Pest Management.
1	Investigation		§ 6190.	Inert Ingredient Hazard.
	Procedures	366	§ 6191.	Volatile Organic Compounds.
		5/00	§ 6192. § 6193.	Other Data. Wettable and Soluble Powders.
Article 1.	Inspection, Copying and		§ 6193.5.	Acute Effects Data for Dietary Risk
	Sampling	366	0	Assessment.
§ 6140.	Inspection Authority.		§ 6194.	Required Submission of Data.
§ 6141.	Employee Interviews.		§ 6195. § 6196.	Acceptability of Submitted Studies. Adoption of Federal Authority.
Subchapter 5.	Sunset Review of		§ 6196.1.	Provisions for Suspension.
	Regulations 3	66.1	§ 6197.	Applicability of Section 6196 to
Article 1.	Sunset Review Schedule 3	66.1		Data Obtained Pursuant to Food and
§ 6142.	Sunset Review of Regulations.	00.1	§ 6197.5.	Agricultural Code Section 12824. Assessment of Pesticide
g 0142.	Subset Review of Regulations.		3 0177.3.	Registrants.
Chapter 2.	Pesticides 3	66.1	§ 6198.	Determination of Critical Need.
Subchapter 1.	Pesticide Registration 3	66.1	§ 6198.5.	List of Active Ingredients Identified
Subchapier 1.	resucide Registration	000.1		Pursuant to Section 13127 of the Food and Agricultural Code.
Article 1.	General Provisions	66.1	§ 6199.	Fines for Ground Water Protection
§ 6145.	Intended to Be Used.			Data Gaps.
§ 6146.	Liquid Chemical Sterilants.		§ 6199.5.	Assessment of Pesticide Registrants
§ 6147. 8 6148	Exempted Pesticide Products. Fee for Each Product Submitted for			(The Pesticide Contamination
§ 6148.	Registration.			Prevention Act, Sections 13141–13152 Food and Agricultural
§ 6148.:				Code).
-	Pesticide Products.		§ 6199.7.	Submission of Groundwater
§ 6151.	Evaluation Time Frames.			Protection Data On Specified
§ 6152. § 6153.	Brands. Transfer of Registration.			Ingredients and Degradation Products.
ž 0133.	rander of registration.			

Page i (7-25-2008)

		Page		Page
Article	4. § 6200.	Conditional Registration	Article 15. § 6310.	Data Cost-Sharing
Article	5	Exemptions 378	§ 6312.	Noncompliance Notification.
	§ 6205.	Deodorizer or Cleansing Agent.	§ 6314.	Determination.
	§ 6206.	Section 18 Exemptions.	Subchapter 2.	Cancellations and
Article	6.	Adverse Effects Disclosure 379		Suspensions
	§ 6210.	Adverse Effect Disclosure.	Article 1.	Cancellations 386
Article	7	Renewals	§ 6350.	DDT and DDD.
	§ 6215.	Renewal.	§ 6352.	2,4,5-T.
	§ 6216.	Annual Registration Renewal Fee.	§ 6354. § 6356.	Inorganic Mercury Compounds. Inorganic Arsenic.
	§ 6217.	Penalties for Late Payment of	§ 6358.	Inorganic Phosphorous Paste.
		Annual Renewal Application Fee.	§ 6359.	Ethylene Dibromide.
Article		Reevaluation Criteria 379	§ 6360. § 6361.	Cadmium Compounds. Butyl Mercaptan Limitations.
	§ 6220.	Reevaluation.	§ 6362.	1,2–Dichloropropane Limitations.
	§ 6221. § 6222.	Reevaluation Criteria. Reevaluation Data Requirements.	Article 2.	Suspensions
	§ 6223.	Notification.	§ 6370.	DBCP
	§ 6224.	Determinations.	v	(1,2-Dibromo-3-Chloropropane).
	§ 6225. § 6226.	Reports. Product Evaluation.	§ 6372.	N–3–Pyridylmethyl N'–P Nitrophenyl Urea (Vacor).
	§ 6227.	Annual Review.	§ 6379.	Restrictions on Use of Bladex
	§ 6228.	Designation of Restricted Materials.		(Cyanizine).
Article	9. § 6230.	Trade Secret	Subchapter 3.	Assessments
	§ 6230.	Trade Secret Determinations.	Article 1.	Mill Assessment Collection 386.1
Article	10	Labeling 380	§ 6380.	Sales Invoice Misrepresentation.
	§ 6235.	Name, Brand, or Trademark of	§ 6382. § 6384.	Penalties. Exemptions.
	, 0255.	Pesticide.	§ 6386.	Established Rate.
	§ 6237.	Placement of Label.	§ 6388.	Pesticide Sales and Assessment
	§ 6238. § 6239.	Acceptance of Labeling. Name and Address of Manufacturer,		Reporting.
	3 0257.	Distributor, Packer, Formulator, or	Article 2.	Mill Assessment Disbursement
	§ 6240.	Registrant. Legibility of Label and Labeling.	0.6200	Criteria 387
	§ 6240. § 6241.	Registration Number.	§ 6390. § 6391.	Purpose of Article. County Reimbursement.
	§ 6242.	Warning or Caution Statement.	§ 6392.	County Remodischient. County Reports.
	§ 6243.	Scope of Labeling Requirements.	§ 6393.	Criteria Items and Apportionment.
Article	11.	Subpackaging 382	§ 6394. § 6395.	Performance Evaluation. Minimum Reimbursement.
	§ 6247.	Sub-Packaging of Certain Pesticides	§ 6396.	Residual Funds.
		for Resale to Consumers.	§ 6397.	Sunset Review of Regulations.
Article	12.	Consultation and Public	Subchapter 4.	Restricted Materials
	8 (252	Review	Article 1.	Restricted Materials
	§ 6252.	Pesticide Registration, Renewal, and Reevaluation Consultation.	§ 6400.	Restricted Materials.
	§ 6253.	Proposed Decision.	§ 6402.	Exempt Materials.
	§ 6254.	Public Report.	Article 2.	Possession and Use
	§ 6255. § 6256.	Notice of Decision. Pest Management Advisory		Limitations 390
	3 0230.	Committee.	§ 6404.	Certification Requirements.
Article	13.	Research Authorization 383	§ 6406. § 6408.	Supervision Standards. Private Applicator Certification.
	§ 6260.	Authorization for Research.	§ 6410.	Pesticide Safety Information Series.
	§ 6261.	Exemptions from Authorization for Research.	§ 6412.	Restricted Material Permit Requirements.
	§ 6262.	Application for Research	§ 6414.	Permit Exemptions.
	§ 6263.	Authorization. Experimental Applications.	§ 6416.	Groundwater Protection Restrictions.
	§ 6264.	Notification and Use of Research	§ 6417.	Research Authorization for
	8 (2(4.1	Authorization.		Groundwater Protection List
	§ 6264.1.	Research Authorization—Pesticide Form.		Chemicals.
	§ 6266.	Reports of Research Authorization Use.	Article 3. § 6420.	Permit System
	§ 6268.	Exemptions from Authorization for	§ 6422.	Permit Duration.
	§ 6270.	Research. Costs and Fees Prohibited.	§ 6424. § 6426.	Forms. Alternatives and Mitigation
	§ 6270. § 6272.	Possession of Authorization.	ş 0 -1 20.	Measures.
Article	-	Violations	§ 6428.	Agricultural Permit Applications.
, mucic	§ 6300.	Misbranding.	§ 6430.	Nonagricultural Permit Applications.
	§ 6300.	Unregistered Products.	§ 6432.	Permit Evaluation.

Page ii (7-25-2008)

	Page		Page
§ 6434.	Notice of Intent.	§ 6467.	Folpet.
§ 6436.	Permit Monitoring.	§ 6468.	1,3-Dichloropropene and Ethylene
§ 6438.	Pest Control Records.		Dibromide.
§ 6440.	Pesticide Use Reports.	§ 6469.	Propargite (Omite, Comite).
§ 6442.	Permit Review.	§ 6470.	Cotton Harvest Aids.
§ 6443.	Permits for Use of Phenoxy	§ 6472.	Ethylene Dichloride.
§ 6444.	Herbicides on Timberland. Generalized Effects.	§ 6473. § 6474.	Bromoxynil. Carbofuran.
**		§ 6474. § 6476.	Fenamiphos.
Article 4.	Field Fumigation Use	§ 6480.	2,4-Dichlorophenyl P-Nitrophenyl
	Requirements 394	0	Ether.
§ 6445.	Fumigation-Handling Activities.	§ 6482.	Oxydemeton-Methyl
§ 6445.5.	Field Fumigation Licensing		(Metasystox–R).
	Requirements.	§ 6484.	Bentazon (Basagran).
§ 6447.	Methyl Bromide–Field Fumigation	§ 6486. § 6486.	Atrazine. 1. Atrazine.
8 6447 1	 General Requirements. Methyl Bromide Field Fumigation 	§ 6486.:	
§ 6447.1.	Notification Requirements.	§ 6486	
§ 6447.2.	Methyl Bromide Field Fumigation	§ 6486.4	
9	Buffer Zone Requirements.	§ 6486.:	5. Prometon.
§ 6447.3.	Methyl Bromide Field Fumigation	§ 6486.	
	Methods.	§ 6486.	
§ 6448.	1,3-Dichloropropene Field	§ 6486.3	
	Fumigation — General	§ 6487. § 6487.	
§ 6448.1.	Requirements. 1,3–Dichloropropene Field	§ 6487.	
8 01-10.1.	Fumigation Methods.	0	Ground Water Protection Areas.
§ 6449.	Chloropicrin Field Fumigation —	§ 6487.4	4. Runoff Ground Water Protection
•	General Requirements.		Areas.
§ 6449.1.	Chloropicrin Field Fumigation	§ 6487.:	
	Methods.	9.7400	Areas.
§ 6450.	Metam-Sodium, Potassium	§ 6488.	Antifouling Paints or Coatings Containing Tributyltin.
	N-methyldithiocarbamate	§ 6489.	Tributyltin Paint and/or Coating
	(metam–potassium), and Dazomet Field Fumigation — General	, 040 <i>)</i> .	Additives.
	Requirements.	Subchapter 5.	Produce Carrying
§ 6450.1.	Metam-Sodium and Potassium	Subchapier 5.	
•	N-methyldithiocarbamate		Pesticide Residue 406
	(Metam-Potassium) Field	Article 1.	Tolerances and Exemptions 406
2.5450.5	Fumigation Methods.	§ 6490.	Incorporation of Federal Tolerances.
§ 6450.2.	Dazomet Field Fumigation	§ 6492.	Limitation on Residues.
§ 6450.3.	Methods. Methyl Bromide Field Fumigation	Chantan 2	Past Control Operations 406
ş 0+30.3.	Methods. [Renumbered.]	Chapter 3.	Pest Control Operations 406
§ 6451.	Sodium Tetrathiocarbonate Field	Subchapter 1.	Licensing 406
•	Fumigation — General	Article 1.	General License
	Requirements.	Atticic 1.	
§ 6451.1.	Sodium Tetrathiocarbonate Field		Requirements 406
8 6452	Fumigation Methods.	§ 6500.	License Duration.
§ 6452.	Reduced Volatile Organic Compound Emissions Field	§ 6502. § 6504.	Applications.
	Fumigation Methods.	§ 6505.	Examinations. Examination Fees.
§ 6452.1.	Furnigant Volatile Organic	§ 6506.	Acceptance of Prior Examination.
	Compound Emission Records and	§ 6508.	Notification of Change.
0 < 150 0	Reporting.	§ 6510.	Renewals and New Applications.
§ 6452.2.	Fumigant Volatile Organic Compound Emission Limits.	§ 6511.	Continuing Education
§ 6452.3.	Field Furnigant Volatile Organic	§ 6512.	Requirements. Approval of Continuing Education
8 0-32.3.	Compound Emission Allowances.	g 0312.	Courses.
§ 6452.4.	Annual Volatile Organic Compound	§ 6513.	Records of Continuing Education.
· ·	Emissions Inventory Report.	§ 6514.	Regional Accreditation
Article 5.	Use Requirements		Committees.
	•	Article 2.	Agricultural Pest Control
§ 6453.	Chloropicrin and Methyl Bromide—Nursery and Commodity		-
	Fumigation.	0 (500	Operator Licenses
§ 6454.	Chloropicrin and Methyl	§ 6520.	Authorized Agent Qualifications.
,	Bromide—Structural Fumigation.	§ 6522. § 6524.	Categories. Financial Responsibility of
§ 6455.	Sulfuryl Fluoride—Structural	g 0324.	Applicants for an Agricultural Pest
	Fumigation, Aeration, and Reentry.		Control Business License.
§ 6456.	Sodium Arsenite.	Article 3.	Qualified Applicators 410
§ 6457.	Bentazon (Basagran).		
§ 6458. 8 6460	Aldicarb.	§ 6530. § 6532.	Categories and Examinations.
§ 6460. § 6462.	Drift Control. Propanil.	§ 6534.	Expiration. Refusal, Revocation, and
§ 6464.	Phenoxy and Certain Other	g 0554.	Suspension.
, c.c	Herbicides.	§ 6536.	Field Fumigation Licensing
§ 6466.	Paraquat.	-	Requirements.

Page iii (7-25-2008)

	Page		Page
Article 4.	Pest Control Aircraft	§ 6636.	Pest Control Records and Reports.
	Pilot's Certificate 411	Article 3.	Protection of Bees 416.3
§ 6540.	Apprentice Pilot Supervision.		
§ 6542.	Registration.	§ 6650. § 6651.	Pesticides Toxic to Bees. Vector Control Exemption.
§ 6544.	Pesticide Handling by Pilots.	§ 6652.	Availability for Notification.
A	• •	§ 6654.	Notification to Beekeepers.
Article 5.	Agricultural Pest Control	§ 6655.	Notification Region for Butte, Glenn
	Adviser Licenses 411		and Tehama Counties.
§ 6550.	Minimum Qualifications.	§ 6656.	Citrus/Bee Protection Area.
§ 6551.	Licensing for Public Agencies.	Article 4.	Storage, Transportation and
§ 6552. § 6554.	Continued Education Requirements. Regional Accreditation Committee.		Disposal
§ 6556.	Recommendations.	§ 6670.	Container Control.
§ 6557.	Advisories for Groundwater	§ 6672.	Delivery of Pesticide Containers.
, ,	Protection.	§ 6674.	Posting of Pesticide Storage Areas.
Article 6.	Pest Control Dealer	§ 6676.	Container Requirements.
Afficie 0.		§ 6678.	Service Container Labeling.
	Licenses	§ 6680.	Prohibited Containers for
§ 6560.	Supervision.	§ 6682.	Pesticides. Transportation.
§ 6562.	Dealer Records and Sales Reporting.	§ 6684.	Rinse and Drain Procedures.
§ 6564.	Appropriate Products.	§ 6686.	Exemptions.
§ 6566.	Supplemental Labeling.	C-1-1-4-2	Describe Well Cofees
§ 6568.	Dealer Responsibilities.	Subchapter 3.	Pesticide Worker Safety 418
§ 6570.	Groundwater Protection Material	Article 1.	General Scope and Purpose 418
0.6570	Requirements.	§ 6700.	Scope.
§ 6572. § 6574.	Sales Reporting. Antifouling Paints or Coatings	§ 6701.	Interpretation Consistent with
8 0.574.	Containing Tributyltin—Dealer	V	Federal Standards.
	Requirements.	§ 6702.	Employer–Employee
§ 6576.	Sales Limitation of Clopyralid.		Responsibilities.
Article 7.	Private Applicators 414	§ 6704. § 6706.	Application of Labor Code. Hazardous Areas.
	Private Applicators	§ 6708.	Inspection Authority.
§ 6580. § 6582.	Certificate Issuance. Certificate Renewal.	§ 6710.	Pesticide Exposure Studies
§ 6584.	Continuing Education	v	Involving Human Participants.
,	Requirements.	§ 6712.	Public Agencies.
Subchapter 2.	Work Requirements 414	§ 6714. § 6716.	Exemptions.
Subchapter 2.	•	*	Sunset Review of Regulations.
Article 1.	Pest Control Operations	Article 2.	General Safety Requirements 420
	Generally 414	§ 6720.	Safety of Employed Persons.
§ 6600.	General Standards of Care.	§ 6722. § 6723.	Age. Hazard Communication for
§ 6601.	General Application of Standards.	8 0723.	Pesticide Handlers.
§ 6602.	Availability of Labeling.	§ 6723.1.	the state of the s
§ 6604.	Accurate Measurement.		for Handlers.
§ 6606. § 6608.	Uniform Mixture. Equipment Cleaning.	§ 6724.	Handler Training.
§ 6609.	Wellhead Protection.	§ 6726. § 6728.	Emergency Medical Care. Medical Supervision.
§ 6610.	Backflow Prevention.	§ 6730.	Working Alone.
§ 6612.	Age.	§ 6732.	Change Area.
§ 6614.	Protection of Persons, Animals, and Property.	§ 6734.	Handler Decontamination Facilities.
§ 6616.	Consent to Apply.	§ 6736.	Coveralls.
§ 6618.	Notice of Applications.	§ 6738. § 6739.	Personal Protective Equipment. Respiratory Protection.
§ 6619.	Pesticide Application Completion	§ 6740.	Adequate Light.
2.5620	Notice.	§ 6742.	Safe Equipment.
§ 6620.	Vector Control Exemption.	§ 6744.	Equipment Maintenance.
§ 6622. § 6623.	Operator Identification Numbers. Site Identification Numbers.	§ 6746.	Closed Systems.
§ 6624.	Pesticide Use Records.	Article 3.	Field Worker Safety 424.3
§ 6625.	Pesticide Use Report for School	§ 6760.	Employer Responsibility and
	Sites.	3 0700.	Exceptions.
§ 6626.	Pesticide Use Reports for	§ 6761.	Hazard Communication for Field
\$ 6607	Production Agriculture. Monthly Summary Pesticide Use		Workers.
§ 6627.	Reports.	§ 6761.1	
§ 6627.1		§ 6762.	for Fieldworkers.
3 0021.1	Report Form.	9 0 / 0 2 .	Field Work During Pesticide Application.
§ 6628.	Negative Pesticide Use Reports.	§ 6764.	Fieldworker Training.
Article 2.	Pest Control Business	§ 6766.	Emergency Medical Care.
mucic 2.		§ 6768.	Fieldworker Decontamination
0	Operations		Facilities.
§ 6630. 8 6632	Equipment Identification.	§ 6769. 8 6770	Greenhouse Ventilation Criteria.
§ 6632. § 6634.	Recommendation and Use Permit. Accident Reports.	§ 6770.	Field Entry After Pesticide Application.
ξ 005 1 .			· ·pp··············

Page iv (7-25-2008)

	Page			Page
§ 6771.	Requirements for Early Entry Fieldworkers.	§ 6806.1	. Groundwater Protection List Use Report Form.	
§ 6772.	Restricted Entry Intervals.	§ 6808.	Sunset Review of Regulations.	
§ 6774.	Restricted Entry Interval Adjustments.	Subchapter 2.	Air	424.8
§ 6776. § 6778.	Field Postings. Records.	Article 1. § 6860.	Toxic Air Contaminants Toxic Air Contaminants List.	424.8
Article 4. § 6780.	Fumigation	§ 6890.	Criteria for Identifying Pesticides as Toxic Air Contaminants.	
§ 6782. § 6784.	Requirements. Fumigation in Enclosed Spaces. Field Fumigation.	Article 2. § 6895.	Volatile Organic Compounds Prohibition of Use of Weed Oils.	424.8
Article 5.	Minimal Exposure	Subchapter 3.	Aquatic and Marine	
§ 6790. § 6791.	Pesticides	Article 1.	Environments Pesticide Contamination	424.9
§ 6792. § 6793.	Conditions of Use. Minimal Exposure Pesticide Safety Use Requirements.	§ 6900.	Protection	424.9
Article 6. § 6795.	Use Requirements	§ 6910.	Prohibition of Use and Sale of Pesticide Products Containing Tributyltin.	
Chapter 4.	Environmental Protection 424.7	§ 6920.	Prohibition of Use and Sale of Pesticide Products Containing	
Subchapter 1.	Ground Water 424.7	§ 6950.	Copper. Clopyralid.	
Article 1.	Pesticide Contamination	Subchapter 5.	Surface Water	424.9
§ 6800.	Prevention	Article 1.	Pesticide Contamination	
\$ 6802. \$ 6804. \$ 6806.	Pesticide Management Zones. Specific Numerical Values. Use Reporting.	§ 6960.	Prevention	424.9

Page v (7-25-2008)

Division 6. Pesticides and Pest Control Operations

Chapter 1. Pesticide Regulatory Program

Subchapter 1. Definition of Terms

Article 1. Definitions for Division 6

§ 6000. Definitions.

"Agricultural commodity," means an unprocessed product of farms, ranches, nurseries and forests (except livestock, poultry and fish). Agricultural commodities include fruits and vegetables; grains, such as wheat, barley, oats, rye, triticale, rice, corn and sorghum; legumes, such as field beans and peas; animal feed and forage crops; rangeland and pasture; seed crops; fiber crops such as cotton; oil crops such as safflower, sunflower, corn and cottonseed; trees grown for lumber and wood products; nursery stock grown commercially; Christmas trees; ornamentals and cut flowers; and turn grown commercially for sod.

"Air-purifying respirator" means a respirator with an air-purifying filter, cartridge, or canister that removes specific air contaminants by passing ambient air through the air-purifying element.

"Application block" means a field, or portion of a field, treated in a 24-hour period that typically is identified by visible indicators, maps, or other tangible means.

"Applied to the soil" or "applied to the ground" means the labeling of a pesticide product includes terminology such as,

- (a) Soil fumigant
- (b) Soil applied
- (c) Soil treatment product
- (d) Can be used as a soil drench
- (e) Application to soil
- (f) Inject into the soil
- (g) Incorporate in top (x) inches of soil; pre-plant incorporation
- (h) Use on soil for control of soil-borne diseases
- (i) Surface application; band treatment, surface blend
- (j) Side dressing both/one side of row and cultivate into soil
- (k) Should be mixed uniformly into top (x) inches of soil
- (1) Pre-emergent to the weed
- (m) Broadcast to the soil
- (n) Apply in seed furrow

"Artificial recharge basin" means a surface facility, such as an infiltration pond or basin, or spreading ground specifically designed and managed to increase the infiltration of introduced surface water supplies into a ground water basin. "Artificial recharge basin" does not include ditches, canals, or reservoirs designed primarily to transport and store water, or stream channels, lakes, and other naturally occurring water bodies that are not principally managed to recharge ground water.

"Assure" or "Ensure" means to take all reasonable measures so that the behavior, activity, or event in question occurs. When the behavior, activity, or event in question involves or concerns an employee, reasonable measures by an employer include determining that the employee has the knowledge to comply; providing the means to comply; supervising the work activity; and having and enforcing a written workplace disciplinary action policy covering the employer's requirements, as well as other measures required by pesticide law or this division.

"Atmosphere–supplying respirator" means a respirator that supplies the respirator user with breathing air from a source independent of the ambient atmosphere, and includes supplied–air respirators (SAR) and self–contained breathing apparatus (SCBA) units.

"Branch location" means any location, other than the principal place of business, operated by a pesticide dealer or an agricultural pest control business to carry out licensed activities in California. "Buffer zone" as used in sections 6447, 6447.1, 6447.2, and 6447.3 means an area that surrounds a pesticide application block in which certain activities are restricted for a specified period of time to protect human health and safety from existing or potential adverse effects associated with a pesticide application.

"Carbamates" means esters on N-methyl carbamic acid which inhibit cholinesterase.

"Certified commercial applicator" means:

- (a) A person holding a valid qualified license issued by the director;
- (b) A pilot holding a valid journeyman pest control aircraft pilot's certificate issued by the director;
- (c) A person holding a certified technician certificate issued by the Vector Biology and Control Section of the Department of Health Services:
- (d) A person holding a valid structural pest control operator or field representative license issued by the Structural Pest Control Board of the Department of Consumer Affairs; and
- (e) A person holding a valid qualified applicator certificate by the director.

"Certified private applicator" means a private applicator holding a valid private applicator certificate issued by the commissioner (or the director in any county where there is no commissioner).

"Chemical resistant" or "Waterproof" means a material that allows no measurable movement of the pesticide through it during use. When a specific material is specified on pesticide product labeling, personal protective equipment constructed of that material shall be used.

"Chemigation" means the application of pesticides through irrigation systems.

"Closed system" means a procedure for removing a pesticide from its original container, rinsing the emptied container and transferring the pesticide product, mixtures and dilutions and rinse solution through connecting hoses, pipes and couplings that are sufficiently tight to prevent exposure of any person to the pesticide or rinse solution. Rinsing is not required when the pesticide is used without dilution. The system's design and construction shall meet the director's closed system criteria.

"Commercial applicator" means a person who uses or supervises the use of a pesticide for any purpose or on any property other than as provided by the definition of "private applicator."

"Confidential reader" is a person chosen by an employee required to wear a respirator to read to him/her the Medical Evaluation Questionnaire required under section 6739 in a language primarily understood by the employee. This includes, but is not limited to, a coworker, family member, friend, or an independent translator provided by the employer. The employer or the employer's direct agent, such as a supervisor, manager, foreman, or secretary, are not included and are prohibited from being confidential readers.

"Conflict with labeling" means any deviation from instructions, requirements or prohibitions of pesticide product labeling concerning storage, handling or use except:

- (a) A decrease in dosage rate per unit treated;
- (b) A decrease in the concentration of the mixture applied;
- (c) Application at a frequency less than specified;
- (d) Use to control a target pest not listed, provided the application is to a commodity/site that is listed and the use of the product against an unnamed pest is not expressly prohibited;
- (e) Employing a method of application not expressly prohibited, provided other directions are followed;
- (f) Mixing with another pesticide or with a fertilizer, unless such mixture is expressly prohibited;
- (g) An increase in the concentration of the mixture applied, provided it corresponds with the current published UC Pest Management Guidelines of the University of California, which are available from their Statewide Integrated Pest Management Project, One Shields Avenue, Davis, California 95616, or on–line at http://www.ipm.ucdavis.edu; or
- (h) The use of personal protective equipment consistent with the exceptions and substitutions in section 6738.

"Continuous monitoring" means the measurement of the air concentration of a specific pesticide on an uninterrupted, real-time basis by instrumental methods.

"Course" means any course, class, or program offered by a provider of continuing education approved pursuant to section 6512.

"Coverall" means a one—or two—piece garment of closely woven fabric or equivalent that covers the entire body, except the head, hands, and feet, and must be provided by the employer as personal protective equipment. Coverall differs from, and should not be confused with, work clothing that can be required to be provided by the employee.

"Display" means to make information available to the employee so that he or she may readily see and read the document, during normal business hours, without having to make a specific request of any person. An employee shall not be hindered or impeded from examining documents required to be displayed. This definition does not preclude using a binder or filing cabinet, that otherwise meets these criteria, to contain documents for display.

"Dormant insecticide" means petroleum distillates, petroleum hydrocarbons, unclassified petroleum oils, and mineral oils with the addition of other insecticides—or other insecticides used alone—that are used for pest control and applied to deciduous plants.

"Dormant oil" means petroleum distillates, petroleum hydrocarbons, unclassified petroleum oils, and mineral oils that are used for pest control and applied to deciduous plants.

"Early entry" means entry into a treated field or other area after the pesticide application is complete, but before the restricted entry interval or other restrictions on entry for that pesticide have expired.

"Employee" means any person who, for any kind of compensation, performs work, services, or activities covered by this division.

"Employer" means any person who exercises primary direction and control over the work, services, or activities of an employee. A foreman, crew leader, supervisor, or similarly situated person represents the employer when hiring an employee or when exercising, or having responsibility for exercising, the primary direction and control, but is not considered the employer himself or herself.

"Enclosed cab" means a chemical resistant barrier that completely surrounds the occupant(s) of the cab and meets those portions of the requirements in American Society of Agricultural Engineers Standard S–525 (Rev. 5/98) that pertain to dermal protection.

"Enclosed cab acceptable for respiratory protection" means an enclosed cab that incorporates a dust/mist filtering and/or a vapor or gas removing air purification system, as appropriate for the exposure situation. Enclosed cabs certified by the manufacturer as meeting American Society of Agricultural Engineers Standard S–525 (Rev. 5/98) are acceptable under this definition. The Director may, upon request, approve other enclosed cabs as acceptable under this definition.

"Engineered rights-of-way" means areas within a ground water protection area that are constructed in a way that results in increased runoff and collection of storm water, such as railroad ballasts and berms, public roadsides, and highway median strips or similar areas, but not canal or ditch banks or utility lines.

"Evapotranspiration" is the combination of water transpired from vegetation and evaporated from the soil and plant surfaces. Evapotranspiration data can be obtained from the California Irrigation Management Information System (CIMIS) or other local sources.

"Examination" means written examination.

"Feasible" means capable of being accomplished in a successful manner, within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

"Feasible alternatives" means other chemical or non-chemical procedures which can reasonably accomplish the same pest control function with comparable effectiveness and reliability, taking into account economic, environmental, social, and technological factors and timeliness of control.

"Feasible mitigation measure" means a condition attached to the approval of an activity which, if implemented, would substantially reduce

any adverse impact, taking into account economic, environmental, social, and technological factors and timeliness of control.

"Field" means any area (including a greenhouse) upon which one or more agricultural plant commodities (including forest and nursery products) are grown for commercial or research production. Field does not include range or pasture harvested by grazing animals.

"Field capacity" is the amount of water remaining in soil when the downward water flow due to gravity becomes negligible.

"Fieldworker" means any person who, for any kind of compensation, performs cultural activities in a field. Fieldworker does not include persons performing tasks as a crop advisor, including field checking or scouting, making observations of the well being of the plants, or taking samples, nor does it include local, state, or federal officials performing inspection, sampling, or other similar official duties.

"Filter or air purifying element" means a component used in respirators to remove solid or liquid aerosols from the inspired air.

"Filtering facepiece (dust mask)" means a negative pressure particulate respirator with a filter as an integral part of the facepiece or with the entire facepiece composed of the filtering medium.

"Fumiscope®" is a monitoring instrument that measures the concentration of methyl bromide inside a structure in ounces per 1,000 cubic feet. (The analytical detection limit of a Fumiscope® is 250 parts per million [ppm]).

"Greenhouse" means a structure or space, of sufficient size to permit entry, that is enclosed with a nonporous covering and used in the commercial or research production of an agricultural plant commodity. The term includes, polyhouses, mushroom houses, rhubarb houses and similar structures.

"Ground-based application equipment" means equipment such as:

- (a) Hand sprayers
- (b) Backpack sprayers
- (c) Air-blast sprayers
- (d) Field soil injection equipment
- (e) Dusters
- (f) Drills
- (g) Granular applicators
- (h) Ground-rig sprayers

"Ground water protection area" means an area of land that has been determined by the Director to be vulnerable to the movement of pesticides to ground water, as identified in the Department of Pesticide Regulation document EH03-05 (Est. 08/03), hereby incorporated by reference, entitled "Ground Water Protection Areas," in Appendix I. The determination of a ground water protection area is based on factors, such as soil type, climate, and depth to the ground water, that are characteristic of areas where legally applied pesticides or their breakdown products have been detected and verified in ground water.

"Hand labor" means any cultural activity, performed by hand or with hand tools, that causes substantial contact with surfaces (such as plants or soil) that may have pesticide residues. These activities include hand harvesting, detasseling, thinning, hand weeding, topping, planting, sucker removal, pruning, disbudding, roguing, and packing produce into containers in the field. Hand labor does not include operating, moving, or repairing irrigation equipment or performing the duties of a crop advisor, field checker, or scout, making observations of the well being of the plants, or taking samples.

"Handle" means mixing, loading, transferring, applying (including chemigation), or assisting with the application (including flagging) of pesticides, maintaining, servicing, repairing, cleaning, or handling equipment used in these activities that may contain residues, working with opened (including emptied but not rinsed) containers of pesticides, adjusting, repairing, or removing treatment site coverings, incorporating (mechanical or watered—in) pesticides into the soil, entering a treated area during any application or before the inhalation exposure level listed on pesticide product labeling has been reached or greenhouse ventilation criteria have been met, or performing the duties of a crop advisor, includ-

ing field checking or scouting, making observations of the well being of the plants, or taking samples during an application or any restricted entry interval listed on pesticide product labeling. Handle does not include local, state, or federal officials performing inspection, sampling, or other similar official duties.

"Home use" means use in a household or its immediate environment.

"Human Participant" means a living person who participates in a human pesticide exposure study conducted in order to obtain (1) data through intervention or interaction with the participant, or (2) identifiable private information. Intervention, as used in this definition, includes both physical procedures by which data are gathered and manipulations of the participant or the participant's environment that are performed for research purposes. Interaction, as used in this definition, includes communication or interpersonal contact between the investigator and human participant. Private information, as used in this definition, includes information about behavior that occurs in a context in which a participant can reasonably expect that no observation or recording is taking place, and information which has been provided for specific purposes by a participant and which the participant can reasonably expect will not be made public. Private information must be individually identifiable in order for the acquisition of that information to constitute research involving human participants. Individually identifiable means that the identity of the participant is or may readily be ascertained by the investigator or associated with the information.

"Hydrologically isolated site" means any treated area that does not produce runoff capable of entering any irrigation or drainage ditch, canal, or other body of water.

"Immediately dangerous to life or health (IDLH)" means an atmosphere that poses an immediate threat to life, would cause irreversible adverse health effects, or would impair an individual's ability to escape from a dangerous atmosphere.

"Industrial use" means use for or in a manufacturing, mining or chemical process or use in the operation of factories, processing plants, and similar sites.

"Institutional Review Board (IRB)" means an objective committee whose purpose is to review protocols of human pesticide exposure studies to ensure the safety and general welfare of the human participants, and to guarantee that their human rights are not violated. The Institutional Review Board shall meet the requirements as specified in Title 40 Code of Federal Regulations, (Protection of the Environment), Part 26, (Protection of Human Subjects), when conducting a review of a protocol.

"Institutional use" means use within the confines of, or on property necessary for the operation of buildings such as hospitals, schools, libraries, auditoriums and office complexes.

"Leaching ground water protection areas" are sections of land designated as "leaching" in the Department of Pesticide Regulation document EH03–05 (Est. 08/03), hereby incorporated by reference, entitled "Ground Water Protection Areas," where pesticide residues move from the soil surface downward through the soil matrix with percolating water to ground water.

"Medical supervision" means occupational health guidance and necessary associated health evaluation by a physician licensed to practice medicine.

"Net irrigation requirement" is the amount of water needed to bring the soil in the crop root zone to field capacity at the time of irrigation. It can be determined by direct measurements of soil moisture, such as by using tensiometers, or indirect measurements of soil moisture, such as by estimating evapotranspiration that has accumulated since the last irrigation.

"Notice of Intent" means oral or written notification to the commissioner, as specified by the commissioner, prior to the use of a pesticide pursuant to a permit.

"Nursery" means any operation engaged in the outdoor commercial or research production of cut flowers or ornamental cut greens or any plants that will be used in their entirety in another location.

"Operator of the property" means a person who owns the property and/ or is legally entitled to possess or use the property through terms of a lease, rental contract, trust, or other management arrangement. "Organophosphates" means organophosphorus esters which inhibit cholinesterase.

"Ozone nonattainment area" means an area designated in Title 40, Code of Federal Regulations section 81.305 for the purpose of air quality planning within the chart titled "California — Ozone (1–Hour Standard)."

"Person" means any individual, partnership, association, corporation, business entity or organized group of persons whether incorporated or not.

"Personal protective equipment" (PPE) means apparel and devices worn to minimize human body contact with pesticides or pesticide residues that must be provided by an employer and are separate from, or in addition to, work clothing. PPE may include, chemical resistant suits, chemical resistant gloves, chemical resistant footwear, respiratory protection devices, chemical resistant aprons, chemical resistant headgear, protective eyewear, or a coverall (one— or two—piece garment).

"Pest management guides" are manuals prepared by the Department or University of California that include pest management information on specific crops and which have been adopted as a standard by the director.

"Pesticide" means:

- (a) any substance or mixture of substances that is a pesticide as defined in the Food and Agricultural Code and includes mixtures and dilutions of pesticides.
- (b) as the term is used in Section 12995 of the Food and Agricultural Code, includes any substance or product that the user intends to be used for the pesticidal poison purposes specified in Sections 12753 and 12758 of the Food and Agricultural Code.

"Pesticide exposure study" means

- (a) A data gathering project that meets one or more of the following criteria:
- (1) Human participants are to be directly exposed to the pesticide for the purpose of determining its pharmacokinetics or pharmacodynamics;
- (2) Human participants are monitored and the use of the pesticide is not consistent with current accepted labeling or current regulations;
- (3) Humans are exposed as the result of a contrived application in order to monitor exposure without routine pest control being a significant objective:
- (4) Human participants are monitored for the purpose of satisfying initial or continuing registration requirements of the U.S. Environmental Protection Agency or the Department; or
- (5) Human participants are monitored to develop or contribute knowledge of pesticide exposure to be generalized to other populations.
 - (b) "Pesticide exposure study" does not include the following:
- (1) Data collected for the purpose of satisfying an existing health standard for exposure monitoring or if it is understood that routine monitoring is a condition of employment;
- (2) Unscheduled monitoring of persons in response to a medical emergency to identify possible sources of exposure;
- (3) Monitoring conducted by a government agency or by an employer, to determine the workplace exposure of his or her employees.
- (4) Monitoring requested by an individual or group of individuals to determine personal exposure levels.
- (5) The analysis or evaluation, after the human participant involvement has ceased, of existing or previously collected data, documents, records, specimens, or samples, if these sources are publicly available or if the information is recorded by the study director in such a manner that the human participants cannot be identified, directly or through identifiers linked to the participants.

"Pesticide safety information series" means a series of leaflets that summarize health and safety aspects of various pesticides and groups of pesticides.

"Pesticides in toxicity category one" means pesticide products which are required to prominently display the signal word "DANGER" on the label.

"Pesticides in toxicity category two" means pesticide products which are required to prominently display the signal word "WARNING" on the label.

"Physician or other licensed health care professional (PLHCP)" means an individual whose legally permitted scope of practice allows him or her to independently provide, or be delegated the responsibility to provide, some or all of the health care services required by these regulations

"Private applicator" means:

(a) an individual who uses or supervises the use of a pesticide for the purpose of producing an agricultural commodity on property owned, leased, or rented by him/her or his/her employer; or

(b) a householder who uses or supervises the use of a pesticide, outside the confines of a residential dwelling for the purpose of controlling ornamental, plant or turf pests on residential property owned, leased, or rented by that householder.

"Qualified applicator certificate holder" means a person who has qualified by examination in one or more pest control categories to supervise pesticide applications. However, such qualification shall not entitle the holder to supervise the operations of a pest control business licensed pursuant to section 11701 of the Food and Agricultural Code, except as provided in section 11704.

"Qualified applicator licensee" means a person who has qualified by examination in one or more pest control categories to supervise the pesticide applications made by a pest control business licensed pursuant to sections 11701 to 11709, inclusive, of the Food and Agricultural Code, and who is responsible for safe and legal operations under such license.

"Qualitative fit test (QLFT)" means a pass/fail fit test to assess the adequacy of respirator fit that relies on the individual's response to the test agent.

"Quantitative fit test (QNFT)" means an assessment of the adequacy of respirator fit by numerically measuring the amount of leakage into the respirator.

"Regularly handle" means that the employee is handling pesticides during any part of the day for more than 6 calendar days in any 30 consecutive day qualifying period beginning on the first day of handling. Any day spent or loading pesticides while exclusively using a closed system or mixing only pesticides sealed in water–soluble packets is not included for any employee who has a baseline blood cholinesterase level established pursuant to section 6728(c)(1).

"Respirator program administrator" is a person who is qualified by appropriate training or experience that is commensurate with the complexity of the respiratory protection program, and demonstrates knowledge necessary to administer a respiratory protection program. Such training or experience includes, but is not limited to, reading and understanding either the American National Standard for Respiratory Protection Publication (ANSI Z88.2), or the U.S. Department of Labor's "Small Entity Compliance Guide for the Revised Respiratory Protection Standard"; or taken specific course work on developing a respiratory protection program from a college or a respirator manufacturer's authorized representative; or is an American Board of Industrial Hygiene Certified Industrial Hygienist.

"Restricted entry interval" (REI) means the period of time after a field is treated with a pesticide during which restrictions on entry are in effect to protect persons from potential exposure to hazardous levels of residues. An REI may be found on pesticide product labeling or in regulation.

"Runoff ground water protection areas" are sections of land designated as "runoff" in the Department of Pesticide Regulation document EH03–05 (Est. 08/03), hereby incorporated by reference, entitled "Ground Water Protection Areas," where pesticide residues are carried in runoff water to more direct routes to ground water such as dry or drainage wells, poorly sealed production wells, or soil cracks, or to areas where leaching can occur.

"Sensitive aquatic site" means any irrigation or drainage ditch, canal, or other body of water in which the presence of dormant insecticides could adversely impact any of the beneficial uses of the waters of the state specified in Water Code section 13050(f).

"Site specific" means a pesticide permit that identifies the specific area to be treated, the size of that area, and the commodity(ies) or site(s) on that area to be treated.

"Solicits services or sales," as used in section 11410 of the Food and Agricultural Code, means sells or offers for sale any pesticide, method, or device outside of a fixed place of business.

"Structural use" means a use requiring a license under chapter 14 (commending with section 8500), division 3 of the Business and Professions Code.

"Study director" means the individual responsible for the overall conduct of a research project.

"Substantial Drift" means the quantity of pesticide outside of the area treated is greater than that which would have resulted had the applicator used due care. This definition is applicable to section 12972 of the Food and Agricultural Code and section 6614 of title 3, California Code of Regulations.

"Time specific" means a pesticide permit that specifies the date the intended application is to commence or permit with a notice of intent requirement. The pesticide use may commence within four days following such date if delays are caused by uncontrollable conditions such as adverse weather or unavailability of equipment. The commissioner shall require a notice of intent from either the grower, the grower's authorized representative, or the pest control business when necessary to make the permit time and site specific.

"Treated field" means a field that has been treated with a pesticide or had a restricted entry interval in effect within the last 30 days. A treated field includes associated roads, paths, ditches, borders, and headlands, if the pesticide was also directed to those areas. A treated field does not include areas inadvertently contaminated by drift or over spray.

"Use" means any pesticide related activity including:

- (a) Pre-application activities, including;
- (1) Arranging for the application;
- (2) Mixing or loading; and
- (3) Making necessary preparations for the application, including responsibilities related to notification, handler training, decontamination facilities, use and care of personal protective equipment, medical monitoring and assistance, and heat stress management;
 - (b) Application of the pesticide;
 - (c) Post-application activities, including;
- (1) Control of the treated area to reduce exposure, including responsibilities for restricted entry intervals, warnings, decontamination facilities, medical assistance, and fieldworker training;
- (2) Management of the treated area, crop, or crop by–products, including responsibilities for preharvest intervals and plant back restrictions;
- (3) Transportation, storage, and disposal of excess pesticides, spray mix, equipment wash water, and pesticide containers; and
- (4) Cleaning of application equipment and other pesticide containing materials.
 - (d) Use does not include:
- (1) Activities where involvement is only incidental to other tasks such as emergency responders providing incident management, commercial transportation of pesticide related waste for disposal or recycling, or a waste disposal or recycling facility accepting or handling these wastes; or
- (2) Manufacturing, formulating, or packaging (including bulk repackaging) by a registered pesticide producing establishment.

"Veterinarian" means a person licensed to practice veterinary medicine in California.

"Volatile organic compound (VOC)" means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, that participates in atmospheric photochemical reactions. This includes any organic compound other than those exempted by the U.S. Environmental Protection Agency pursuant to Title 40 of the Code of Federal Regulations section 51.100.

"Weed oil" means a pesticide, the label of which states that the product may be used, by itself, to control weeds, and which contains 70% or more of the following active ingredients, petroleum hydrocarbons, mineral oil, petroleum oil, petroleum distillates, and/or aromatic petroleum distil-

"Work clothing" means garments such as long-sleeved shirts, shortsleeved shirts, long pants, short pants, shoes, and socks. Work clothing is not considered personal protective equipment although pesticide product labeling or regulations may require specific work clothing during some activities. Work clothing differs from and should not be confused with a coverall. While coveralls shall be provided by the employer, work clothing can be required to be provided by the employee. Short sleeved shirts and short pants are considered acceptable work clothing only under conditions expressly permitted by pesticide product labeling.

NOTE: Authority cited: Sections 11456, 11502, 12111, 12781, 12976, 12981, 13145, 14001 and 14005, Food and Agricultural Code. Reference: Sections 11401.2, 11408, 11410, 11501, 11701, 11702(b), 11704, 11708(a), 12042(f), 12103, 12971, 12972, 12973, 12980, 12981, 13145, 13146 and 14006, Food and Agricultural Code.

HISTORY

- 1. Change without regulatory effect repealing section and adopting new section filed 10-12-93 pursuant to title 1, section 100, California Code of Regulations (Register 93, No. 42). For prior history, see Register 92, No. 5.
- 2. New definition "Economic poison" filed 9-23-94; operative 10-24-94 (Regis-
- New definition "Pesticide exposure study" and amendment of Note filed 5–26–95; operative 6–26–95 (Register 95, No. 21).
 New definitions for "Assure," "Chemical resistant," "Chemigation," "Coverall," "Display," "Early entry," "Enclosed cab acceptable for respiratory protection," "Fieldworker," "Greenhouse," "Hand labor," "Nursery," "Treated field," tion, "Fieldworker," "Greenhouse," "Hand labor," "Nursery," "Treated field," and "Use," and amendment of definitions for "Commercial applicator," "Employee," "Employer," "Enclosed cab," "Field," "Handle," "Personal protective equipment," "Private applicator," "Restricted entry interval" and "Work clothing" and amendment of Note filed 12–31–96; operative 1–1–97 pursuant to Government Code section 11343.4(d) (Register 97, No. 1).

 5. Change without regulatory effect repealing definition of "Economic poison" and amending definitions of "Pesticide" and "Weed oil" filed 3–27–97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).

 6. Amendment of definitions of "Conflict of labeling," "Enclosed cab" and "En-
- Amendment of definitions of "Conflict of labeling," "Enclosed cab" and "Enclosed cab acceptable for respiratory protection" filed 5–10–99; operative
- closed cab acceptable for respiratory protection. The distribution of September 19, No. 20).

 7. New definition for "Fumiscope" and amendment of Note filed 8–15–2000; operative 9–14–2000 (Register 2000, No. 33).

 8. Repealer of definition "Authorized representative," amendment of definitions are discrete." "Operator of the property" and "Private appli-8. Repealer of definition "Authorized representative, amendment of definitions "Certified private applicator," "Operator of the property" and "Private applicator," new definitions "Course" and "Person" and amendment of Note filed 10–20–2000; operative 11–19–2000 (Register 2000, No. 42).

 9. New definitions of "Application block" and "Buffer zone" filed 12–15–2000; operative 1–14–2001 (Register 2000, No. 50).
- 10. Change without regulatory effect amending regulatory definitions of "Enclosed cab" and "Enclosed cab acceptable for respiratory protection" and repealing regulatory definition of "Restricted materials hazard chart" filed 3-8-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 10).
- New definitions of "Ethical review," "Human participant," "Institutional Review Board (IRB)" and "Study director" and amendment of definition of "Pes-(Register 2002, No. 29). A Certificate of Compliance must be transmitted to OAL by 11–15–2002 or emergency language will be repealed by operation of law on the following day.
- 12. Repealer and new definitions of "Application block" and "Buffer zone" filed 9–19–2002 as an emergency; operative 9–22–2002 (Register 2002, No. 38). A Certificate of Compliance must be transmitted to OAL by 1–21–2003 or emergency language will be repealed by operation of law on the following day.

 13. New definitions of "Ethical review," "Human participant," "Institutional Re-
- ticide exposure study" refiled 11–7–2002 as an emergency, operative 11–15–2002 (Register 2002, No. 45). A Certificate of Compliance must be transmitted to OAL by 3-17-2003 or emergency language will be repealed by
- operation of law on the following day.

 14. Repealer and new definitions of "Application block" and "Buffer zone" refiled 1–21–2003 as an emergency; operative 1–21–2003 (Register 2003, No. 4). A Certificate of Compliance must be transmitted to OAL by 5-21-2003 or
- emergency language will be repealed by operation of law on the following day. 15. Certificate of Compliance as to 11–17–2002 order, including repealer of definition of "Ethical review" and further amendment of definitions of "Institutional Review Board" and "Pesticide exposure study," t 3–17–2003 and filed 4–24–2003 (Register 2003, No. 17). " transmitted to OAL
- 16. Repealer and new definitions of "Application block" and "Buffer zone" refiled 5–19–2003 as an emergency; operative 5–21–2003 (Register 2003, No. 21). A Certificate of Compliance must be transmitted to OAL by 9-18-2003 or emer-
- gency language will be repealed by operation of law on the following day.

 17. Repealer and new definitions of "Application block" and "Buffer zone" refiled 9–11–2003 as an emergency; operative 9–18–2003 (Register 2003, No. 37). A Certificate of Compliance must be transmitted to OAL by 1-16-2004 or emergency language will be repealed by operation of law on the following day.

- 18. Repealer and new definitions of "Application block" and "Buffer zone" refiled 1-14-2004 as an emergency; operative 1-17-2004 (Register 2004, No. 3). A Certificate of Compliance must be transmitted to OAL by 5-17-2004 or emergency language will be repealed by operation of law on the following day.

 19. Repealer of definition of "Groundwater protection advisory" and new defini-
- tions of "Artificial recharge basin," "Engineered rights-of-way," "Evapotranspiration," "Field capacity," "Ground water protection area," "Leaching ground water protection areas," "Net irrigation requirement" and "Runoff ground water protection areas" and amendment of Note filed 4-27-2004; operative 27-2004 (Register 2004, No. 18).
- 20. Repealer and new definitions of "Application block" and "Buffer zone" refiled 5-17-2004 as an emergency; operative 5-18-2004 (Register 2004, No. 21). A Certificate of Compliance must be transmitted to OAL by 9-15-2004 or emergency language will be repealed by operation of law on the following day.
- 21. Repealer and new definitions of "Application block" and "Buffer zone" refiled 9–9–2004 as an emergency; operative 9–15–2004 (Register 2004, No. 37). A Certificate of Compliance must be transmitted to OAL by 1-13-2005 or emergency language will be repealed by operation of law on the following day.
- 22. Certificate of Compliance as to 9–15–2004 order, including further amendment of definitions of "Application block" and "Buffer zone," transmitted to OAL 9-21-2004 and filed 11-3-2004 (Register 2004, No. 45).
 23. New definitions of "Dormant oil," "Dormant insecticide," "Hydrologically
- isolated site" and "Sensitive aquatic site" filed 7-18-2006; operative 8-17-2006 (Register 2006, No. 29).
- 24. New definitions of "Air-purifying respirator," "Atmosphere-supplying respirator," "Confidential reader," "Filter or air purifying element," "Filtering facepiece (dust mask)," "Immediately dangerous to life or health (IDLH)," "Physician or other licensed health care professional (PLHCP)," "Qualitative fit test (QLFT)," "Quantitative fit test (QNFT)" and "Respirator program administrator" filed 6–13–2007; operative 1–1–2008 (Register 2007, No. 24).
- 25. Amendment of definition of "Buffer zone" and new definitions of "Ozone nonattainment area" and "Volatile organic compound (VOC)" filed 1–25–2008; operative 1–25–2008 pursuant to Government Code section 11343.4 (Register 2008, No. 4).

§ 6000.1. Definitions.

NOTE: Authority cited: Sections 407, 12976 and 14005, Food and Agricultural Code. Reference: Sections 11501 and 14006, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering and amendment of former section 2442 to section 6000.1 filed 8-13-85 (Register 85, No. 33).
- 2. Change without regulatory effect repealing section filed 10-12-93 pursuant to title 1, section 100, California Code of Regulations (Register 93, No. 42).

§ 6000.2. Definitions.

NOTE: Authority cited: Sections 407, 12976 and 14005, Food and Agricultural Code. Reference: Sections 11501 and 14006, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering and amendment of former section 2451 to section 6000.2 filed 8-13-85 (Register 85, No. 33).
- 2. Editorial correction of printing errors in introductory paragraph and subsection (a)(2) (Register 91, No. 33).
- 3. Change without regulatory effect repealing section filed 10-12-93 pursuant to title 1, section 100, California Code of Regulations (Register 93, No. 42).

§ 6000.3. Permit System: Definitions.

NOTE: Authority cited: Sections 407, 12976 and 14005, Food and Agricultural Code. Reference: Sections 11501 and 14006, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering and amendment of former section 2452(j)(1)(A)–(G) to section 6000.3 filed 8–13–85 (Register 85, No. 33).
- 2. Change without regulatory effect repealing section filed 10-12-93 pursuant to title 1, section 100, California Code of Regulations (Register 93, No. 42).

§ 6000.4. Definitions.

NOTE: Authority cited: Sections 407 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

- 1. Renumbering and amendment of former section 2476 to section 6000.4 filed 10-25-85; effective thirtieth day thereafter (Register 85, No. 43).
- 2. Amendment filed 8-1-86; effective thirtieth day thereafter (Register 86, No.
- 3. Amendment of introductory sentence, subsections (b), (d),(f)–(i), (m), (o) and (p) and new subsections (q) and (r) filed 9–26–88; operative 10–26–88 (Register 88, No. 41).
- 4. New section (r) filed 8–16–90; operative 8–16–90 (Register 90, No. 36).
- 5. Editorial correction to introductory sentence (Register 91, No. 33).6. Change without regulatory effect repealing section filed 10–12–93 pursuant to title 1, section 100, California Code of Regulations (Register 93, No. 42).

§ 6000.5. Definitions.

NOTE: Authority cited: Sections 407, 12781 and 13145, Food and Agricultural Code. Reference: Sections 13145 and 13146, Food and Agricultural Code.

HISTORY

1. New section filed 12-1-88; operative 12-1-88 (Register 88, No. 51).

2. Change without regulatory effect repealing section filed 10–12–93 pursuant to title 1, section 100, California Code of Regulations (Register 93, No. 42).

§ 6000.6. Groundwater Protection Definitions.

NOTE: Authority: Sections 407, 12781, 12976 and 14005, Food and Agricultural Code. Reference: Sections 14005, 14006 and 13145, Food and Agricultural Code.

HISTORY

- 1. New section filed 4–10–90; operative 4–10–90 pursuant to Government Code section 11346.2(d) (Register 90, No. 16).
- Change without regulatory effect repealing section filed 10–12–93 pursuant to title 1, section 100, California Code of Regulations (Register 93, No. 42).

Subchapter 2. Program Certification

Article 1. Purpose

§ 6100. Purpose.

§ 6000.6

- (a) This article provides for the submittal of the pesticide regulatory program to the Secretary of Resources for certification. This article is contingent on certification of the pesticide regulatory program by the Secretary of the Resources Agency and shall expire if and when the pesticide regulatory program is not certified. The submittal for certification under Section 21080.5 of the Public Resources Code provides for environmental review of the pesticide regulatory program which is to be achieved in view of the findings of the Legislature in Section 1, Chapter 308, Statutes 1978, which are as follows:
- (1) Agriculture is a major and essential component of California's economy.
- (2) The proper, safe, and efficient use of pesticides is essential for the protection and production of agricultural commodities and for health protection.
- (3) Timeliness in the application of pesticides is paramount in good pest management and is essential in the prevention of economic waste.
- (4) Reasonable environmental review of such pesticide use is prudent and appropriate.
- (5) Individual permits to apply pesticides must often be issued on short notice, thereby making impracticable the type of environmental review which would occur if the issuance of such permits was subject to the preparation of an environmental impact report or a negative declaration pursuant to the requirements of Division 13 of the Public Resources Code.
- (6) Preparation of environmental impact reports and negative declarations for pesticide permits would be an unreasonable and expensive burden on California agriculture and health protection agencies.
- (7) For the purposes of this article any county agricultural commissioner shall be considered a state agency. Under authority of the Food and Agricultural Code, each commissioner shall administer the local enforcement of the pesticide regulatory program under the supervision of the director.
- (8) The procedures for governmental review of pesticide recommendations and use shall not unnecessarily burden permit applicants or require such applicants to furnish unnecessary information.
- (b) This section and Sections 6122, 6408, 6410, 6422, 6424, 6426, 6428, 6430, 6432, 6434 and 6436 shall expire if and when the department's pesticide regulatory program is not certified pursuant to Section 21080.5 of the Public Resources Code.

NOTE: Authority cited: Sections 11456, 12781 and 14005, Food and Agricultural Code. Reference: Section 11501, Food and Agricultural Code; and Chapter 308, Statutes of 1978.

HISTORY

- I. Editorial renumbering and amendment of former Section 2441 to Section 6100(a) and renumbering and amendment of former Section 2452(k) to Section 6100(b) filed 8-13-85 (Register 85, No. 33).
- Change without regulatory effect amending Note filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6102. Severance.

If any provision of division 4, chapter 1 subchapter 2, articles 4, 5, 7, 11 and 20 or division 6, chapter 2, subchapter 4 or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions of the cited articles or application of the articles which can be given effect without the invalid provision or application, and to this end the provisions of the cited articles are severable.

NOTE: Authority cited: Sections 11456, 12781, 12981 and 14005, Food and Agricultural Code. Reference: Section 11501, Food and Agricultural Code; and Chapter 308, Statutes of 1978.

HISTORY

- 1. Editorial renumbering and amendment of former section 2490.3 to section 6102 filed 8–13–85 (Register 85, No. 33).
- 2. Editorial correction of printing error (Register 91, No. 33)
- 3. Change without regulatory effect amending Note filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

Article 2. Standards

§ 6110. Public Reports.

- (a) When the director proposes to amend, adopt, or repeal a standard or regulation of the pesticide regulatory program or is reviewing a county regulation pursuant to Section 11503 of the Food and Agricultural Code, a public report shall be prepared allowing 45 days for the public to review each proposal. The public report shall be posted on the official bulletin boards of the Department, and of each commissioner's office, and in each District office of the Division of Pest Management, Environmental Protection and Worker Safety for 45 days. "Standard," as used in this article, means pest management guidelines, restricted materials hazard chart, pesticide safety information series, and similar documents.
- (1) Each public report shall include a summary of the proposal and shall be sent to any person upon written request. In addition, the public agencies to be consulted pursuant to Section 6252 shall be sent a copy of the public report. The director may develop a schedule of actual cost for the reproduction of public reports to be charged to those requesting copies.
- (2) Each public report shall describe the activities of the pesticide regulatory program that will be affected by the proposal and a summary of existing statutes related to the proposal.
- (3) Each public report shall include a statement of any significant adverse environmental effect that can reasonably be expected to occur, directly or indirectly, from implementing the proposal, and a statement of any reasonable mitigation measures that are available to minimize significant adverse environmental impact.
- (4) Each public report shall also contain a statement and discussion of reasonable alternatives which would reduce any significant environmental impact
- (5) The availability of the public report shall be noted in any notices of any proceeding on the proposal.
- (b) The evaluation of proposed changes shall follow any hearing or other consultation with the public, and the director shall consider all applicable factors including the following in evaluating the proposal:
- (1) The adequacy of the proposal in achieving the purposes of the pesticide regulatory program as provided in Section 11501 of the Food and Agricultural Code.
- (2) The consistency of the proposal with the intent and provisions of Section 21080.5 of the Public Resources Code.

NOTE: Authority cited: Sections 11456, 12781 and 14005, Food and Agricultural Code. Reference: Section 21080.5, Public Resources Code; and Sections 11501 and 11503, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 2444(a) and (b) to Section 6110 filed 8-13-85 (Register 85, No. 33).
- 2. Amendment filed 1–18–89; operative 2–17–89 (Register 89, No. 5).
- Change without regulatory effect amending NOTE filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6116. Notice of Final Decision.

- (a) (1) The final action taken regarding a standard or regulation in which a significant adverse environmental point was raised during the evaluation process shall include a written evaluation of such points approved by the director.
- (2) The director shall not adopt a standard or regulation which would cause a significant adverse environmental impact if there is a feasible alternative or feasible mitigation measure available which would substantially lessen any significant adverse impact which implementation of the proposal may reasonably be expected to have on the environment.
- (b) After adopting a standard or regulation affecting the pesticide regulatory program, the director shall file a Notice of Decision with the Secre-

Page 364

tary of the Resources Agency for posting. The notice shall be available for public inspection, and remain posted for a period of 30 days at the Resources Agency.

NOTE: Authority cited: Sections 11456, 12781, 12981 and 14005, Food and Agricultural Code. Reference: Section 11501, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering and amendment of former Section 2444(c) and (d) to Section 6116 filed 8–13–85 (Register 85, No. 33).
- Change without regulatory effect amending Note filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6118. Emergency Actions.

The director shall prepare a public report on proposed emergency standards or regulations relative to the pesticide regulatory program. Insofar as possible, each report shall be available in advance of the emergency adoption of proposed standards or regulations. Comments from the general public and public agencies shall be solicited pursuant to the Administrative Procedure Act.

NOTE: Authority cited: Sections 11456, 12781 and 14005, Food and Agricultural Code. Reference: Section 14103, Food and Agricultural Code; and Chapter 308, Statutes of 1978.

HISTORY

- 1. Editorial renumbering of former Section 2444(e) to Section 6118 filed 8–13–85 (Register 85, No. 33).
- Change without regulatory effect amending Note filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

Article 3. Consultation

§ 6122. Commissioner Consultation.

(a) At least quarterly and when notified by a responsible public agency of a violation of an applicable environmental standard, each commissioner shall consult with public agencies that have jurisdiction by law with respect to resources that may be affected by use of pesticides in the county. Such public agencies include, but are not limited to, agencies that are concerned with public and occupational health, air and water quality, fish and wildlife.

The consultation shall include the identification of past or potential problems associated with the use of pesticides, appropriate alternatives and mitigation measures, and appropriate permit conditions which substantially reduce any problem.

(b) The commissioner shall consult with the County Farm Advisor or other knowledgeable persons during critical pest control seasons in order to keep abreast of current pest conditions in the county. Such consultation shall be utilized to establish information to assist the evaluation of permit applications and notices of intent to apply a pesticide.

NOTE: Authority cited: Sections 11456, 12781, 12981 and 14005, Food and Agricultural Code. Reference: Section 11501, Food and Agricultural Code; and Chapter 308, Statutes of 1978.

HISTORY

- Editorial renumbering of former Section 2445 to Section 6122(a) and renumbering of former Section 2452(j)(11) to Section 6122(b) filed 8-13-85 (Register 85, No. 33).
- Change without regulatory effect amending Note filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

Subchapter 3. Agricultural Commissioner Penalties

Article 1. Guidelines

§ 6128. Enforcement Response.

- (a) The commissioner shall comply with the provisions of this section each time a violation(s) of law or regulation related to pesticide use occurs to determine the appropriate enforcement response.
- (b) For purposes of this section, the following terms are defined as follows:

"Compliance action" is an action that documents that certain behavior or an act is in violation of the law or regulations. The documentation may or may not allege the recipient committed the violation at issue. Compliance actions do not directly impose a monetary penalty. Compliance

actions include violation notice; warning letter; documented compliance interview; or noncompliance noted on an inspection form. Compliance actions also include public protection actions such as cease and desist orders; seize or hold product or produce orders; and prohibit harvest orders.

"Decision report" is a written explanation and record of a commissioner decision, not to take an enforcement action.

"Enforcement action" is an action with the potential to impose a monetary penalty or loss of a right or privilege initiated by a Notice of Proposed Action. Enforcement actions include administrative civil penalty; or disciplinary action (refuse, suspend, or revoke) against a county registration, certificate, or permit.

- (c) In addition to determining the violation class specified in Title 3, California Code of Regulations section 6130 or Title 16, California Code of Regulations section 1922, the commissioner shall respond to each violation(s) with one or more of the following enforcement responses listed below as appropriate to that violation class.
 - (1) Class A or Serious Violation Enforcement Response.
- (A) A formal referral to the District Attorney, City Attorney, or Circuit Prosecutor, or referral to the Director or Structural Pest Control Board Registrar for a statewide licensing action or Attorney General action; or
 - (B) An enforcement action.
 - (2) Class B or Moderate Violation Enforcement Response.
- (A) A formal referral to the District Attorney, City Attorney, or Circuit Prosecutor, or referral to the Director or Structural Pest Control Board Registrar for a statewide licensing action or Attorney General action; or
 - (B) An enforcement action; or
- (C) A compliance action with a decision report, provided there has not been a compliance action for a violation in the same class within two years of the current alleged violation. In some instances, a compliance action may be taken in addition to the enforcement response in (2)(A) or (B), in which case a decision report is not required.
 - (3) Class C or Minor Violation Enforcement Response.
 - (A) An enforcement action; or
- (B) A compliance action with a decision report when there has been a compliance action for a violation in the same class within two years of the current alleged violation; or
- (C) A compliance action without a decision report, provided there has not been a compliance action for a violation in the same class within two years of the current alleged violation.
- (d) If a decision report specified in subsections (c)(2)(C) and (c)(3)(B) is required, the commissioner shall submit the decision report to the Director, within 30 days of the date of the compliance action, for concurrence. If the Director does not concur with the commissioner's decision, the Director shall notify the commissioner within 30 days of the receipt of the decision report with the specific reasons for denial, and an enforcement action shall be taken by the commissioner. The commissioner shall retain a copy of the decision report for two years. A decision report shall contain:
 - (1) The identification of the respondent or case;
 - (2) Description of the incident or act;
 - (3) Section(s) violated;
- (4) The violation class pursuant to Title 3, California Code of Regulations section 6130 or Title 16, California Code of Regulations section 1922;
 - (5) Basis for not taking an enforcement action;
 - (6) Date of decision; and
 - (7) Signature of the Agency official responsible for the decision.
- (e) In the case of a priority investigation, as defined in the 2005 Cooperative Agreement, dated April 2005, between the California Department of Pesticide Regulation, the California Agricultural Commissioners and Sealers Association, and the U.S. Environmental Protection Agency, Region IX, the commissioner shall provide an opportunity to the District Attorney, City Attorney, or Circuit Prosecutor to participate in the investigation and/or pursue a civil or criminal action when a violation may have occurred.

Page 365 Register 2008, No. 4; 1–25–2008

NOTE: Authority cited: Sections 2281, 11456, 12781, 12976 and 15203, Food and Agricultural Code. Reference: Sections 11892, 12996, 12997, 12999.5 and 15202, Food and Agricultural Code.

HISTORY

1. New section filed 11-30-2006; operative 11-30-2006 pursuant to Government Code section 11343.4 (Register 2006, No. 48).

§ 6130. Civil Penalty Actions by Commissioners.

- (a) When taking civil penalty action pursuant to section 12999.5 of the Food and Agricultural Code, county agricultural commissioners shall use the provisions of this section to determine the violation class and the
- (1) For purposes of this article, violations shall be designated as "Class A," "Class B," and "Class C."
- (A) Class A: Violations which created an actual health or environmental hazard, violations of a lawful order of the commissioner issued pursuant to sections 11737, 11737.5, 11896, or 11897 of the Food and Agricultural Code, or violations that are repeat Class B violations. The fine range for Class A violations is \$700-\$5,000.
- (B) Class B: Violations which posed a reasonable possibility of creating a health or environmental effect or violations that are repeat Class C violations. The fine range for Class B violations is \$250-\$1,000.
- (C) Class C: Violations that are not defined in either Class A or Class B. The fine range for Class C violations is \$50-\$400.
- (2) A violation shall be classified as a repeat violation, if it occurs within two years of a violation for which a civil penalty was levied against that person in the same county and of the same class.
- (3) The person charged with a violation(s) shall be notified of the proposed fine action, including the amount of the proposed fine(s). When a penalty is proposed for a repeat violation, the Notice of Proposed Action shall identify the prior violation and the record of the proceedings shall include a copy of the decision regarding that prior violation. The commissioner shall send a copy of the notice to the Department at the same time the notice is provided to the person charged with a violation(s).
- (4) If the person against whom the commissioner levied a fine requested and appeared at the hearing offered by the commissioner, the commissioner's decision shall include information concerning the person's right to appeal the commissioner's decision to the Director.
- (5) The Department, on at least an annual basis, shall inform commissioners of violations for which fines have been levied.
- (b) When acting pursuant to Food and Agricultural Code section 12999.5 or Business and Professions Code section 8617, an agricultural commissioner may bring an action against an employed person who failed to utilize personal protective equipment or other safety equipment as required by section 6702(c) provided the commissioner determines that all of the following conditions are met:
- (1) The employed person is licensed or certified pursuant to Chapter 14, Division 3, of the Business and Professions Code; Chapters 5 or 8, Division 6, of the Food and Agricultural Code; or Chapters 3.4 or 3.6, Division 7, of the Food and Agricultural Code;
- (2) The employer provided the equipment to the licensee or certificate holder and the equipment was available at the work site in a condition that would have provided the safety or protection intended by the equipment;
- (3) The employer, through its written workplace disciplinary action policy, required the licensee or certificate holder to utilize the equipment;
- (4) The employer has complied with applicable training requirements of this Division prior to the time the licensee or certificate holder failed to utilize the equipment;
- (5) The employer supervised the licensee or certificate holder to assure that the equipment was properly used by the licensee; and
- (6) At the time of the licensee's or certificate holder's failure to utilize the equipment, the licensee or certificate holder has knowledge of the discipline that could be imposed under the employer's written workplace disciplinary action policy for failure to utilize the equipment.

NOTE: Authority cited: Sections 12781, 12976, 12981 and 15203, Food and Agricultural Code. Reference: Sections 11892, 12973, 12997, 12999.5 and 15202, Food and Agricultural Code.

HISTORY

- 1. New group 3 (article 1, section 6130) filed 10-16-86 pursuant to Stats. 1985, Ch. 943, Sec. 4; effective thirtieth day thereafter (Register 86, No. 42).
- 2. Amendment filed 12-27-90; operative 1-26-91 (Register 91, No. 4).
- 3. Amendment of section heading, section and NOTE filed 12-31-96; operative 1-1-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 1).
- 4. Change without regulatory effect amending subsection (b), adopting new subsection (b)(1), relettering subsections and amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001. No.
- 5. Amendment of subsections (a)(1)-(a)(1)(C) filed 4-26-2004; operative 5-26-2004 (Register 2004, No. 18).
- 6. Amendment of subsections (a)(1) and (a)(2), repealer of subsections (a)(2)(A)–(B) and amendment of subsection (a)(3) filed 11–30–2006; operative 11-30-2006 pursuant to Government Code section 11343.4 (Register 2006, No. 48).

Inspection and Investigation Subchapter 4. **Procedures**

Inspection, Copying and Article 1. Sampling

§ 6140. Inspection Authority.

- (a) The director or commissioner may, during business hours, or if necessary to ensure immediate compliance, at any other reasonable time enter and inspect, and/or sample any of the following or related items in order to determine compliance with the provisions of this chapter and Divisions 6 and 7 of the Food and Agricultural Code, which pertain to pesticides and pest control operations.
- (1) Fields, areas, structures, and greenhouses where pesticides are handled, stored or applied;
 - (2) Growing crops and harvested commodities;
- (3) Equipment (including protective clothing and equipment) used to store, transport or handle pesticides;
 - (4) Change areas and other facilities used by employees; and
 - (5) Pesticides and tank mixtures thereof.
- (b) Each person responsible, pursuant to the provisions of this chapter and Division 6 and 7 of the Food and Agricultural Code which pertain to pesticides and pest control operations, for preparing and maintaining records shall make those records available to the Director or commissioner during business hours upon demand of the Director or commissioner. The required records include:
- (1) records concerning work hours, training and medical monitoring
- (2) pest control recommendations and pesticide use and operations records; and
- (3) pesticide transaction, sales and delivery records.

NOTE: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Sections 11456, 12980 and 12981, Food and Agricultural Code.

HISTORY

- 1. Renumbering and amendment of former Section 6708 to Section 6140 filed 9-26-88; operative 10-26-88 (Register 88, No. 41). For prior history, see Registers 86, No. 34 and 86, No. 31.
- 2. Change without regulatory effect amending NOTE filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6141. Employee Interviews.

The director or commissioner may confidentially interview any employee during work hours when reasonably necessary for an investigation of employee illness(s) suspected of having been caused by a pesticide or to investigate a suspected pesticide related safety violation. NOTE: Authority cited: Sections 11456 and 12981, Food and Agricultural Code.

Reference: Sections 11456, 12980 and 12981, Food and Agricultural Code. 1. New section filed 9-26-88; operative 10-26-88 (Register 88, No. 41).

Page 366

 Change without regulatory effect amending NoTE filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

Subchapter 5. Sunset Review of Regulations

Article 1. Sunset Review Schedule

§ 6142. Sunset Review of Regulations.

- (a) The Director shall review all regulations in Division 6 of Title 3 on a five-year cycle according to the following schedule:
- (1) Year one (commencing in 2000 and repeated every five years thereafter):

Chapter 1. Pesticide Regulatory Program, and Chapter 2. Pesticides, Subchapter 1;

(2) Year two: (commencing in 2001 and repeated every five years thereafter):

Chapter 2. Pesticides, Subchapters 2, 3, 4, and 5;

(3) Year three: (commencing in 2002 and repeated every five years thereafter):

Chapter 3. Pest Control Operations, Subchapters 1 and 2;

(4) Year four: (commencing in 2003 and repeated every five years thereafter):

Chapter 3. Pest Control Operations, Subchapter 3;

(5) Year five: (commencing in 2004 and repeated every five years thereafter):

Chapter 4. Environmental Protection.

(b) When determining whether a reviewed regulation should be retained, revised, or repealed, the Director will consult with the Secretary for Environmental Protection.

NOTE: Authority cited: Section 11456, Food and Agricultural Code. Reference: Section 11456, Food and Agricultural Code.

HISTORY

1. New subchapter 5 (article 1), article 1 (section 6142) and section filed 1–20–2000; operative 2–19–2000 (Register 2000, No. 3).

Chapter 2. Pesticides

Subchapter 1. Pesticide Registration

Article 1. General Provisions

§ 6145. Intended to Be Used.

A substance is considered to be "intended to be used," as the phrase is used in Sections 12753 and 12758 of the Food and Agricultural Code, and thus be a pesticide requiring registration, when:

- (a) A person who distributes or sells the substance claims, states, or implies, by labeling or otherwise, that:
- (1) the substance, either by itself or in combination with any other substance, can or should be used as a pesticide; or
- (2) the substance consists of or contains an active ingredient and can be used to manufacture a pesticide; or
- (b) A person who distributes or sells the substance has actual or constructive knowledge that the substance will be used, or is intended by the user to be used, as a pesticide; or
- (c) The substance consists of or contains one or more active ingredients and has no significant commercially valuable use as distributed or sold other than:
- (1) use as a pesticide, by itself or in combination with any other substance; or
 - (2) use in the manufacture of a pesticide.

NOTE: Authority cited: Section 12781, Food and Agricultural Code. Reference: Sections 12753 and 12758, Food and Agricultural Code.

HISTORY

- 1. New section filed 9-23-94; operative 10-24-94 (Register 94, No. 38).
- Change without regulatory effect amending chapter heading, subchapter heading and section filed 3-27-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).

§ 6146. Liquid Chemical Sterilants.

- (a) For purposes of this section, a "critical medical device" is any device that is introduced directly into the human body, either into or in contact with the bloodstream or normally sterile areas of the body, and a "semicritical medical device" is any device that contacts intact mucous membranes but which does not ordinarily penetrate the blood barrier or otherwise enter normally sterile areas of the body.
- (b) Manufacturers of, importers of, and dealers in liquid chemical sterilant products (including any such products with subordinate disinfectant claims) intended for use on critical or semicritical medical devices (as device is defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. sec. 321), are exempt from the requirements of Division 7 of the Food and Agricultural Code, providing the following criteria are met:
- (1) The product is not included in the federal definition of a pesticide under subdivision (u) of section 2 of the Federal Insecticide, Fungicide, and Rodenticide Act [7 U.S.C. sec. 136(u)].
- (2) The product has premarket clearance from the Federal Food and Drug Administration under section 510(k) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. sec. 360(k)].
- (3) The product does not include ethylene oxide as an active ingredient
- (c) Whenever the manufacturer of, importer of, or dealer in any exempted liquid chemical sterilant has factual or scientific information of any adverse effect or risk to human health or the environment that has not previously been submitted to the department, the manufacturer, importer, or dealer shall report the information to the department within 60 days of learning of the information.
- (d) Physicians, surgeons, and local health officers remain subject to the illness reporting requirements of Health and Safety Code section 105200 with regard to exempted liquid chemical sterilants.

NOTE: Authority cited: Section 12804, Food and Agricultural Code. Reference: Section 12804, Food and Agricultural Code.

HISTORY

- New section filed 3-9-98 as an emergency; operative 3-9-98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-7-98 or emergency language will be repealed by operation of law on the following day.
- 2. Certificate of Compliance as to 3–9–98 order, including amendment of subsections (a), (b)(1) and (b)(2) and new subsection (e), transmitted to OAL 7–1–98 and filed 8–12–98 (Register 98, No. 33).
- Repealer of subsection (e) filed 1–20–2000; operative 2–19–2000 (Register 2000, No. 3).

§ 6147. Exempted Pesticide Products.

- (a) Manufacturers of, importers of, and dealers in the following pesticide products or classes of pesticide products are exempt from the requirements of Division 7 of the Food and Agricultural Code, provided the pesticide products are exempt pursuant to section 25(b)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act [7 U.S.C. sec. 136w(b)(2)]:
- (1) Pheromones and identical or substantially similar compounds labeled for use only in pheromone traps (or labeled for use in a manner which the Director determines poses no greater risk of adverse effects on the environment than use in pheromone traps), and pheromone traps in which those compounds are the sole active ingredient(s), as specified in 40 Code of Federal Regulations 152.25(b).
 - (2) Preservatives for biological specimens, including:
 - (A) Embalming fluids;
- (B) Products used to preserve animal or animal organ specimens, in mortuaries, laboratories, hospitals, museums and institutions of learning; and
- (C) Products used to preserve the integrity of milk, urine, blood, or other body fluids for laboratory analysis.
- (3) Products consisting of foods that are used to attract pests and which contain no active ingredient(s).

Page 366.1

- (4)(A) Natural cedar blocks, chips, shavings, balls, chests, drawer liners, paneling, and needles that meet all of the following criteria:
 - 1. The product consists totally of cedar wood or natural cedar.
- 2. The product is not treated, combined, or impregnated with any additional substance(s).
- 3. The product bears claims or directions for use solely to repel arthropods other than ticks or to retard mildew, and no additional claims are made in sale or distribution. The labeling must be limited to specific arthropods, or must exclude ticks if any general term such as "arthropods," "insects," "bugs," or any other broad inclusive term is used.
- (B) The exemption does not apply to natural cedar products claimed to repel ticks. The exemption also does not apply to cedar oil, or formulated products which contain cedar oil, other cedar extracts, or ground cedar wood as part of a mixture.
 - (5)(A) Products containing the following active ingredients alone or

in combination with other substances listed in paragraph (5)(A), provided that all the criteria specified in paragraphs (5)(C) and (5)(D) are met:

Castor oil (U.S.P. or equivalent)

Cedar Oil1

Cinnamon

Cinnamon oil1

Citric acid1

Citronella (non-topical uses only)

Citronella oil (non-topical uses only)

Cloves²

Clove oil^{1, 2}

Corn gluten meal

Corn oil

[The next page is 367.]

Cottonseed oil

Dried blood

Eugenol^{1, 2}

Garlic

Garlic oil¹

 $Geraniol^2$

Geranium oil²

Lauryl sulfate¹

Lemongrass oil¹

Linseed oil

Malic acid1

Mint

Mint oil¹

Peppermint²

Peppermint oil^{1, 2}

2-Phenethyl propionate (2-phenylethyl propionate)¹

Potassium sorbate¹

Putrescent whole egg solids

Rosemary²

Rosemary oil^{1, 2}

Sesame (includes ground sesame plant)

Sesame oil

Sodium chloride (common salt)

Sodium lauryl sulfate^{1, 2}

Soybean oil

Thyme²

Thyme oil^{1, 2}

White pepper1

Zinc metal strips (consisting solely of zinc metal and impurities)

- 1 Products containing 8.5% or more of this active ingredient in the formulated product must at a minimum bear the signal word "CAUTION," the phrase "Keep Out of Reach of Children," appropriate precautionary language, and a requirement for appropriate protective eyewear and gloves.
- 2 Products containing this active ingredient intended for topical application to human skin must at a minimum bear the signal word "CAUTION," the phrase "Keep Out of Reach of Children," a dermal sensitization precautionary statement, a prohibition against application to the hands of children, and use directions requiring adult supervision during application to children.
- (B) Topical use products containing less than or equal to 1% of the following active ingredients alone or in combination with **each** other provided: (i) the product label carries as a minimum the signal word "CAUTION," the phrase "Keep Out Of Reach of Children," a dermal sensitization precautionary statement, a prohibition against application to the hands of children, and use directions requiring adult supervision during application to children, and (ii) all the criteria specified in paragraphs (5)(C) and (5)(D) are met:

Citronella

Citronella oil

- (C) A pesticide product exempt under paragraphs (5)(A) and (5)(B) of subsection (a) may include as inert ingredients only those substances listed in the U.S. Environmental Protection Agency's most current List 4A "Inerts of Minimal Concern." U.S. EPA's list of minimal risk inert ingredients is updated periodically and is published in the Federal Register.
- (D) In addition, all of the following conditions must be met for products to be exempted under subsection (a)(5):
- 1. Each product containing the substance must bear a label identifying the name and percentage (by weight) of each active ingredient and the name of each inert ingredient.
- 2. The product must not bear claims either to control or mitigate microorganisms that pose a threat to human health, including but not limited to disease transmitting bacteria or viruses, or claims to control insects or rodents carrying specific diseases, including, but not limited to ticks that carry Lyme disease.
- 3. The product must not include any false and misleading labeling statements, including those listed in 40 CFR 156.10(a)(5)(i) through (viii).

(b) Whenever the manufacturer of, importer of, or dealer in any product exempted pursuant to this section has factual or scientific evidence of any adverse effect or risk to human health or the environment that has not previously been submitted to the department, the manufacturer, importer, or dealer shall report the evidence to the department within 60 days of learning of the information.

 $Note: Authority\ cited: Sections\ 11456,\ 12781\ and\ 12803,\ Food\ and\ Agricultural\ Code.$ Reference: Section\ 12803,\ Food\ and\ Agricultural\ Code.

HISTORY

1. New section filed 4-26-2000; operative 5-26-2000 (Register 2000, No. 17).

§ 6148. Fee for Each Product Submitted for Registration.

- (a) The fee for each pesticide product submitted for registration is \$750. The fee applies to each:
 - (1) New pesticide product;
 - (2) Additional brand name of a pesticide product; and
- (3) Pesticide product where there is a change in business ownership of the product.
- (b) If the Director returns an incomplete application for product registration to the applicant, the applicant has 180 days from the date the Director initially returned the application to resubmit a complete application without payment of a new registration fee. A new registration fee must accompany applications resubmitted after 180 days from the date the Director returned the application.

NOTE: Authority cited: Sections 12781 and 12812, Food and Agricultural Code. Reference: Section 12812, Food and Agricultural Code.

HISTORY

- New section filed 11–3–2003 as an emergency; operative 1–1–2004 (Register 2003, No. 45). This action is a permanent emergency change for which no Certificate Compliance is needed pursuant to Food and Agricultural Code section 12812.
- 2. Editorial correction of HISTORY 1 (Register 2004, No. 37).

§ 6148.5. Fees for Amendments to Registered Pesticide Products.

- (a) Each application to amend the labeling of a registered pesticide product, where the amendment must be supported by scientific data, shall be accompanied by a fee of \$100. This fee does not apply to special local needs labeling.
- (b) If the Director returns an incomplete application to amend the labeling of a registered pesticide product to the applicant, the applicant has 180 days from the date the Director initially returned the application to resubmit a complete application without payment of a new fee. A new fee must accompany applications resubmitted after 180 days from the date the Director returned the application.

NOTE: Authority cited: Sections 12781 and 12813, Food and Agricultural Code. Reference: Section 12813, Food and Agricultural Code.

HISTORY

- 1. New section filed 11–3–2003 as an emergency; operative 1–1–2004 (Register 2003, No. 45). This action is a permanent emergency change for which no Certificate Compliance is needed pursuant to Food and Agricultural Code section 12812.
- 2. Editorial correction of HISTORY 1 (Register 2004, No. 37).

§ 6151. Evaluation Time Frames.

The director shall complete the evaluation of data submitted pursuant to Section 6170 for a pesticide containing any active ingredient not currently registered by the director or for any new major use within 120 days of receipt of all such data, and within 60 days of receipt of such data for all other pesticides. When additional specific data are requested, evaluation of it shall be completed within 30 days of receipt. During the evaluation of data, the director shall determine if the pesticide should be classified as a restricted material pursuant to Section 14004.5 of the Food and Agricultural Code.

Note: Authority cited: Sections 12781, 12976, 14004.5 and 14005, Food and Agricultural Code. Reference: Sections 12824 and 14004.5, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 2360(c) to Section 6151 and designation of new Article 1 (Sections 6151–6160, not consecutive) filed 7–19–85 (Register 85, No. 29).
- 2. Amendment filed 1-18-89; operative 2-17-89 (Register 89, No. 5).
- Change without regulatory effect amending section and Note filed 3-27-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).

§ 6152. Brands.

- (a) A pesticide may be registered under more than one brand name, but the same brand name cannot be registered for products of different chemical composition, or different physical condition sufficient to affect its pesticide properties.
- (b) When a registrant submits revised labeling for a currently registered pesticide to the director all changes from the previous labeling shall be clearly specified by the registrant.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401–12121, 12501–12671, 12751–13102 and 14001–14104, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 2362 to Section 6152 filed 7–19–85 (Register 85, No. 29).
- 2. Repealer of subsection (a) and subsection relettering filed 8–1–96; operative 8–31–96 (Register 96, No. 31).
- Change without regulatory effect amending Note filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6153. Transfer of Registration.

A certificate of registration cannot be transferred if there is a change of business ownership, but a new application and fee are necessary.

NOTE: Authority cited: Sections 11456, 12781 and 14005, Food and Agricultural Code. Reference: Sections 12751–12994, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 2363 to Section 6153 filed 7–19–85 (Register 85, No. 29).
- Change without regulatory effect amending Note filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6154. Change of Name.

Change of the name of a registrant may be made without additional fee by submission of the following papers to the director:

- (a) The current certificate of registration;
- (b) A new completed application form; and
- (c) An affidavit of no change of business ownership.

NOTE: Authority cited: Sections 11456, 12781 and 14005, Food and Agricultural Code. Reference: Sections 12751–12994, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 2364 to Section 6154 filed 7–19–85 (Register 85, No. 29).
- Change without regulatory effect amending Note filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6156. Registration Date.

Registration of a pesticide shall become effective on the date the certificate of registration is issued. Such certificate shall not be issued if the director determines the pesticide is to be classified as a restricted material until the pesticide has been so classified.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12824, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401–12121, 12501–12671, 12751–13102 and 14001–14104, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 2360(c) to Section 6156 filed 7–19–85 (Register 85, No. 29).
- Change without regulatory effect amending NOTE filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6157. Certification.

(a) Each applicant shall certify, by an authorized official of the registrant, under penalty of perjury that to the best of the applicant's knowledge, based upon all information available to the applicant, all informa-

tion submitted in connection with the application for registration or renewal is accurate and complete.

(b) If the director finds that the applicant has submitted inaccurate or incomplete information, the director shall initiate action to refuse or cancel the registration pursuant to Section 12825(f) of the Food and Agricultural Code.

NOTE: Authority cited: Sections 11456 and 12781, Food and Agricultural Code. Reference: Sections 12753, 12758, 12815, 12825, 12827, 12827.5 and 14102, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 2360(d) to Section 6157 filed 7–19–85 (Register 85, No. 29).
- 2. Amendment filed 6-29-87; operative 7-29-87 (Register 87, No. 31).
- 3. Change without regulatory effect amending NOTE filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6158. Review and Evaluation.

During the review and evaluation of proposed pesticide labeling and data to support registration, the director shall give special attention to the provisions of Sections 11501, 12824, 12825, 12826, 14102, and 14103 of the Food and Agricultural Code and to each of the following factors, when applicable, in reaching a decision to register or not register the pesticide:

- (a) Acute health effects such as oral toxicity, dermal toxicity, inhalation toxicity, acute eye and skin damage potential, or sensitization potential.
- (b) Evidence of chronic health effects such as carcinogenicity, teratogenicity, mutagenicity, fetal toxicity, and delayed neurotoxicity.
- (c) Potential for environmental damage, including interference with the attainment of applicable environmental standards (e.g., air quality standards and water quality objectives).
 - (d) Toxicity to aquatic biota or wildlife.
 - (e) Method of medical management of poisoning or other injuries.
 - (f) Analytical methods.
 - (g) The availability of feasible alternatives.
 - (h) Efficacy.

If any of these factors are anticipated to result in significant adverse impacts which cannot be avoided or adequately mitigated, registration will not be granted unless the director makes a written finding that anticipated benefits of registration clearly outweigh the risks. When deciding whether or not to register a pesticide for which feasible alternatives exist, the director shall consider any substantial adverse environmental impact which would likely occur from a lack of additional pest control options for the specific proposed use.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12824, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401–12121, 12501–12671, 12751–13102 and 14001–14104, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 2360(e) to Section 6158 filed 7–19–85 (Register 85, No. 29).
- Change without regulatory effect amending NoTE filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6159. Data Requirements.

The director finds that the data required by the United States Environmental Protection Agency (U.S. EPA) regulations governing pesticide registration, reregistration, and classification adopted in Title 40, Code of Federal Regulations pursuant to authority in the Federal Insecticide, Fungicide and Rodenticide Act substantially meet the data requirements of Section 12824 of the Food and Agricultural Code, except as provided in this section and sections 6158, 6170, 6172, 6176–6179, 6180(a), 6181–6192, 6200, 6210, 6215, and 6222. Information meeting such regulations shall be supplemented as specified in this section and sections 6158, 6170, 6172, 6176–6179, 6180(a), 6181–6192, 6200, 6210, 6215, and 6222. Data waived by the U.S. EPA shall be submitted to the director except when the director makes a written finding that such data are not required to meet the purposes of Sections 11501, 12824, 12825, 12826, 14102, or 14103 of the Food and Agricultural Code.

NOTE: Authority cited: Sections 11456 and 12781, Food and Agricultural Code. Reference: Sections 11501, 12824, 12825, 12826, 14102 and 14103, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 2369(a)–(c) to Section 6159 filed 7–19–85 (Register 85, No. 29).
- 2. Amendment filed 1–18–89; operative 2–17–89 (Register 89, No. 5).
- Change without regulatory effect amending Note filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).
- Change without regulatory effect amending section filed 6–5–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 23).

§ 6160. Operational Protocol for Pesticide Registration and Evaluation Manual.

NOTE: Authority cited: Sections 11456, 12781, 12976, 12981 and 14005, Food and Agricultural Code. Reference: Sections 12751–14104, Food and Agricultural Code.

HISTORY

- Editorial renumbering of former Section 2332 to Section 6160 filed 7–19–85 (Register 85, No. 29).
- 2. Repealer filed 1-18-89; operative 2-17-89 (Register 89, No. 5).
- Change without regulatory effect amending Note filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6168. Fee for a Certificate of Interim Registration.

In addition to the application fee required pursuant to section 6148, each application for a certificate of interim registration shall be accompanied by a fee of \$5,000 (five thousand dollars) to cover the Department's costs of reviewing and processing the application. The \$5,000 fee also applies to applications:

- (a) For interim registration of an amendment to the labeling of a currently registered product; and
- (b) To amend the labeling and certificate of registration of a product that already has been issued a certificate of interim registration when the amendment will allow additional uses of that product under conditions of interim registration.

NOTE: Authority cited: Sections 12781, 12812 and 13168, Food and Agricultural Code. Reference: Section 13170, Food and Agricultural Code.

HISTORY

- New section filed 1-26-94 as an emergency; operative 1-26-94 (Register 94, No. 4). A Certificate of Compliance must be transmitted to OAL 5-26-94 or emergency language will be repealed by operation of law on the following day.
- 2. Repealed by operation of Government Code section 11346.1(g) (Register 94, No. 34).
- 3. New section refiled 8-24-94; operative 9-23-94 (Register 94, No. 34).
- Amendment of section and Note filed 11-3-2003 as an emergency; operative 1-1-2004 (Register 2003, No. 45). This action is a permanent emergency change for which no Certificate Compliance is needed pursuant to Food and Agricultural Code section 12812.
- 5. Editorial correction of HISTORY 4 (Register 2004, No. 37).

Article 2. Registration Requirements

§ 6170. Application.

(a) Each application for registration of a pesticide product shall be made on the Application for Pesticide Registration Form 39–030 (Rev. 9/03) prescribed by the director and described in section 6170.5. The application is incomplete and may be returned by the Director if the application is not accompanied by the fee required by section 6148, six copies of the product labeling, and the data required to be submitted by sections 6159, 6170, 6172, 6176-6179, 6180(a), 6181-6192, and 6200 when applicable to support registration of the product. All data submitted by the applicant to the U.S. EPA in support of federal registration of the product shall be submitted and all studies shall be submitted in full. The product labeling should be printer's proof, final labels, or legible photocopies thereof. If typescript labels are submitted with the application, printer's proof, final labels, or legible photocopies thereof, must be submitted before a Certificate of Registration (License) for the product will be issued. If the label has been approved by a federal agency, proof of such approval shall be submitted with the application.

- (b) An application to amend the labeling (including a special local needs labeling) of a pesticide product is incomplete and may be returned by the Director if the application is not accompanied by the fee required by 6148.5, six copies of the labeling and the data required to be submitted by sections 6159, 6170, 6172, 6176–6179, 6180(a), 6181–6192, and 6200 when applicable to the amendment. The application to amend the labeling shall be accompanied by all data submitted by the applicant to the U.S. EPA in support of the federal amended labeling of the product and all studies shall be submitted in full. The product labeling should be printer's proof, final labels or legible photocopies thereof. If typescript labels are submitted, printer's proof, final labels or legible photocopies thereof, must be submitted before the amended label will be accepted for use. If the amended labeling has been approved by a federal agency, proof of such approval shall be submitted with the amendment application.
- (c) In lieu of submitting data pursuant to subsections (a) and (b) of this section, an applicant for registration or amendment may reference appropriate data previously submitted to the Director or a pesticide product(s) previously approved by the Director that would be subject to some or all of the same data requirements as applicable to the applicant's product.
- (d) If an applicant does not submit or reference its own data to support its application for registration or amendment, it is subject to the requirements imposed under Food and Agricultural Code section 12811.5.

NOTE: Authority cited: Section 12781, Food and Agricultural Code. Reference: Sections 12811, 12812, 12815 and 12816, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 7-23-90; operative 8-22-90 (Register 90, No. 38).
- 2. Change without regulatory effect amending subsections (a) and (b) and NOTE filed 3–27–97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).
- 3. Change without regulatory effect amending subsections (a) and (b) filed 6-5-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 23).
- 4. Amendment of subsections (a)–(b) filed 11–3–2003 as an emergency; operative 1–1–2004 (Register 2003, No. 45). This action is a permanent emergency change for which no Certificate Compliance is needed pursuant to Food and Agricultural Code section 12812.
- 5. Editorial correction of History 4 (Register 2004, No. 37).
- 6. Amendment of subsection (c) and new subsection (d) filed 3–23–2006 as an emergency; operative 3–23–2006 (Register 2006, No. 12). A Certificate of Compliance must be transmitted to OAL by 7–21–2006 or emergency language will be repealed by operation of law on the following day.
- 7. Amendment of subsection (c) and new subsection (d) refiled 7–19–2006 as an emergency; operative 7–19–2006 (Register 2006, No. 29). A Certificate of Compliance must be transmitted to OAL by 11–16–2006 or emergency language will be repealed by operation of law on the following day.
- 8. Certificate of Compliance as to 7–19–2006 order transmitted to OAL 11–9–2006 and filed 12–19–2006 (Register 2006, No. 51).
- Change without regulatory effect amending section filed 2-7-2007 pursuant to section 100, title 1, California Code of Regulations (Register 2007, No. 7).
- 10. Amendment filed 2-8-2007; operative 3-10-2007 (Register 2007, No. 7).

§ 6170.1. Application for Registration of Economic Poison (Pesticide) Form.

NOTE: Authority cited: Sections 407 and 12781, 12845, Food and Agricultural Code. Reference: Sections 12811, 12815 and 12821, Food and Agricultural Code. HISTORY

- 1. Sample forms printed as an addendum to section 6170 (Register 87, No. 31).
- 2. Change without regulatory effect repealing forms 39–032 (Rev. 11–85) and 39–027 (Rev. 11–85) pursuant to section 100, title 1, California Code of Regulations filed 5–23–90 (Register 90, No. 27).
- 3. Repealer filed on 7-23-90; operative 8-22-90 (Register 90, No. 38).

§ 6170.5. Application Form.

The form referred to in section 6170(a) shall require registrants to provide the following information when applicable.

- (a) Firm name, (same as on file with the United States Environmental Protection Agency (U.S. EPA);
- (b) Firm mailing address and street address, if different from mailing address;
- (c) Name and telephone number of official authorized to answer questions concerning the application;
 - (d) Brand name of pesticide product (exactly as shown on label);
 - (e) U.S. EPA registration number of pesticide product;

- (f) Type of U.S. EPA registration obtained;
- (g) Type of California registration action being requested;
- (h) Whether pesticide product contains biochemicals and/or microbials:
 - (i) Type(s) and size(s) pesticide product is to be sold in;
 - (j) Whether pesticide product requires child-resistant packaging;
 - (k) Signal word on label;
 - (1) Specific gravity and pounds/gallon of liquid formulations;
 - (m) Bulk density of solid formulations;
 - (n) pH of water soluble formulations;
- (o) Flash point/flame extension of products containing more than 70% petroleum distillates:
- (p) Whether product is intended for commercial agricultural use and/ or by householders;
 - (q) Type of pesticide product;
 - (r) Method(s) of application;
 - (s) Type of formulation;
- (t) Common chemical name, trade name and CAS number for each active ingredient in the formulation;
- (u) Product name(s) and U.S. EPA registration number(s) of the source product(s) of each active ingredient in the formulation;
- (v) Percent by weight of source product(s) and of active ingredient(s) in formulated product;
- (w) Common chemical name, trade name and the CAS number of each inert ingredient in the formulation (if reporting by trade name only, include Material Safety Data Sheet);
- (x) Product name(s) of the source product(s) of each inert ingredient in the formulation;
 - (y) Purpose of each inert ingredient in formulated product;
- (z) Percent by weight of source product(s) and of the inert ingredient(s) in the formulated product.

NOTE: Authority cited: Sections 12781 and 12845, Food and Agricultural Code. Reference: Sections 12811, 12815 and 12821, Food and Agricultural Code.

HISTORY

- 1. New section filed 7-23-90; operative 8-22-90 (Register 90, No. 38).
- 2. Change without regulatory effect amending subsections (d), (e), (h)–(j) and (q) and Note filed 3–27–97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).
- Change without regulatory effect amending section filed 6–5–2002 filed pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 23).

§ 6171. Document Requests.

Each applicant shall, upon request of the director, submit to the director a copy of any part or all documents the applicant submitted to the U.S. EPA in support of the U.S. EPA action concerning the pesticide product. Each document request pursuant to this section shall include the director's reason for the request.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12824, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401–12121, 12501–12671, 12751–13102 and 14001–14104, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 2360(b) to Section 6171 filed 7–19–85 (Register 85, No. 29).
- Change without regulatory effect amending NoTE filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).
- 3. Change without regulatory effect amending section 6–5–2002 filed pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 23).

§ 6172. General Toxicity Data.

- (a) The following data shall be submitted with every application for registration.
 - (1) Acute oral and dermal LD_{50} data on the product.
- (2) Acute LC_{50} data on products which produce a respirable aerosol or gas.
 - (3) Primary eye and skin irritation data on the product.
- (b) The following data in addition to the data required by (a), (1)–(3) shall be submitted with each application to register a product containing an active ingredient not previously registered when required by the U.S.

EPA to support the full unconditional registration pursuant to Section 3 of the Federal Insecticide, Fungicide and Rodenticide Act. Pesticides which are determined to be biorational pesticides as determined by the director, may be exempted from the chronic toxicity data requirements.

- (1) Results of a two-year feeding study for oncogenicity on active ingredients in two animal species.
- (2) Results of a teratogenicity study and a two-generation combined male-female reproductive study on active ingredients.
- (3) Results of three mutagenicity studies on active ingredients that detect gene mutations, chromosomal aberrations, and DNA damage/repair. NOTE: Authority cited: Sections 12781 and 12824, Food and Agricultural Code. Reference: Sections 11501 and 12824–12825, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 2379.5 to Section 6172 filed 7–19–85 (Register 85, No. 29).
- 2. Amendment filed 6-29-87; operative 7-29-87 (Register 87, No. 31).
- 3. Change without regulatory effect amending subsection (b) and Note filed 3–27–97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).
- 4. Change without regulatory effect amending subsections (a)(1), (a)(3) and (b) filed 8–14–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 33).
- 5. Change without regulatory effect amending subsections (a)(1) and (a)(3) filed 2–7–2007 pursuant to section 100, title 1, California Code of Regulations (Register 2007, No. 7).
- 6. Amendment of subsections (a)(1) and (a)(3) filed 2-8-2007; operative 3-10-2007 (Register 2007, No. 7).

Article 3. Supplemental Data Requirements

§ 6176. Safety Related to Exposure.

Dermal Absorption. Each applicant to register a pesticide product that has an active ingredient with an acute dermal toxicity (LD_{50}) of 2,000 or less milligrams per kilogram of body weight for a 24–hour period shall submit to the director dermal absorption data.

Note: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401–12121, 12501–12671, 12751–13102 and 14001–14104, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 2370(a) to Section 6176 and designation of new Article 3 (Sections 6176–6193) filed 7–19–85 (Register 85, No. 29). For prior history, see Register 82, No. 32.
- 2. Change without regulatory effect amending Note filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6177. Mixer, Loader, Applicator Exposure.

Each applicant to register a pesticide product in toxicity category one or two, the use of which may be expected to result in significant respiratory or dermal exposure during mixing, loading, or application, shall submit appropriate, dermal or inhalation exposure data. Studies required by this section that involve human participants, to be conducted in California, shall meet the requirements of section 6710.

NOTE: Authority cited: Sections 11456, 12781 and 12981, Food and Agricultural Code. Reference: Sections 12815, 12824, 12980, 12981, 12987 and 12988, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 2370(b) to Section 6177 filed 7–19–85 (Register 85, No. 29).
- 2. Amendment of section and NOTE filed 5-26-95; operative 6-26-95 (Register 95, No. 21)
- Change without regulatory effect amending NoTE filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6178. Management of Poisoning.

Each applicant to register a new pesticide product or a new use of a previously registered product shall submit to the director a protocol supported by data for the practical treatment of poisoning and other injury cases.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401–12121, 12501–12671, 12751–13102 and 14001–14104, Food and Agricultural Code.

Page 370 Register 2007, No. 7; 2–16–2007

- 1. Editorial renumbering of Section 2370(c) to Section 6178 filed 7–19–85 (Register 85, No. 29).
- Change without regulatory effect amending NoTE filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6179. Spray Adjuvants.

Each applicant to register a spray adjuvant that is exempt from a tolerance pursuant to U.S. EPA regulations shall submit to the director acute toxicity data on the formulated product including oral, dermal and inhalation toxicity values, and the results of eye and skin irritation tests. If the director determines that the data indicate a risk of chronic effect, the applicant shall submit data relating to such chronic effect.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401–12121, 12501–12671, 12751–13102 and 14001–14104, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 2370(d) to Section 6179 filed 7–19–85 (Register 85, No. 29).
- Change without regulatory effect amending Note filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).
- 3. Change without regulatory effect amending section 6–5–2002 filed pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 23).

§ 6180. Rodenticides.

- (a) Each applicant to register a pesticide that is a rodenticide shall submit biochemical data describing the metabolic pathway and the mode of action in animal models suitable for extrapolation of the data to people.
- (b) Anticoagulant rodenticide baits intended for home use shall contain a color additive of such intensity as to be readily evident.
- (c) Suggested dyes or anticoagulant baits are listed in the Department's Vertebrate Pest Control Handbook (Publication No. 410).
- (d) Baits containing strychnine shall be dyed with a green color additive as specified in the Department's Vertebrate Pest Control Handbook.
- (e) Subsections (b) and (c) do not apply to bird control materials or animal repellents.

NOTE: Authority cited: Section 12781, Food and Agricultural Code. Reference: Sections 11501 and 12824, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Sections 2370(e) and 2401 to Section 6180 filed 7–19–85 (Register 85, No. 29).
- 2. Amendment filed 1-18-89; operative 2-17-89 (Register 89, No. 5).
- Change without regulatory effect amending subsection (a) and Note filed 3-27-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).

§ 6181. Foliar Residue and Field Reentry.

Each applicant proposing to register a new pesticide product or new use of a previously registered pesticide product that is intended for use on a commercially grown crop where there may be substantial exposure by field workers, shall submit acceptable foliar and soil residue data, including data on toxic alteration products if (a) any active ingredient or alteration product has an acute dermal toxicity (LD50) of 2,000 or less milligrams per kilogram of body weight for a 24–hour period, (b) is highly irritating to the skin, (c) is a sensitizer, or (d) involves a potential risk of a chronic health effect.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401–12121, 12501–12671, 12751–13102 and 14001–14104, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 2370(f)(1) to Section 6181 filed 7–19–85 (Register 85, No. 29).
- Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6182. Field Reentry.

(a) A proposed pesticide use that poses a safety hazard to field workers will not be registered until a safety interval to protect such workers has been established and is in effect by regulation or label statement.

- (b) Reentry intervals shall be established on the basis of data on dermal absorption, inhalation and dermal/oral—response studies in animal models in conjunction with foliar and soil dissipation data and any available human exposure data. The selected reentry interval will be sufficiently long to ensure that a safe (no–effect) level is present on foliage and the soil when workers may reenter previously treated areas.
- (c) In the case of a safety interval set without a human reentry study, the director may require a field monitoring study of workers during the first year of use.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401–12121, 12501–12671, 12751–13102 and 14001–14104, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 2370(f)(2)–(f)(4) to Section 6182 filed 7–19–85 (Register 85, No. 29).
- 2. Change without regulatory effect amending Note filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6183. Indoor Exposure.

Each applicant to register a pesticide product, the use of which in houses, institutions, or other buildings may result in dermal or respiratory exposure after application, shall submit appropriate exposure data. Studies required by this section that involve human participants, to be conducted in California, shall meet the requirements of section 6710.

NOTE: Authority cited: Sections 12781 and 12981, Food and Agricultural Code. Reference: Sections 12815, 12824, 12980, 12981, 12987 and 12988, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 2370(g) to Section 6183 filed 7–19–85 (Register 85, No. 29).
- Amendment of section and Note filed 5–26–95; operative 6–26–95 (Register 95, No. 21).

§ 6184. Residue Test Method.

- (a) Each applicant for the registration of a pesticide product shall provide the director with a method and a standard sample for accurately determining residues of (1) each active ingredient in the pesticide product and (2) each metabolite that may result from the active ingredient for which a tolerance has been established by the U.S. EPA in the Code of Federal Regulations. Test methods shall allow the director to determine residues in or on plant or animal tissue, soil, and water.
- (b) In the case of a pesticide intended for use on a food crop for which a residue tolerance has been established, the method shall allow the director to determine the residue on each crop within a continuous 24—hour period. Registration may be allowed for a reasonable time during which the applicant can comply with this subsection. The registration shall not be allowed to continue for more than 2 years without compliance with this subsection unless the applicant provides the director with an equally effective procedure for accomplishing the protection offered by the 24—hour method.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401–12121, 12501–12671, 12751–13102 and 14001–14104, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 2371 to Section 6184 filed 7–19–85 (Register 85, No. 29).
- Change without regulatory effect amending Note filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).
- Change without regulatory effect amending subsection (a) filed 6–5–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 23)

§ 6185. Residue Data.

Residue data required by sections 6159 and 6181 shall be obtained under California or similar environmental use conditions. Such data shall take into consideration differences in plants, soils, climatic conditions, and application techniques.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12824, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401–12121, 12501–12671, 12751–13102 and 14001–14104, Food and Agricultural Code.

- 1. Editorial renumbering and amendment of former Section 2372 to Section 6185 filed 7–19–85 (Register 85, No. 29).
- 2. Change without regulatory effect amending NOTE filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).
- 3. Change without regulatory effect amending section filed 6–5–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 23).

§ 6186. Efficacy.

Each application for registration or amendment to the labeling of a pesticide shall be accompanied by data supporting each efficacy claim. If data supporting such claims are in the public domain and copies of the data are provided, the submission of such data may satisfy the requirement of this section. Such data shall be obtained under California or similar environmental use conditions and shall take into consideration differences in plants, soils, climate conditions, and application techniques. NOTE: Authority cited: Sections 14004.5 and 14006.7, Food and Agricultural Code. Reference: Sections 11501, 12561, 12824, 12825 and 12854, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 2373 to Section 6186 filed 7–19–85 (Register 85, No. 29).
- 2. Amendment filed 6-29-87; operative 7-29-87 (Register 87, No. 31).
- Change without regulatory effect amending section and Note filed 3–27–97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).

§ 6187. Hazards to Bees.

Each applicant to register a pesticide product which, under field conditions, may be likely to contact commercial apiaries or pollinating bees shall submit to the director test data indicating the product's acute chronic toxicity to bees. Testing procedures shall be those described by the University of California laboratory studies included in Leaflet 2287, or equivalent procedures.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 2374 to Section 6187 filed 7–19–85 (Register 85, No. 29).
- Change without regulatory effect amending NoTE filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6188. Closed System Compatibility.

- (a) Each applicant to register a liquid pesticide product carrying the signal word "DANGER" on the label for an agricultural use shall submit to the director data on the product's viscosity and such other data the director may require to comply with sections 6188(b) and 6744.
- (b) No liquid pesticide carrying the signal word "DANGER" on the label shall be registered for an agricultural use unless the product is compatible with closed systems as defined in section 6000.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401–12121, 12501–12671, 12751–13102 and 14001–14104, Food and Agricultural Code.

[The next page is 371.]

- 1. Editorial renumbering and amendment of former Sections 2375 and 2402 to Section 6188 filed 7–19–85 (Register 85, No. 29).
- Change without regulatory effect amending Note filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).
- Change without regulatory effect amending section filed 3–8–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 10).

§ 6189. Effects on Pest Management.

Each applicant to register a pesticide for use on a crop for which it was not previously registered shall submit data to the director concerning any adverse effect of the product on pest management systems for that crop. NOTE: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401–12121, 12501–12671, 12751–13102 and 14001–14104, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 2376 to Section 6189 filed 7–19–85 (Register 85, No. 29).
- Change without regulatory effect amending Note filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6190. Inert Ingredient Hazard.

NOTE: Authority cited: Sections 407, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401–12121, 12501–12671, 12751–13102 and 14001–14104, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering and amendment of former Section 2378 to Section 6190 filed 7–19–85 (Register 85, No. 29).
- 2. Repealer filed 8-1-96; operative 8-31-96 (Register 96, No. 31).

§ 6191. Volatile Organic Compounds.

The director, after consultation with the Air Resources Board, shall determine under what circumstances interference with the attainment and maintenance of ambient air quality standards is likely to result from the evaporative emission of volatile organic compounds contained in a pesticide product and may require the applicant to supply data regarding such emissions.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401–12121, 12501–12671, 12751–13102 and 14001–14104, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 2379 to Section 6191 filed 7–19–85 (Register 85, No. 29).
- Change without regulatory effect amending NOTE filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6192. Other Data.

Each applicant to register a pesticide product shall submit to the director any other data determined by the director to be necessary to carry out the provisions of Section 12824 of the Food and Agricultural Code. Each data request pursuant to this section shall include the director's reason for the request. Such data may include, but is not limited to the following:

- (a) Pesticide drift.
- (b) Phytotoxicity.
- (c) Environmental effects.
- (d) Analytical and environmental chemistry.
- (e) The effect from the use of mixtures of two or more products in combination.
 - (f) Contaminants in pesticide products.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401–12121, 12501–12671, 12751–13102 and 14001–14104, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 2380 to Section 6192 filed 7–19–85 (Register 85, No. 29).
- Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).
- 3. Change without regulatory effect amending first paragraph filed 8–14–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 33).

§ 6193. Wettable and Soluble Powders.

NOTE: Authority cited: Sections 407, 12781 and 14005, Food and Agricultural Code. Reference: Sections 12751–12994, Food and Agricultural Code.

HISTORY

- Editorial renumbering of former Section 2400 to Section 6193 filed 7–19–85 (Register 85, No. 29).
- 2. Repealer filed 8-1-96; operative 8-31-96 (Register 96, No. 31).

§ 6193.5. Acute Effects Data for Dietary Risk Assessment.

- (a) For the purposes of this section, "acute exposure" is defined as a single treatment or repeated treatments during a period normally not to exceed seven days. Signs of acute toxicity are physical, behavioral, or biochemical manifestations, resulting from acute exposure, which are relevant to assessing dietary risks resulting from acute exposures of humans. Relevant observations of acute toxicity are described in the United States Environmental Protection Agency Pesticide Assessment Guidelines, Subdivision F.
- (b) The following data, from studies using active ingredients, are required to assess dietary risk resulting from acute exposures:
- (1) Acute oral LD_{50} toxicity data as required pursuant to Title 40 Code of Federal Regulations, Part 158.340; and
- (2) Oral toxicity data demonstrating a No Observed Effect Level (NOEL) for signs of acute toxicity following acute exposure and oral toxicity data sufficient to produce a dose–response curve for active ingredients with known biological indicators (e.g., cholinesterase inhibition) when this response is relevant to the NOEL. For active ingredients with anticholinesterase activity, at a minimum, red blood cell cholinesterase activity must be reported.
- (c) The data listed in subsection (b) shall be submitted with each application for registration of:
- (1) A pesticide product intended for use on food or feed crops and containing an active ingredient not currently registered for food or feed use; or
- (2) Amended labeling which would add directions for use on food or feed crops to the label of a pesticide product containing an active ingredient not currently registered for food or feed use.
- (d) Pursuant to Section 13060 of the Food and Agricultural Code, when notified by the Department, registrants of pesticides labeled for use on food or feed crops must submit the acute effects data listed in subsection (b). Registrants shall have nine months from the date of the Department's notice to submit the data.
- (e) The Department will not require the data listed in subsections (b) for active ingredients for which the Department has made a written determination that existing data demonstrates that acute dietary exposure is not of toxicological concern.

NOTE: Authority cited: Section 12781, Food and Agricultural Code. Reference: Sections 12824 and 13060, Food and Agricultural Code.

HISTORY

- 1. New section filed 2-27-92; operative 3-30-92 (Register 92, No. 12).
- 2. Change without regulatory effect amending subsections (c)(1)–(d) and NOTE filed 3–27–97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).

§ 6194. Required Submission of Data.

(a) Registrants required to submit data in support of registrations pursuant to Food and Agricultural Code sections 13060 (c) (1), 13127, 13143 or 13146 shall respond to the director's notices of the data and study requirements. Where the notice pertains to data required pursuant to Food and Agricultural Code section 13127, the data shall be one or more of the mandatory health effects studies specified in Food and Agricultural Code section 13123. Where the notice pertains to data required pursuant to Food and Agricultural Code sections 13143 or 13146, the data shall be all or some of the information specified in Food and Agricultural Code section 13143 (a) (1) through (6). Where the notice pertains to data required pursuant to Food and Agricultural Code section 13060 (c) (1), the data shall be that listed in section 6193.5 (b).

Not later than 90 days after the date of such a notice, registrants shall inform the director in writing as to how they will comply with the data requirements by choosing one or more of the following options:

- (1) Submit the data with their response to the notice.
- (2) Develop and submit the data.
- (3) Agree to jointly develop and submit the data with one or more parties and provide a copy of the agreement signed by the participating parties.
- (4) Acquire authorization to use data being developed and submitted by another party and provide a copy of the authorization signed by that party.
- (5) For data required pursuant to sections 13127, 13143 or 13146 of the Food and Agricultural Code, offer to compensate the developer(s) of the data and provide a copy of the offer, together with evidence that the data developer(s) received the offer.
- (6) Claim the data requirements are not applicable to the registered use patterns of the registrant's pesticide products and provide information supporting the claim.
- (7) When applicable to the particular notice, claim an exemption from the mandatory health effects data requirements pursuant to Food and Agricultural Code section 13128, or claim an exemption from the acute effects data requirements pursuant to Food and Agricultural Code section 13060(c)(2), and provide the information specified in subsection (c).

An option shall be chosen for each data requirement; however, different options may be chosen for different data requirements. When requested by the director, registrants who have chosen options (2) and/or (3) shall submit a written status report to the director regarding the development of the data which shall include, but is not limited to:

- (1) The name and address of the person/organization conducting the study,
 - (2) The initiation and expected completion dates, and
- (3) The scheduled date of submission of the data to the Department. The status report shall be submitted not later than 30 days after the date of the director's request, unless a later date is specified.
- (b) Pursuant to Food and Agricultural Code sections 13060(c)(2) and 13128, data requirements noticed pursuant to Food and Agricultural Code sections 13060(c)(1) and 13127, respectively, shall not apply to applicants or registrants of end use products that are formulated using another producer's pesticide product which is registered with the United States Environmental Protection Agency (EPA) provided, all pesticide active ingredients in the formulated product are derived solely from one or more EPA registered pesticide products and the producer(s) has/have chosen from options (1), (2), (3) and/or (5) in subsection (a) of this section, and is/are in compliance with the requirements of sections 13060 (c) (1) or 13127, whichever applies, of the Food and Agricultural Code and the director's regulations contained in chapter 6 of Title 3 of the California Code of Regulations.
- (c) The director shall grant an exemption as authorized by sections 13060 (c) (2) and 13128 of the Food and Agricultural Code to an applicant or registrant that meets the conditions specified in subsection (b). To apply for an exemption, the applicant or registrant shall submit the following:
- (1) The name and the EPA registration number of each pesticide product purchased to formulate the end use product, and
- (2) The name of the producer(s) from whom the applicant or registrant purchases the active ingredient(s) used to formulate the product(s), who has/have chosen from options (1), (2), (3) and/or (5) in subsection (a) of this section, and is/are in compliance with the requirements of sections 13060(c)(1) or 13127, whichever applies, of the Food and Agricultural Code and the director's regulations contained in chapter 6 of Title 3 of the California Code of Regulations. If the active ingredient(s) is/are not purchased directly from the producer(s), but through a supplier, include a statement identifying the producer(s) by name and certifying that the active ingredient(s) used to formulate the product(s) is/are purchased indirectly from a producer(s) who has/have chosen from options (1), (2), (3) and/or (5) in subsection (a) of this section, and is/are in compliance

with the requirements of sections 13060 (c) (1) or 13127, whichever applies, of the Food and Agricultural Code and the director's regulations contained in chapter 6 of Title 3 of the California Code of Regulations.

- (d) If a registrant that has been granted an exemption pursuant to sections 13060 (c) (2) or 13128 of the Food and Agricultural Code purchases a pesticide product different from that reported in accordance with subsection (c), the registrant shall notify the director of the change. If the registrant still meets the conditions specified in subsection (b) and wishes to request an exemption, the registrant shall reapply for the exemption following the procedure described in subsection (c).
- (e) An applicant or registrant that has been granted an exemption pursuant to sections 13060(c)(2) or 13128 of the Food and Agricultural Code will be exempt as long as the producer(s) of the pesticide active ingredient(s) in its end use product has/have chosen from options (1), (2), (3) and/or (5) in subsection (a) of this section, and is/are in compliance with the requirements of sections 13060(c)(1) or 13127, respectively, of the Food and Agricultural Code and the director's regulations contained in chapter 6 of Title 3 of the California Code of Regulations. An applicant or registrant that no longer qualifies for such an exemption is subject to the requirements of sections 13060 (c) (1) or 13127, whichever applies, of the Food and Agricultural Code.

NOTE: Authority cited: Sections 12781 and 13145, Food and Agricultural Code. Reference: Sections 13060, 13127, 13128, 13143 and 13146, Food and Agricultural Code.

HISTORY

- 1. New section filed 6–1–87; operative 6–1–87 pursuant to Government Code section 11346.2(d) (Register 87, No. 24).
- 2. Amendment filed 3-17-89; operative 4-16-89 (Register 89, No. 12).
- 3. Amendment of subsections (b) and (c), and new subsection (e) filed 11-6-89 as an emergency; operative 11-6-89 (Register 89, No. 45). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 3-6-90.
- 4. Certificate of Compliance including amendment of subsections (b), (c) and (e) transmitted to OAL 3-6-90 and filed 4-2-90 (Register 90, No. 16).
- 5. Amendment filed 2-27-92; operative 3-30-92 (Register 92, No. 12).

§ 6195. Acceptability of Submitted Studies.

- (a) The director will determine whether information and studies submitted pursuant to Sections 13127, 13143 and 13146 of the Food and Agricultural Code are valid, complete, and adequate. The determination will be made by considering the following factors including, but not limited to:
 - (1) Study design and conduct,
 - (2) Test substance characterization,
 - (3) Collecting and reporting of data,
 - (4) Statistical analysis of study results, and
- (5) A showing by the registrant that the information and studies meet the requirements of Food and Agricultural Code Sections 13123.5 or 13143.
- (b) The director's determination of acceptability shall be final unless, within 90 days after notice to the registrant of disapproval, the registrant petitions for reconsideration and shows in detail therein the particular matters alleged to have been improperly evaluated by the director and the reasons supporting a different evaluation. The director may grant reconsideration upon such showing and may permit the registrant to supplement the material previously submitted, or otherwise show that the studies submitted are acceptable. The time periods and procedures in such reconsideration actions shall be set by the director in consideration of the particular matters involved.

NOTE: Authority cited: Sections 12781 and 13145, Food and Agricultural Code. Reference: Sections 13127, 13143 and 13146, Food and Agricultural Code.

HISTORY

1. New section filed 6–1–87; operative 6–1–87 pursuant to Government Code Section 11346.2(d) (Register 87, No. 24).

§ 6196. Adoption of Federal Authority.

As authorized by sections 13127 and 13146 of the Food and Agricultural Code, the director adopts the provisions of subparagraph (B) of paragraph (2) of subdivision (c) of section 136a of Title 7 of the United States Code, as applicable to compensation for data developed pursuant

to Food and Agricultural Code sections 13127, 13143 and 13146 and for suspension of registrations pursuant to Food and Agricultural Code Sections 13127, 13127.2, 13127.6, 13127.91, 13127.92 and 13146. References therein to the authority of the Administrator of the United States Environmental Protection Agency (USEPA), acting pursuant to the provisions of the Federal Insecticide, Fungicide and Rodenticide Act, shall be deemed to reefer to the director, acting under the provisions of the Food and Agricultural Code and regulations in Title 3 of the California Code of Regulations. The following provisions shall apply to the adoption of the federal authority:

- (a) The director's authority under other provisions of law is not affected.
- (b) Compensation procedures under federal law are exclusive at any tie such federal procedures can be initiated before an arbitration award under this section becomes final. A later award under federal law for submission of the same data, or substantially the same data, shall supersede an award under this section.
- (c) Arbitration proceedings under this section shall be conducted by arbitrators of the American Arbitration Association using federal procedures to the extent practicable.
- (d) Arbitration awards under this section shall be subject to review in courts of competent jurisdiction to the same extent as judgments of California superior courts.
- (e) No compensation proceedings are authorized of resubmission of public literature studies.
- (f) Compensation for the use of data submitted to the director is applicable only for studies initiated after January 1, 1985 to fill the data requirements of Food and Agricultural Code section 13127 and studies initiated after January 1, 1986 to fill the information requirements of Food and Agricultural Code sections 13143 and 13146. When submitted to the director, use of these data is subject to protection only to the same extent and for the same time periods as such use would be subject to protection by the USEPA Administrator, had the data been submitted to USEPA pursuant to 7 U.S.C. 136a(c)(2)(B)(v).
- (g) The director may include in each Notice of Intent to Suspend such provisions as the director deems appropriate concerning the continued sale of existing stocks of the products included in the Notice.
- (h) The only matters for resolution at the hearing, called pursuant to the Notice of Intent to Suspend, shall be whether the registrant has failed to take the action that served as the basis for the Notice of Intent to Suspend, including, but not limited to, failing to take appropriate steps to submit the data required, to participate in a procedure for reaching agreement concerning a joint data development arrangement, to participate in an arbitration proceeding as required, to comply with the terms of an agreement or arbitration decision concerning a joint data development arrangement, and/or whether the director's determination with respect to the disposition of existing stocks is appropriate.
- (i) If a hearing is held, the decision after completion of such hearing shall be final.

NOTE: Authority cited: Sections 12781, 13127 and 13146, Food and Agricultural Code. Reference: Sections 13127, 13127.2, 13127.6, 13127.91, 13127.92 and 13146, Food and Agricultural Code.

HISTORY

- 1. New section filed 6–1–87; operative 6–1–87 pursuant to Government Code section 11346.2(d) (Register 87, No. 24).
- Editorial correction of printing error in introductory paragraph (Register 91, No. 33).
- Amendment of introductory paragraph, redesignation of numbered subsections to letters, new subsections (g)–(i), and amendment of NOTE filed 10–29–92; operative 10–29–92 pursuant to Government Code section 11346.2(d) (Register 92, No. 44).

§ 6196.1. Provisions for Suspension.

As authorized by Section 13123(m) and Section 13127(c), the following provisions shall apply to suspensions of registrations pursuant to Food and Agricultural Code Section 13127, 13127.2, 13127.6, 13127.91, and 13127.92:

- (a) The provisions of Chapter 5 of the California Administrative Procedure Act (Government Code Sections 11500–11528) apply to any hearing requested except for the following provisions which do not apply to the actual conduct of the hearing:
- (1) Government Code Sections 11503–11507. Suspension actions under the above–cited Food and Agricultural Code Sections are commenced with the filing and service of the Notice of Intent to Suspend. All references to, and requirements for, Accusations or Statements of Issues in Government Code Sections 11500–11528 shall be deemed to apply to Notices of Intent to Suspend.
- (2) Government Code Sections 11517 and 11521. The Administrative Law Judge prepares and issues a final decision in hearings under the above cited sections of the Food and Agricultural Code.
- (3) Government Code Section 11520. If the registrant does not requests a hearing within 30 days after receiving the Notice of Intent to Suspend, the suspension takes effect automatically.
- (b) The final decision of the Administrative Law Judge in any suspension action under the above–cited Food and Agricultural sections shall be issued at the earliest possible time.

NOTE: Authority cited: Sections 12781, 13127 and 13146, Food and Agricultural Code. Reference: Sections 13127, 13127.2, 13127.6, 13127.91 and 13127.92, Food and Agricultural Code.

HISTORY

1. New section filed 10–29–92; operative 10–29–92 pursuant to Government Code section 11346.2(d) (Register 92, No. 44).

§ 6197. Applicability of Section 6196 to Data Obtained Pursuant to Food and Agricultural Code Section 12824.

- (a) Data protection and compensation otherwise applicable to the adoption of federal authority by Section 6196 does not apply to situations described in subsection (d)(1) of Section 13127 and subsection (d) of Section 13146 of the Food and Agricultural Code in which the director obtains data and makes assessments on registrants for the costs thereof pursuant to Section 12824 of the Food and Agricultural Code.
- (b) The director will determine in each matter under subsection (a) the appropriate means of making and collecting the assessments. The amount of the assessment shall be the total cost to the Department to obtain the data less any appropriation the director may have requested, provided such appropriation will be received by the Department. The assessments shall be charged to the registrants of an active ingredient for which data gaps exist in proportion to the total amount of the registrant's pesticide products containing the active ingredient which the registrant reported sold pursuant to Section 6388 for the most current year prior to the assessment for which such records are available. The assessments will be collected before the director initiates the required tests.
- (c) The adoption of federal authority pursuant to Section 6196 does not affect the director's authority to suspend or cancel registrations for failure of registrants to submit data, or comply with assessment orders made pursuant to Food and Agricultural Code Section 12824, either separately or in conjunction with other authority.

NOTE: Authority cited: Sections 12781, 13127 and 13146, Food and Agricultural Code. Reference: Sections 13127 and 13143, Food and Agricultural Code.

HISTORY

- 1. New section filed 6–1–87; operative 6–1–87 pursuant to Government Code Section 11346.2(d) (Register 87, No. 24).
- 2. Amendment of subsection (b) filed 2–27–89; operative 3–29–89 (Register 89, No. 9).
- Change without regulatory effect amending subsection (b) filed 3–27–97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).

§ 6197.5. Assessment of Pesticide Registrants.

(a) Notice of a proposed assessment made pursuant to Food and Agricultural Code Section 13127(d) shall be given to each registrant of the active ingredient for which the data gap(s) exist(s) except those granted an exemption pursuant to Food and Agricultural Code Section 13128, and to each legislative committee which, during the previous and current year, considered legislation involving pesticides. Written comments on

the proposed assessment will be accepted for 30 days. After the 30 days, if the director orders the assessment, notice thereof shall also be given to each such registrant and committee.

- (b) The notice of proposed assessment and the assessment order shall contain the findings of the director as to each of the following:
 - (1) The active ingredient involved;
 - (2) A list of the specific studies for which there are data gaps;
 - (3) The reasons for requiring the assessment to obtain data;
- (4) The total estimated cost of all of the required studies and the estimated cost of each individual study;
- (5) The legislative appropriation, if any, authorized to be used to reduce the assessment to registrants and the balance remaining after application of any such appropriation; and
- (6) Each registrant and its proportional share of the total assessment based upon its reported sales for the most current year prior to the assessment for which such records are available as determined pursuant to Section 6197(b). Registrants that did not report any sales will be assessed the same amount as the registrant(s) reporting the least amount of sales, but not to exceed ten percent (10%) of the total assessment. If no sales were reported by any registrant, the total assessment will be divided equally among the registrants of the active ingredient involved.
- (c) The assessment order shall provide that, within 30 days of the date of the assessment order notice:
- (1) an affected individual registrant may, in lieu of payment, surrender its registration of all products containing the active ingredient which is the subject of the assessment; and
- (2) any individual registrant may, in lieu of payment, file with the director an agreement signed by another California or a United States Environmental Protection Agency registrant of the same active ingredient to pay the individual registrant's assessment.
- (d) As soon as practicable after determining the voluntary surrenders, if any, as provided in subsection (c)(1), the director shall recalculate the percentage of costs to the remaining registrants and provide notice of the recalculated assessments, or provide notice that there were no voluntary surrenders and that the assessments are those specified in the assessment order.
- (e) After 30 days of the issuance of the notice provided in subsection (d), the director may order the suspension of the registration of products containing the active ingredient of any registrant that fails to pay, or fails to have the registrant who signed the agreement as provided in subsection (c)(2) pay, its assessment. The suspension order shall order the registrant to discontinue sales of such products to distributorships/dealers within California.
- (f) After 90 days of the issuance of the notice provided in subsection (d), the director may take the action specified in subsection (e) against all registrations of products containing the active ingredient, except for the products of registrants excluded pursuant to Section 13128 of the Food and Agricultural Code, if the total amount of the assessment has not been paid to the director or funds have not been made available from other sources to conduct the required studies.
- (g) If the original assessment did not provide adequate funds to complete the work being funded, the director may order a supplemental assessment or assessments to provide such necessary additional funds. Notice of the supplemental assessment order shall be given to each registrant, person and committee identified in subsection (a) and include: (1) the additional total amount needed for completion of the studies, (2) any legislative appropriation available, to be used to reduce the supplemental assessment, and (3) each registrant's apportionment based upon its proportional share of the original assessment. The provisions of subsections (c), (d), (e) and (f) will apply to supplemental assessment orders.
- (h) Any registrant that has surrendered its registration or had its registration suspended pursuant to the provisions of this section, or its successors in interest to surrendered or suspended products, shall not be allowed to register or sell any products containing the active ingredient which was subject to assessment unless the studies have been initiated and/or the

data gaps filled and the registrant, or its successor in interest, complies with the following procedure:

- (1) Within 60 days of its application for registration, the applicant/registrant shall submit to the director a statement, signed by each registrant that paid all or a share of the applicable assessment, stating that the registrant has no objection to such product registration; or
- (2) present to the director an order of a court of competent jurisdiction determining that the applicant/registrant is entitled to registration based upon the payment, or offer of payment, of reasonable compensation to concerned registrants, or upon such other basis as the court may deem appropriate: or
- (3) pays the assessment owed at the time it surrendered its registration or had its registration suspended.
- (i) Monies received in excess of the total cost of obtaining the studies will be returned to registrants in proportion to each registrant's paid share of the total assessment.

NOTE: Authority cited: Sections 11456, 12781, 13127 and 13146, Food and Agricultural Code. Reference: Sections 13127 and 13146, Food and Agricultural Code.

HISTORY

- New section filed 7-9-87 as an emergency; operative 7-9-87 (Register 87, No. 31). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 11-6-87.
- Certificate of Compliance including amendment transmitted to OAL 11-6-87 and filed 12-7-87 (Register 87, No. 51).
- 3. Amendment of subsection (b)(6) filed 2–27–89; operative 3–29–89 (Register 89, No. 9).
- 4. Amendment of subsections (a) and (f) filed 3–17–89; operative 4–16–89 (Register 89, No. 12).
- 5. Change without regulatory effect amending Note filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6198. Determination of Critical Need.

Pursuant to Food and Agricultural Code Section 13146(d), the determination of whether an active ingredient or pesticide is "critical to agricultural production" shall be based upon, but is not limited to, the following factors:

- (1) Loss of the active ingredient or pesticide could prevent the commercial production of an agricultural crop.
- (2) No other effective active ingredients or other alternative methods are available for the same use(s).
- (3) Loss of the active ingredient or pesticide could result in the introduction or dissemination of a pest new or not theretofore known to be widely prevalent or distributed within and throughout California.
- (4) Loss of the active ingredient or pesticide could cause a health hazard to animals such as livestock, horses, cattle, sheep, goats, canines and furbearing animals.
- (5) Loss of the active ingredient or pesticide could cause hardship on California's agricultural industry.

NOTE: Authority cited: Sections 12781 and 13146, Food and Agricultural Code. Reference: Sections 13143 and 13146, Food and Agricultural Code.

HISTORY

- 1. New section filed 5-13-88; operative 6-12-88 (Register 88, No. 22).
- Change without regulatory effect amending section and NoTE filed 3-27-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).

§ 6198.5. List of Active Ingredients Identified Pursuant to Section 13127 of the Food and Agricultural Code

- (a) Section 13127(a) of the Food and Agricultural Code requires the Department to identify 200 active ingredients which the Department determines have the most significant data gaps, widespread use, and which are suspected to be hazardous to people. The active ingredients are listed below in alphabetical order:
 - 1. Acephate
 - 2. Acrolein
 - 3. Alachlor
 - 4. Aldicarb
 - 5. Aldrin

- 6. Alkyl (50%C14, 40%C12, 10%C16) Dimethyl Benzyl Ammonium Chloride
- 7. Allethrin
- 8. (Reserved)
- 9. Amitraz
- 10. Amitrole
- 11. Arsenic Pentoxide12. Arsenic Trioxide
- 13. Asulam, Sodium Salt
- 14. Atrazine
- 15. Azinphos-Methyl
- 16. Barban
- 17. Bendiocarb
- 18. Benomyl
- 19. Bentazon, Sodium Salt
- 20. Boric Acid
- 21. Bromacil
- 22. Bromoxynil Octanoate
- 23. Captafol
- 24. Captan
- 25. Carbaryl
- 26. Carbofuran
- 27. Carbon Tetrachloride
- 28. Carboxin
- 29. Chloramben
- 30. Chlordane
- 31. Chlordimeform
- 32. Chlorflurenol, Methyl Ester
- 33. (Reserved)
- 34. Chlorobenzilate
- 35. Chloroneb
- 36. Ortho-Benzyl-Para-Chlorophenol
- 37. Chloropicrin
- 38. Chlorothalonil
- 39. Chlorpyrifos
- 40. Chlorsulfuron
- 41. Chlorthal-Dimethyl
- 42. (Reserved)
- 43. Coumaphos
- 44. Creosote
- 45. Cryolite
- 46. Cyanazine
- 47. Cyanuric Acid, Monosodium Salt
- 48. Cycloate
- 49. Cyhexatin
- 50. 2,4–D
- 51. 2,4-D, Dimethylamine Salt
- 52. Daminozide
- 53. DDVP
- 54. Deet
- 55. Demeton
- 56. Diazinon
- 57. Dicamba
- 58. Diclobenil
- 59. Para-Dichlorobenzene
- 1,2–Dichloropropane, 1,3–Dichloropropene and Related C–3 Compounds
- 61. 1,3 Dichloropropene
- 62. Diclofop Methyl
- 63. Dicofol
- 64. Didecyl Dimethyl Ammonium Chloride
- 65. Diethatyl-Ethyl
- 66. Dimethoate
- 67. Dimethylphthalate
- 68. 2,4-Dinitrophenol
- 69. Dinocap

- 70. Dinoseb
- 71. Dioxathion
- 72. Diphacinone
- 73. Diphenamid
- 74. Diphenylamine
- 75. Dipropyl Isocinchomeronate
- 76. Diquat Dibromide
- 77. Diuron
- 78. Endosulfan
- 79. Endothall, Mono (N,N-Dimethylalkylamine) Salt
- 80. Endrin
- 81. EPN
- 82. EPTC
- 83. Ethalfluralin
- 84. Ethephon
- 85. Ethofumesate
- 86. Ethoprop
- 87. (Reserved)
- 88. Ethylene Dibromide
- 89. Ethylene Dihloride
- 90. Ethylene Glycol, Monomethyl Ether
- 91. Ethylene Oxide
- 92. Fenamiphos
- 93. Fenarimol
- 94. Fensulfothion
- 95. Fenthion
- 96. Ferbam
- 97. Fluchloralin
- 98. Flucythrinate
- 99. Fluometuron
- 100. Fluvalinate 101. Folpet
- 102. Formaldehyde
- 103. Fosamine, Ammonium Salt
- 104. Glyphosate, Isopropylamine Salt
- 105. Heptachlor
- 106. (Reserved)
- 107. Imazalil
- 108. Iprodione
- 109. (Reserved) 110. Lindane
- 110. Lindane
- 112. Lithium Hypochlorite
- 113. Malathion
- 114. Maleic Hydrazide, Diethamolamine Salt
- 115. Maleic Hydrazide, Potassium Salt
- 116. Mancozeb
- 117. Maneb
- 118. Mefluidide, Diethanolamine Salt
- 119. Metaldehyde
- 120. Metam-Sodium
- 121. Methidathion
- 122. Methomyl
- 123. Methyl Bromide
- 124. Methylene Chloride
- 125. Methylenebis (Thiocyanate)
- 126. Methyl Parathion
- 127. Metolachlor
- 128. Metribuzin 129. Mevinphos
- 130. Molinate
- 131. Monocrotophos
- 132. MSMA
- 133. Naled
- 134. Naphthalene
- 135. Napropamide

- 136. Naptalam, Sodium Salt
- 137. Nitrapyrin
- 138. Norflurazon
- 139. Octylbicycloheptene Dicarboximide
- 140. Oryzalin
- 141. Oxadiazon
- 142. Oxamyl
- 143. Oxycarboxin
- 144. Oxyfluorfen
- 145. Oxythioquinox
- 146. Paraquat Dichloride
- 147. Parathion
- 148. PCNB
- 149. PCP
- 150. Pebulate
- 151. Pendimethalin
- 152. Permethrin
- 153. Petroleum Distillate, Aromatic
- 154. Phenothrin
- 155. Ortho-Phenylphenol
- 156. Phorate
- 157. Phosalone
- 158. Phosmet
- 159. Phosphamidon
- 160. (Reserved)
- 161. Picloram
- 162. Pine Oil
- 163. Piperonyl Butoxide, Technical
- 164. PMA
- 165. Prometryn
- 166. Propamocarb
- 167. Propargite
- 168. Propetamphos
- 169. Propoxur
- 170. Propyzamide
- 171. Pyrethrins
- 172. Resmethrin
- 173. Rotenone 174. Simazine
- 175. Sodium Arsenite
- 176. (Reserved)
- 177. Sulfur Dioxide
- 178. Sulfuryl Fluoride
- 179. Terbacil
- 180. Terrazole
- 181. Tetrachlorophenol
- 182. Tetrachlorvinphos
- 183. Tetramethrin
- 184. Thiabendazole, Hypophosphite Salt
- 185. Thiobencarb
- 186. Thiophanate-Methyl
- 187. Thiram
- 188. Toxaphene
- 189. Triadimefon
- 190. S,S,S-Tributylphosphorotrithioate
- 191. Tributyltin Benzoate
- 192. Tributyltin Oxide
- 193. Trichlorophon
- 194. Trichloro-S-Triazinetrione
- 195. Triclopyr
- 196. Trifluralin
- 197. Triforine
- 198. Vernolate
- 199. Vinclozolin
- 200. Ziram

- (b) The Director has determined that certain of the active ingredients listed in subsection (a) are chemically and toxicologically similar to other active ingredients registered by the Department. Such similar active ingredients have been placed into groups. Completion of the mandatory health effects studies, required pursuant to Section 13127 of the Food and Agricultural Code, for an active ingredient listed in the group will satisfy the data requirements for all of the active ingredients in the group, unless adverse effects reported pursuant to Section 6210 indicate that the mandatory health effects studies should be completed for other active ingredients within the group. In addition, copies of the mandatory health effects studies submitted to the United States Environmental Protection Agency for any of the active ingredients listed below shall also be submitted by the registrant to the Department. The groups are listed below, and the active ingredient(s) listed in subsection (a) have an * after their name:
- 1. Alkyl (50%C14, 40%C12, 10%C16) Dimethyl Benzyl Ammonium Chloride *

Alkyl (60%C14, 30%C16, 5%C12, 5%C18) Dimethyl Benzyl Ammonium Chloride

Alkyl (25%C12, 60%C14, 15%C16) Dimethyl Benzyl Ammonium Chloride

Alkyl (47%C12, 18%C14, 10%C18, 10%C16, 15%C8–C10) Dimethyl Benzyl Ammonium Chloride

Alkyl (50%C12, 30%C14, 17%C16, 3%C18) Dimethyl Benzyl Ammonium Chloride

Alkyl (58%C14, 28%C16, 14%C12) MACASK 0 T Dimethyl Benzyl Ammonium Chloride

Alkyl (61%C12, 23%C14, 11%C16, 5%C8–C10–C18) Dimethyl Benzyl Ammonium Chloride

Alkyl (65%C12, 25%C14, 10%C16) Dimethyl Benzyl Ammonium Chloride

Alkyl (67%C12, 25%C14, 7%C16, 1%C8, C8, C10, C18) Dimethyl Benzyl Ammonium Chloride

Alkyl (90%C14, 5%C12, 5%C16) Dimethyl Benzyl Ammonium Chloride

Alkyl (93%C14, 4%C12, 3%C16) Dimethyl Benzyl Ammonium Chloride

Roccal-R (61%12, 23%C14, 11%C16, 5%C18)

Tetradecyldimethylbenzyl Ammonium Chloride

2. Aluminum Phosphide *

Magnesium Phosphide

Zinc Phosphide

3. Boric Acid *
Boric Oxide

Borax

Sodium Metaborate

Disodium Octaborate Tetrahydrate

Sodium Tetraborate (Pentahydrate)

4. Bromacil *

Bromacil, Dimethylamine Salt

Bromacil, Lithium Salt

Bromacil, Sodium Salt

5. Bromoxynil Octanoate *

Bromoxynil, Butyric Acid Ester

6. Chloramben *

Chloramben, Ammonium Salt

7. Chlordimeform *

Chloridimeform Hydrochloride

8. Ortho-Benzyl-Para-Chlorophenol *

 $Or tho-Benzyl-Para-Chlorophenol,\ Potassium\ Salt$

Ortho-Benzyl-Para-Chlorophenol, Sodium Salt

9. Copper Hydroxide *

Copper Sulfate (Anhydrous)

Copper Sulfate (Pentahydrate)

Copper Copper Ammonium Carbonate

Copper Bronze Powder

Copper Carbonate, Basic

Copper Oxide

Copper Oxychloride

Copper Oxychloride Sulfate

Copper-Sulfate (Basic)

Copper-Zinc Sulfate Complex

Cupric Oxide

10. Cyanuric Acid, Monosodium Salt *

Trichloro-S-Triazinetrione *

Dichloro-S-Triazinetrione

Sodium Dichloro-S-Triazinetrione

Sodium Dichloro-S-Triazinetrione (Dihydrate)

11. 2,4-D *

2,4-D, Dimethylamine Salt *

2,4-D, Alkanolamine Salts (Ethanol and Isopropanol Amines)

2,4-D, Butoxyethanol Ester

2,4-D, Butoxypropyl Ester

2,4-D, Butyl Ester

2,4-D, Diethanolamine Salt

2,4–D, Diethylamine Salt

2,4-D, N, N-Dimethyloleyl-Linoleylamine Salt

2,4-D, Dodecylamine Salt

2,4-D, 2-Ethylhexyl Ester

2,4-D, Isoocytl Ester

2,4-D, Isopropyl Ester

2,4-D, Morpholine Salt

2,4-D, Octyl Ester

2,4-D, N-oleyl-1, 3-Propylenediamine Salt

2,4-D, Propyl Ester

2,4-D, Propylenegylcolbutylether Ester

2,4-D, Sodium Salt

2,4-D, Tetradecylamine Salt

2,4-D, Triethylamine Salt

2,4-D, Triisopropylamine Salt

12. Dicamba *

Dicamba, Diethanolamine Salt

Dicamba, Dimethylamine Salt

Dicamba, Monoethanolamine Salt

13. Didecyl Dimethyl Ammonium Chloride *

Dioctyl Dimethyl Ammonium Chloride

Octyl Decyl Dimethyl Ammonium Chloride

Octyl Dodecyl Dimethyl Ammonium Chloride

14. Dinoseb *

Dinoseb, Amine Salt

Dinoseb, Ammonium Salt

Dinoseb Sodium Salt

Dinoseb, Triethanolamine Salt

15. Diphacinone *

Diphacinone, Sodium Salt

16. Endothall, Mono (N, N-Dimethylalkylmine) Salt *

Endothall

Endothall, Mono (N, N-Diethylalkylamine) Salt

Endothall, Dipotassium Salt

17. Lithium Hypochlorite *

Calcium Hypochlorite

Sodium Hypochlorite

18. Maleic Hydrazide, Diethanolamine Salt *

Maleic Hydrazide, Potassium Salt *

Maleic Hydrazide

19. [Reserved.]

20. MSMA *

DSMA

21. Paraquat Dichloride *

Paraquat Bis (Methylsulfate)

22. PCP *

PCP, Potassium Salt

PCP, Sodium Salt

23. Petroleum Distillate, Aromatic *

Kerosene

Petroleum Oil, Paraffin Based

Isoparaffinic Hydrocarbons

Petroleum Derivative Resin

Petroleum Distillates

Petroleum Distillates, Refined

Petroleum Hydrocarbons

Petroleum Naphthenic Oils

Petroleum Oil, Unclassified

Petroleum, Unrefined

24. Ortho-Phenylphenol *

Ortho-Phenylphenol, Ammonium Salt

Ortho-Phenylphenol, Potassium Salt

Ortho-Phenylphenol, Sodium Salt

25. Picloram *

Picloram, Triisopropanolamine Salt

26. PMA *

Phenylmercuric Oleate

27. Pyrethrins *

Pyrethrum Narc

28. Tetrachlorophenol *

2,3,4,6-Tetrachlorophenol, Potassium Salt

Tetrachlorophenol, Sodium Salt

29. Thiabendazole, Hypophosphite Salt *

Thiabendazole

30. Thiophanate-Methyl *

Thiophanate

31. Tributyltin Benzoate *

Tributyltin Oxide *

Tributyltin Methacrylate

Bis (Tributyltin) Adipate

Tributyltin Acetate Tributyltin Chloride

Tributyltin Chloride Complex of Ethylene Oxide Condensate of Abiety-

lamine

Tributyltin Fluoride

Tri-N-Butyltin Maleate

Tributyltin Monopropylene Glycol Maleate

Tributyltin Neodecanate

Tributyltin Resinate

NOTE: Authority cited: Section 12781, Food and Agricultural Code. Reference:

Section 13127, Food and Agricultural Code.

History

- 1. New section filed 6-16-87 as an emergency; operative 6-16-87 (Register 87, No. 27). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 10-14-87.
- 2. Certificate of Compliance including amendment transmitted to OAL 10–13–87 and filed 11–12–87 (Register 87, No. 47). List of 200 active ingredients originally established by emergency adoption of section 6198.5 on 6/16/87 was modified prior to final approval. Items numbered (8) Aluminum Phosphide, (33) Chlorine, (42) Copper Hydroxide, (87) Ethyl Alcohol, (106) Hydrogen Chloride, (109) Isopropyl Alcohol, (160) Phosphoric Acid and (176) Sulfur, were deleted based upon the Department of Food and Agriculture's determination that available data concerning these active ingredients indicate that the chronic health effects data required pursuant to sections 13123 and 13127 of the Food and Agricultural Code are not required to be submitted for these active ingredients.
- 3. Editorial correction of HISTORY 2 (Register 88, No. 4).
- 4. Amendment of subsection (b), redesignation of (b)19 to reserved, and amendment of NOTE filed 11–9–93; operative 12–21–93 (Register 93, No. 46).
- Editorial correction deleting previously repealed text of subsection (b)19. (Register 95, No. 39).

§ 6199. Fines for Ground Water Protection Data Gaps.

NOTE: Authority cited: Sections 407, 12781, 13145 and 13146, Food and Agricultural Code. Reference: Sections 13143 and 13145, Food and Agricultural Code. HISTORY

1. New section filed 5-13-88; operative 6-12-88 (Register 88, No. 22).

2. Repealer filed 8-1-96; operative 8-31-96 (Register 96, No. 31).

§ 6199.5. Assessment of Pesticide Registrants (The Pesticide Contamination Prevention Act, Sections 13141–13152 Food and Agricultural Code).

NOTE: Authority cited: Sections 407, 12781 and 13146, Food and Agricultural Code. Reference: Section 13146, Food and Agricultural Code.

HISTORY

- 1. New section filed 2–27–89; operative 3–29–89 (Register 89, No. 9). 2. Repealer filed 8–1–96; operative 8–31–96 (Register 96, No. 31).
- § 6199.7. Submission of Groundwater Protection Data On Specified Ingredients and Degradation Products.

NOTE: Authority cited: Sections 407 and 12781, Food and Agricultural Code. Reference: Sections 13143 and 13145, Food and Agricultural Code.

HISTORY

- 1. New section filed 6-13-90; operative 7-13-90 (Register 90, No. 32).
- 2. Repealer filed 8-1-96; operative 8-31-96 (Register 96, No. 31).

Article 4. Conditional Registration

§ 6200. Conditional Registration.

The director may waive specific data requirements in this subchapter for a period reasonably sufficient, not to exceed three years, for the generation and submission of such required data provided:

- (a) The pesticide product is registered pursuant to the Federal Insecticide, Fungicide and Rodenticide Act, the product is to be used under a Federal Experimental Use Permit, or the product is for use in California only.
- (b) The applicant has provided the director with all data the applicant has available required by the U.S. EPA and by this subchapter to support registration of the pesticide product.
- (c) No conditional registration shall be granted unless the data includes all of the following:
 - (1) Acute oral and dermal LD₅₀ data on the product.
- (2) Acute LC₅₀ data on products which produce respirable aerosols or gases.
 - (3) Primary eye and skin irritation data on the product.
- (4) When human contact is likely with soils or foliage containing residues, foliar and soil residue data as specified in Sections 6181 and 6182, sufficient to establish safe reentry level or interval.
- (5) Analytical methods to determine residues of (1) each active ingredient and (2) each toxic metabolite that may result from the active ingredient for which a tolerance has been established by the U.S. EPA in the Code of the Federal Regulations. Test methods shall, as applicable, allow the director to determine residues in or on plant tissue, soil, and water.
- (6) Preliminary efficacy data indicating the product is effective for the proposed use.
 - (d) The director complies with Section 6158.
 - (e) That each item of data waived is for a specified period.

Such period shall be no more than necessary for the applicant using good faith efforts to develop the information required by Sections 6176–6179, 6180(a), 6181–6183.

- (f) The director makes a written finding, supported by substantial evidence, that the use of the pesticide during the periods while data are being developed, is not expected to cause any significant adverse effect on the environment, that a clear need for the use of the product in California exists while the data is being developed, and that specified benefits of using the pesticide outweigh specified risks to human health and the environment.
- (g) The director requires the use of the best pest control methods and technology available including, but not limited to, methods of application to protect human health and the environment, and limitations to mitigate adverse effects to nontarget organisms or areas.
- (h) Each registrant be required to submit a report to the director annually (with product renewal application if such a waiver extends over Janu-

- ary 1 of any year) and whenever specifically requested by the director, detailing progress made towards development of each item of the waived data
- (i) Where the application is for a pesticide product containing a new active ingredient, the applicant has provided the director with the following data in addition to the data required by section 6200(c), (1)–(6) when required by the U.S. EPA to support the full unconditional registration of the product pursuant to Section 3 of the Federal Insecticide, Fungicide and Rodenticide Act and when specifically requested by the director:
- (1) Results of a two-year feeding study on oncogenicity on active ingredients in at least one animal species.
- (2) Results of a teratogenicity study and one generation of a two-generation combined male-female reproductive study on active ingredients.
- (3) Results of three mutagenicity studies on active ingredients that detect gene mutations, chromosomal aberrations, and DNA damage/repair.
- (4) Data to support medical management of poisoning or injury. NOTE: Authority cited: Sections 11456 and 12781, Food and Agricultural Code. Reference: Sections 11501 and 12824–12825, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering and amendment of former Section 2369.5 to Section 6200 and designation of new Article 4 filed 7–19–85 (Register 85, No. 29).
- Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).
- 3. Change without regulatory effect amending first paragraph and subsections (b), (c)(5) and (i) filed 6–5–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 23).
- 4. Change without regulatory effect amending subsections (c)(1) and (c)(3) filed 8–14–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 33).
- Change without regulatory effect amending subsections (b), (c)(1), (c)(3), (c)(5) and (i) filed 2–7–2007 pursuant to section 100, title 1, California Code of Regulations (Register 2007, No. 7).
- Amendment of subsections (b), (c)(1), (c)(3), (c)(5) and (i) filed 2-8-2007; operative 3-10-2007 (Register 2007, No. 7).

Article 5. Exemptions

§ 6205. Deodorizer or Cleansing Agent.

A product claimed, represented and intended solely as a deodorizer or deodorant, or as a cleansing agent, is not considered to be a pesticide. NOTE: Authority cited: Section 12781, Food and Agricultural Code. Reference: Sections 12753 and 12801, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 6210 to Section 6205 and designation of new Article 5 (Sections 6205 and 6206) filed 7–19–85 (Register 85, No. 29). For prior history of Section 6210, see Register 82, No. 32.
- Change without regulatory effect amending section and Note filed 3-27-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).

§ 6206. Section 18 Exemptions.

The director may apply to the U.S. EPA for a Section 18 exemption, pursuant to the Federal Insecticide, Fungicide and Rodenticide Act, when he or she determines that a specific public health quarantine or crisis emergency exists that requires the use of an unregistered pesticide and there is no feasible alternative to the exemption. In the case of Section 18 exemptions, the director may waive the data requirements in this subchapter, but shall require the utilization of the best pest control methods and technology available including, but not limited to, pest population monitoring, a determination of treatment thresholds, methods of application to protect human health and the environment, and limitations to mitigate adverse effects to nontarget organisms.

NOTE: Authority cited: Sections 11456, 12781 and 12824, Food and Agricultural Code. Reference: Sections 11501 and 12751–13102, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 2369(e) to Section 6206 filed 7–19–85 (Register 85, No. 29).
- Change without regulatory effect amending NoTE filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).
- 3. Change without regulatory effect amending section filed 6–5–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 23).

Article 6. Adverse Effects Disclosure

§ 6210. Adverse Effect Disclosure.

(a) If, during the registration process or at any time after the registration of a pesticide, the registrant has factual or scientific evidence of any adverse effect or risk of the pesticide to human health or the environment (including ambient air quality), the registrant shall immediately submit such evidence to the director. All such information including, but not limited to that required under Section 6(a)(2) of the Federal Insecticide, Fungicide and Rodenticide Act, shall be submitted to the director.

(b) For the purposes of this section, "environment" means the total human surroundings, physical and biological, natural and artificial, including air, water, soil, plants, wildlife, and other ecological factors affecting the growth, development, and safety of people and other living organisms.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401–12121, 12501–12671, 12751–13102 and 14001–14104, Food and Agricultural Code.

HISTORY

- 1. Renumbering of former Chapter 4 (Article 3, Section 2350) to Chapter 6 (Article 2, Section 6210) filed 8–4–82; designated effective 1–1–83 (Register 82, No. 32). For prior history, see Register 78, No. 52.
- 2. Editorial renumbering of former Section 6210 to Section 6205, renumbering of former Section 2360.1 to Section 6210 and designation of new Article 6 filed 7–19–85 (Register 85, No. 29).
- 3. Change without regulatory effect amending NOTE filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

Article 7. Renewals

§ 6215. Renewal.

- (a) Each registrant shall submit with each renewal application a statement, signed by an authorized official of the applicant under penalty of perjury, that, prior to filing the renewal application the registrant has, to the best of the applicant's knowledge based upon all information available to the applicant, complied with the provisions of Section 6210, (Adverse Effect Disclosure).
- (b) Each renewal shall be issued within 60 days after the director receives an accurate and complete renewal application unless the director takes action pursuant to Sections 12816, 12825, or 12827 of the Food and Agricultural Code.
- (c) The director shall, when renewing a pesticide registration without a reevaluation, make a written finding that he or she has not received sufficient information necessitating reevaluation pursuant to Sections 6220 and 6221.
- (d) Label amendments, including those made pursuant to Sections 18 and 24 (c) of the Federal Insecticide, Fungicide and Rodenticide Act, are subject to departmental review and approval pursuant to Section 6170(b). Approved label amendments are not subject to separate registration renewal requirements.

NOTE: Authority cited: Sections 11456, 12781, 14004.5 and 14006.7, Food and Agricultural Code. Reference: Sections 12812, 12817–12820 and 12824–12827, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering and amendment of former Section 2366 to Section 6215 and designation of new Article 7 filed 7–19–85 (Register 85, No. 29).
- 2. Amendment filed 6-29-87; operative 7-29-87 (Register 87, No. 31).
- 3. Change without regulatory effect amending NOTE filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6216. Annual Registration Renewal Fee.

Beginning with those certificates of registration expiring on December 31, 2003, the fee for annual renewal is \$750 for each product.

NOTE: Authority cited: Sections 12781 and 12812, Food and Agricultural Code. Reference: Section 12812, Food and Agricultural Code.

History

1. New section filed 11–3–2003 as an emergency; operative 1–1–2004 (Register 2003, No. 45). This action is a permanent emergency change for which no Cer-

- tificate Compliance is needed pursuant to Food and Agricultural Code section 12812.
- 2. Editorial correction of HISTORY 1 (Register 2004, No. 37).

§ 6217. Penalties for Late Payment of Annual Renewal Application Fee.

If renewal of a certificate of registration is not applied for within one calendar month after December 31 of each year, a penalty of 20 percent of the original amount due shall be added to the renewal fee for each product

NOTE: Authority cited: Sections 12781, 12812 and 12818, Food and Agricultural Code. Reference: Section 12818, Food and Agricultural Code.

HISTORY

- 1. New section filed 11–3–2003 as an emergency; operative 1–1–2004 (Register 2003, No. 45). This action is a permanent emergency change for which no Certificate Compliance is needed pursuant to Food and Agricultural Code section 12812
- 2. Editorial correction of HISTORY 1 (Register 2004, No. 37).

Article 8. Reevaluation Criteria

§ 6220. Reevaluation.

The director may, at any time, evaluate a registered pesticide to carry out the provisions of Sections 12824, 12825, 12825.5, 12826 and 12827 of the Food and Agricultural Code. The Director shall investigate all reported episodes and information received by the Director that indicate a pesticide may have caused, or is likely to cause, a significant adverse impact, or that indicate there is an alternative that may significantly reduce an adverse environmental impact. If the Director finds from the investigation that a significant adverse impact has occurred or is likely to occur or that such an alternative is available, the pesticide involved shall be reevaluated.

NOTE: Authority cited: Section 12781, Food and Agricultural Code. Reference: Sections 11501, 12824, 12825, 12825.5, 12826 and 12827, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 6220 to Section 6300, renumbering of former Section 2367(a) to Section 6220 and designation of new Article 8 (Sections 6220–6228) filed 7–19–85 (Register 85, No. 29). For prior history, see Register 82, No.32.
- 2. Amendment filed 1-18-89; operative 2-17-89 (Register 89, No. 5).
- 3. Change without regulatory effect amending section and Note filed 3–27–97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).

§ 6221. Reevaluation Criteria.

The director shall also reevaluate a pesticide when certain factors have been found such as, but not limited to:

- (a) Public or worker health hazard.
- (b) Environmental contamination.
- (c) Pesticide residue overtolerance.
- (d) Fish or wildlife hazard.
- (e) Lack of efficacy.
- (f) Undesirable phytotoxicity.
- (g) Hazardous packaging.
- (h) Inadequate labeling.
- (i) Disruption of the implementation or conduct of pest management.
- (j) Other information suggesting a significant adverse risk.
- (k) Availability of an effective and feasible alternate material or procedure which is demonstrably less destructive to the environment.
- (1) Discovery that data upon which a registration was issued is false, misleading, or incomplete.

NOTE: Authority cited: Section 12781, Food and Agricultural Code. Reference: Sections 11501, 12824 and 12825.5, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 2367(b) to Section 6221 filed 7–19–85 (Register 85, No. 29).
- 2. Amendment filed 1–18–89; operative 2–17–89 (Register 89, No. 5).
- 3. Change without regulatory effect amending first paragraph, subsection (c) and NOTE filed 3–27–97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).

Page 379

§ 6222. Reevaluation Data Requirements.

(a) During a reevaluation, the director shall require submission of all data required for registration of a new pesticide by the U.S. EPA and by sections 6159, 6170, 6176–6179, 6180(a), 6181–6192, and 6200 which is relevant to the focus of the reevaluation and has not previously been submitted to the department. The director shall allow a reasonable time for the development and submission of such data, not to exceed a period of two years. Notwithstanding the lack of such data the director shall act expeditiously to protect against risks to human health and the environment.

(b) If information is obtained from an individual or organization indicating possible adverse effect from the use of a pesticide, the director shall respond in writing to the individual or organization indicating the reasons for his or her decision either to reevaluate or not reevaluate the pesticide registration based upon the information submitted.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401–12121, 12501–12671, 12751–13102 and 14001–14104, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering and amendment of former Section 2367(c) and (d) to Section 6222 filed 7–19–85 (Register 85, No. 29).
- 2. Change without regulatory effect amending Note filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).
- Change without regulatory effect amending subsection (a) filed 6–5–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 23).

§ 6223. Notification.

The registrant whose pesticide product has been designated for reevaluation shall be immediately notified by the director. Such notice shall include the basis for the reevaluation.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401–12121, 12501–12671, 12751–13102 and 14001–14104, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 2367(e) to Section 6223 filed 7–19–85 (Register 85, No. 29).
- Change without regulatory effect amending Note filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6224. Determinations.

During the reevaluation, the director shall determine if the pesticide should be classified as a restricted material pursuant to Section 14004.5 of the Food and Agricultural Code; and if additional restrictions on use are necessary, or if action pursuant to Section 12824, 12825, or 12826 of the Food and Agricultural Code should be taken.

NOTE: Authority cited: Sections 12781, 14005 and 14006.7. Food and Agricultural Code. Reference: Sections 11501, 12824, 12825, 12825.5, 12826, 14001, 14004.5 and 14005, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 2367(e) to Section 6224 filed 7–19–85 (Register 85, No. 29).
- 2. Amendment filed 1-18-89; operative 2-17-89 (Register 89, No. 5).
- Change without regulatory effect amending section and Note filed 3-27-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).

§ 6225. Reports.

The director shall publish a semi-annual report on pesticides reevaluated, under reevaluation, or which for factual or scientific information was received but no reevaluation was initiated.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401–12121, 12501–12671, 12751–13102 and 14001–14104, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 2367(f) to Section 6225 filed 7–19–85 (Register 85, No. 29).
- Change without regulatory effect amending Note filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6226. Product Evaluation.

The director shall undertake continuous evaluation of all registered products. First priority shall be given to those products selected according to the specific criteria set forth in this section. Next priority shall be given to other products considered by the director to pose the greatest risk to people and the environment.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401–12121, 12501–12671, 12751–13102 and 14001–14104, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 2367(g) to Section 6226 filed 7–19–85 (Register 85, No. 29).
- 2. Change without regulatory effect amending NOTE filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6227. Annual Review.

NOTE: Authority cited: Sections 407, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401–12121, 12501–12671, 12751–13102 and 14001–14104, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 2368 to Section 6227 filed 7–19–85 (Register 85, No. 29).
- 2. Repealer filed 1-18-89; operative 2-17-89 (Register 89, No. 5).

§ 6228. Designation of Restricted Materials.

NOTE: Authority cited: Sections 407, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401–12121, 12501–12671, 12751 and 14104, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 2450.5 to Section 6228 filed 7–19–85 (Register 85, No. 29).
- 2. Repealer filed 1-18-89; operative 2-17-89 (Register 89, No. 5).

Article 9. Trade Secret

§ 6230. Trade Secrets.

NOTE: Authority cited: Sections 407, 11502, 12005, 12111, 12531, 12561, 12781, 12824, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401–12121, 12501–12671, 12751–13102 and 14001–14104, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 2360(f) to Section 6230 and redesignation of new Article 9 (Sections 6230 and 6231) filed 7–19–85 (Register 85, No. 29).
- 2. Repealer filed 6-29-87; operative 7-29-87 (Register 87, No. 31).

§ 6231. Trade Secret Determinations.

NOTE: Authority cited: Sections 407, 11502, 12005, 12111, 12531, 12561, 12781, 12824, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401–12121, 12501–12671, 12751–13102 and 14001–14104, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 2360(g) to Section 6231 filed 7–19–85 (Register 85, No. 29).
- 2. Repealer filed 6–29–87; operative 7–29–87 (Register 87, No. 31).

Article 10. Labeling

§ 6235. Name, Brand, or Trademark of Pesticide.

The name, brand, or trademark of the pesticide appearing on the label shall be that under which the pesticide is registered.

NOTE: Authority cited: Sections 12781 and 14005, Food and Agricultural Code. Reference: Sections 12751–12994, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 2330 to Section 6235 and designation of new Article 10 (Sections 6235–6243, not consecutive) filed 7–19–85 (Register 85, No. 29).
- 2. Change without regulatory effect amending section heading, section and NOTE filed 3–27–97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).

§ 6237. Placement of Label.

The label shall appear on the pesticide or the immediate container thereof. If the immediate container is enclosed within a wrapper or outside container through which the label cannot be clearly read by a person with normal vision, the label must also appear on such outside wrapper or container if it is a part of the retail package.

NOTE: Authority cited: Sections 12781 and 14005, Food and Agricultural Code. Reference: Sections 12751–12994, Food and Agricultural Code.

HISTORY

- Editorial renumbering of former Section 2390 to Section 6237 filed 7–19–85 (Register 85, No. 29).
- Change without regulatory effect amending section and Note filed 3-27-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).

§ 6238. Acceptance of Labeling.

No label may represent a registered pesticide and no supplemental or associated information, whether written or oral, may represent a registered pesticide until such label and information is accepted by the director as part of the labeling. Recommended dilutions, if any, for use of a pesticide shall be submitted with the application.

NOTE: Authority cited: Sections 12781 and 14005, Food and Agricultural Code. Reference: Sections 12751–12994, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 2361 to Section 6238 filed 7–19–85 (Register 85, No. 29).
- Change without regulatory effect amending section and Note filed 3-27-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).

§ 6239. Name and Address of Manufacturer, Distributor, Packer, Formulator, or Registrant.

An unqualified name and address given on the label shall be considered as the name and address of the manufacturer. If the registrant's name appears on the label and registrant is not the manufacturer, or if the name of the person for whom the pesticide was manufactured appears on the label, it must be qualified by appropriate wording such as "Packed for _____," "Distributed by ______," or "Sold by ______," to show that the name is not that of the manufacturer. If a person has two or more locations at which a pesticide is manufactured or packaged, or from which it is distributed, the name and address of the person's principal office will be accepted except in cases where the director determines that the address of the exact location is necessary for the protection of the public. The address of the manufacturer, registrant, or person for whom manufactured shall include the street address, if any, unless the street address is shown in a current city directory or telephone directory.

NOTE: Authority cited: Sections 12781 and 14005, Food and Agricultural Code. Reference: Sections 12751–12994, Food and Agricultural Code.

HISTORY

- Editorial renumbering of former Section 2391 to Section 6239 filed 7–19–85 (Register 85, No. 29).
- Change without regulatory effect amending section and Note filed 3-27-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).

§ 6240. Legibility of Label and Labeling.

All words, statements, graphic presentations, or designs required by the Food and Agricultural Code or these regulations to appear on the label or labeling must be clearly legible and easy to read by a person with normal vision. The signal word, when required, and the statement, "Keep out of the reach of children," when necessary, shall be of a size bearing a reasonable relationship to the other type on the front part of the label and to the size of the container. The signal word, when required, shall not be less than 18 point type, and the said warning statement shall not be less than 12 point type, unless the label space on the container is too small to accommodate such type sizes, in which case, the director shall prescribe the type size. When the size of the label space requires a reduction in type size, the reduction shall be made to a size no smaller than is necessary, and in no event to a size smaller than 6 point type.

NOTE: Authority cited: Sections 11456, 12781 and 14005, Food and Agricultural Code. Reference: Sections 12751–12994, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 2393 to Section 6240 filed 7–19–85 (Register 85, No. 29).

 Change without regulatory effect amending Note filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6241. Registration Number.

- (a) The assigned registration number shall appear on each pesticide label.
- (b) The registration number shall be shown on the label substantially as follows:

EPA REGISTRATION NO. 00000-00000-00000 or

EPA REG. NO. 00000-00000-00000 or if no Federal number has been assigned

STATE REGISTRATION NO. 00000-00000-00000 or STATE REG. NO. 00000-00000-00000

(The first five digits reflect the manufacturer or basic registrant, the second five digits the product, and the third five digits, if applicable, reflect the distributor.)

NOTE: Authority cited: Sections 12781 and 14005, Food and Agricultural Code. Reference: Sections 12751–12994, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 2394 to Section 6241 filed 7–19–85 (Register 85, No. 29).
- Change without regulatory effect amending subsection (a) and Note filed 3-27-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).

§ 6242. Warning or Caution Statement.

Warning or caution statements, which are necessary, and if complied with, adequate to prevent injury to living man and useful vertebrate animals, useful vegetation, and useful invertebrate animals, must appear on the label in a place sufficiently prominent to warn the user, and must state clearly and in nontechnical language the particular hazard involved in the use of the pesticide, e.g., ingestion, skin absorption, inhalation, flammability or explosion, and the precautions to be taken to avoid accident, injury, or damage.

(a) The label of every pesticide shall bear warnings or cautions which are necessary for the protection of the public, including the statement, "Keep out of reach of children," and a signal word such as "Danger," "Warning," or "Caution" as the director may prescribe, on the front panel or that part of the label displayed under customary conditions of purchase; provided, however, the director may permit reasonable variations on the placement of that part of the required warnings and cautions other than the statement, "Keep out of the reach of children," and the required signal word, if in his opinion such variations would not be injurious to the public. If a pesticide is marketed in channels of trade where the likelihood of contact with children is extremely remote, or if the nature of the product is such that it is likely to be used on infants or small children without causing injury in under reasonably foreseeable conditions, the director may waive the requirement of the statement, "Keep out of reach of children" if in his opinion such a statement is not necessary to prevent injury to the public. The director may permit a statement such as "Keep away from infants and small children" in lieu of the statement "Keep out of reach of children" if he determined that such a variation would not be injurious to the public.

(b) The label of every pesticide which is highly toxic to man shall bear the word "Danger" along with the word "Poison" in red on contrasting background in immediate proximity to the skull and crossbones, and an antidote statement including directions to call a physician immediately on the front panel or that part of the label displayed under customary conditions of purchase; provided, however, the director may permit reasonable variations in the placement of the antidote statement if some reference such as "See antidote statement on back panel" appears on the front panel near the word "Poison" and the skull and crossbones.

NOTE: Authority cited: Sections 12781 and 14005, Food and Agricultural Code. Reference: Sections 12751–12994, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering and amendment of former Section 2395 to Section 6242 filed 7–19–85 (Register 85, No. 29).
- Change without regulatory effect amending section and Note filed 3-27-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).

Title 3

§ 6243. Scope of Labeling Requirements.

The labeling requirements in this article shall provide that pesticide products registered by the director meet, but not exceed, current U.S. EPA labeling requirements. The labeling requirements in this article shall apply equally to pesticide products currently registered by U.S. EPA and submitted to the director for registration, and those requiring registration only pursuant to section 12811 of the Food and Agricultural Code.

NOTE: Authority cited: Sections 11456 and 12781, Food and Agricultural Code. Reference: Sections 12751–13102, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 2389 to Section 6243 filed 7–19–85 (Register 85, No. 29).
- Change without regulatory effect amending Note filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).
- 3. Change without regulatory effect amending section filed 6–5–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 23).

Article 11. Subpackaging

§ 6247. Sub-Packaging of Certain Pesticides for Resale to Consumers.

NOTE: Authority cited: Sections 12781 and 14005, Food and Agricultural Code. Reference: Sections 12751–12994, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former section 2396 to section 6247 and designation of new article 11 filed 7–19–85 (Register 85, No. 29).
- 2. Editorial correction of printing error in subsection (c) (Register 91, No. 33).
- 3. Repealer filed 5–31–95; operative 6–30–95 (Register 95, No. 22).
- Change without regulatory effect amending section heading and Note filed 3-27-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).

Article 12. Consultation and Public Review

§ 6252. Pesticide Registration, Renewal, and Reevaluation Consultation.

This section applies to the registration, renewal of registration, and reevaluation of pesticides.

The Department shall consult on decisions proposed pursuant to this section with public agencies which have jurisdiction by law over the use of pesticides or over activities or resources which may be affected by the use of pesticides. In doing so, the director shall establish an interagency advisory committee that shall be known as the Pesticide Registration and Evaluation Committee. This committee shall meet bimonthly or more often when requested by the director. The Pesticide Registration and Evaluation Committee shall consist of the following members:

- (a) The Director of the Department of Pesticide Regulation or his or her designee who shall serve as chair of the committee;
- (b) A representative from each of the other boards, offices, and departments in the California Environmental Protection Agency:
 - (1) The Air Resources Board;
 - (2) The Office of Environmental Health Hazard Assessment;
 - (3) The Integrated Waste Management Board;
 - (4) The State Water Resources Control Board;
 - (5) The Department of Toxic Substances Control.
 - (c) A representative from each of the following state agencies:
 - (1) The Department of Food and Agriculture;
 - (2) The Department of Fish and Game;
 - (3) The Department of Industrial Relations;
 - (4) The Department of Health Services;
- (5) The Structural Pest Control Board in the Department of Consumer Affairs;
 - (6) The University of California;
 - (d) A representative from each of the following federal agencies:
- (1) The U.S. Department of Agriculture/Agricultural Research Service;

- (2) The U.S. Environmental Protection Agency, Region IX.
- (e) The President of the California Agricultural Commissioners and Sealers Association or his or her designee;
- (f) A representative of any other public agency that the Director of the Department of Pesticide Regulation deems appropriate after consultation with the existing committee membership.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401–12121, 12501–12671, 12751–13102 and 14001–14104, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 2443(a) to Section 6252 and designation of new Article 12 (Sections 6252–6255) filed 7–19–85 (Register 85, No. 29).
- Change without regulatory effect amending Note filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).
- 3. Amendment filed 11–27–2001; operative 12–27–2001 (Register 2001, No. 48)
- Change without regulatory effect amending section heading filed 8–14–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 33).

§ 6253. Proposed Decision.

- (a) Each proposed decision relating to registration and renewal, and each decision to begin reevaluation shall be posted on the official bulletin boards of the Department, and of each commissioner's office, and in each District office of the Division of Pest Management, Environmental Protection and Worker Safety for 30 days for public review and comment.
- (b) A copy of the notice shall be sent to any person who requests it in writing. In addition, the public agencies consulted under Section 6252 shall be sent a copy of the notice.

NOTE: Authority cited: Sections 11456 and 12781, Food and Agricultural Code. Reference: Section 21080.4, Public Resources Code.

HISTORY

- 1. Editorial renumbering of former Section 2443(b) to Section 6253 filed 7–9–85 (Register 85, No. 29).
- 2. Amendment of subsection (a) filed 6–29–87; operative 7–29–87 (Register 87, No. 31)
- Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6254. Public Report.

Each public report shall include a description of the proposed action, a statement of any significant adverse environmental effect that can reasonably be expected to occur, directly or indirectly, from implementing the proposal, and a statement of any reasonable mitigation measures that are available to minimize significant adverse environmental impact.

Each public report shall also contain a statement and discussion of reasonable alternatives which would reduce any significant environmental impact. The public report may be included in the notice of proposed decision. The director may develop a schedule of actual cost for the reproduction of public reports to be charged to those requesting copies.

- (a) The director shall not approve an activity which would cause a significant adverse environmental impact if there is a feasible alternative or feasible mitigation measure available which would substantially lessen any significant adverse impact which implementation of the proposal may reasonably be expected to have on the environment.
- (b) Written Evaluation. The final action taken in regard to a decision subject to this section in which a significant adverse environmental point is raised during the evaluation process shall include a written evaluation of such points approved by the director.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401–12121, 12501–12671, 12751–13102 and 14001–14104, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 2443(c)–(e) to Section 6254 filed 7–19–85 (Register 85, No. 29).
- Change without regulatory effect amending NOTE filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).
- Change without regulatory effect amending subsection (b) filed 6–5–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 23).

Page 382 Register 2004, No. 37; 9–10–2004

§ 6255. Notice of Decision.

A notice of each decision subject to this article shall be filed within a week of its issuance with the Secretary of Resources for posting. Such notices shall be available for public inspection and shall remain posted for a period of 30 days.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401–12121, 12501–12671, 12751–13102 and 14001–14104, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 2443(f) to Section 6255 filed 7–19–85 (Register 85, No. 29).
- Change without regulatory effect amending Note filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).
- 3. Change without regulatory effect amending section filed 6–5–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 23).

§ 6256. Pest Management Advisory Committee.

- (a) There is within the Department of Pesticide Regulation a Pest Management Advisory Committee. The Pest Management Advisory Committee shall consist of the following members:
 - (1) Six ex officio members;

The Director of the Department of Pesticide Regulation or his/her designee who shall serve as chair of the committee;

The Secretary of the California Department of Food and Agriculture or his/her designee who shall serve as vice chair;

The President of the University of California or his/her designee;

The Regional Administrator of the United States Environmental Protection Agency Region IX or his/her designee;

The Chancellor of the California State University or his/her designee; The President of the County Agricultural Commissioners and Sealers Association or his/her designee.

(2) The following members who shall serve an initial term of office of from one to three years, as determined by the chair at the time of appointment, so that approximately one—third of these original committee members shall be replaced annually for the first three years. Subsequent appointments shall be for a term of office of three years;

Five members representing academia and public foundations.

Six members representing agricultural production.

Four members representing environmental and public interest groups. One member representing farm labor organizations.

One member representing general public and consumer advocacy.

One member representing nonagricultural pesticide user groups.

Two members representing pest control advisers.

Four members representing registrants and trade associations.

(b) The members of the Pest Management Advisory Committee shall be appointed by the Director of the Department of Pesticide Regulation, and serve at the pleasure of the chair. Vacancies will be filled for any unexpired term of office as appropriate. The Pest Management Advisory Committee shall assist the Department of Pesticide Regulation in identifying, facilitating, and promoting environmentally sound pest management practices and pest management systems. Pest Management Advisory Committee activities include, but are not limited to, reviewing proposals for pest management research and recommending to the Director which proposals should be funded. Upon the joint decision of the chair and vice chair, funds in the Food Safety Account in the Department of Pesticide Regulation may be expended, upon appropriation, for pest management research purposes to carry out the recommendations of the Pest Management Advisory Committee. The committee shall meet at least quarterly or at the request of the chair. The chair may appoint subcommittees as needed to serve in an advisory capacity. Pest Management Advisory Committee members and any subcommittee members shall serve without compensation.

NOTE: Authority cited: Section 12536, Food and Agricultural Code. Reference: Section 12536, Food and Agricultural Code.

HISTORY

- 1. New section filed 2–14–96; operative 2–14–96 pursuant to Government Code section 11343.4(d) (Register 96, No. 7).
- 2. Amendment filed 11-27-2001; operative 12-27-2001 (Register 2001, No. 48).

Article 13. Research Authorization

§ 6260. Authorization for Research.

- (a) With the exception of those persons exempted by section 6268, a written authorization for research shall be obtained from the director prior to any experimental, unregistered use of a pesticide.
- (b) The authorization may specify conditions under which the research shall be conducted. The conditions may include, but are not limited to, handling of the treated commodity, safety equipment, reentry intervals, medical monitoring, and field posting.
- (c) Research requiring an approved human exposure protocol pursuant to section 6710, shall be conducted in accordance with that protocol.
- (d) The Director may terminate, amend, or refuse to issue an authorization whenever it is determined that:
- (1) the research may involve a hazard to handlers and/or field workers, the public health or the environment,
- (2) the research is used for purposes unrelated to pesticide data development, or
- (3) violations of the authorization, a previous authorization, or divisions 6 or 7 of the Food and Agricultural Code, or regulations adopted pursuant to them, have occurred in connection with such research.
- (e) The research shall be conducted in accordance with the conditions of the authorization and the research authorization regulations of this article

NOTE: Authority cited: Sections 12781 and 12976, Food and Agricultural Code.Reference: Sections 12995 and 14006.6, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former section 3092 to section 6260 and designation of new article 13 filed 7–19–85 (Register 85, No. 29).
- 2. Amendment of former subsection (a), and renumbering and amendment of former subsections (b) to section 6262, (c) to section 6263, (d) to section 6261 and (e) to section 6264 filed 6–29–87; operative 7–29–87 (Register 87, No. 31).
- 3. Change without regulatory effect of NOTE filed 8-26-88; operative 8-26-88 (Register 88, No. 36).
- 4. New subsections (b), (c) and (e), and amendment of subsections (a) and (d) filed 5-23-90; operative 6-22-90 (Register 90, No. 27).
- 5. Change without regulatory effect amending subsection (a) and NOTE filed 3–27–97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).

§ 6261. Exemptions from Authorization for Research.

NOTE: Authority cited: Sections 407, 12781 and 12976, Food and Agricultural Code. Reference: Sections 12995 and 14006.6, Food and Agricultural Code.

HISTORY

- 1. Renumbering and amendment of former section 6260(d) to section 6261 filed 6-29-87; operative 7-29-87 (Register 87, No. 31).
- 2. Change without regulatory effect of NOTE filed 8-26-88; operative 8-26-88 (Register 88, No. 36).
- 3. Renumbering and amendment of section 6261 to section 6268 filed 5–23–90; operative 6–22–90 (Register 90, No. 27).

§ 6262. Application for Research Authorization.

- (a) Application for a research authorization shall be made on a form prescribed by the director. The application shall require applicants to provide the following information:
 - (1) Name, mailing address and telephone number of applicant;
 - (2) Pesticide to be applied:
 - (A) The brand name, common name, or ID number;
 - (B) Residue tolerance established;
 - (C) U.S. EPA registration number;
 - (D) Dosage of active ingredient;
 - (E) Method of application;
 - (F) Type of pesticide;
- (3) Type of site or commodity and stage of growth at which pesticide will be applied;
 - (4) Size, number, and total area of trials;
 - (5) Date of first and last applications;
 - (6) Type of data sought;
 - (7) Planned disposition of treated commodity; and

- (8) Signature and title of persons responsible for the trials.
- (b) The director may require additional data if necessary to assess the potential adverse effects to workers, the public, and/or the environment. NOTE: Authority cited: Sections 11456, 12781 and 12976, Food and Agricultural Code. Reference: Sections 12995 and 14006.6, Food and Agricultural Code.

- 1. Renumbering and amendment of former section 6262 to section 6270, and new section 6262 filed 5-23-90; operative 6-22-90 (Register 90, No. 27). For prior history, see Register 88, No. 36
- 2. Change without regulatory effect amending NOTE filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).
- 3. Change without regulatory effect amending subsection (a)(2)(C) filed 6-5-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 23).
- 4. Editorial correction of HISTORY 3 (Register 2002, No. 27).

§ 6263. Experimental Applications.

NOTE: Authority cited: Sections 407, 12781 and 12796, Food and Agricultural Code. Reference: Sections 11411, 11501(a)(b)(f), 12995 and 14006.6, Food and Agricultural Code.

HISTORY

- 1. Renumbering and amendment of former section 6260(c) to section 6263 filed 6-29-87; operative 7-29-87 (Register 87, No. 31).
- 2. Renumbering and amendment of section 6263 to section 6272 filed 5–23–90; operative 6–22–90 (Register 90, No. 27).

§ 6264. Notification and Use of Research Authorization.

- (a) At least 24 hours prior to beginning application of a pesticide requiring a research authorization, the researcher shall submit the following information to the agricultural commissioner of the county where the proposed trial site is located:
 - (1) a copy of the research authorization, and
- (2) a notice of intent as provided in section 6434(b) specifying the location of each trial. If not submitted with the notice of intent, the researcher shall submit a plot map of the exact location of each trial within seven days after initial application of the pesticide.
- (b) If no application of pesticide is made following the notice of intent, the researcher shall notify the agricultural commissioner within two weeks by submitting an Experimental Trial Report as described in section 6266(a).

NOTE: Authority cited: Sections 11456, 12781 and 12976, Food and Agricultural Code. Reference: Sections 12995 and 14006.6, Food and Agricultural Code.

HISTORY

- 1. Renumbering and amendment of former section 6260(e) to section 6264 filed 6-29-87; operative 7-29-87 (Register 87, No. 31).
- Change without regulatory effect of NOTE filed 8-26-88; operative 8-26-88 (Register 88, No. 36)
- 3. Repealer and new section filed 5-23-90; operative 6-22-90 (Register 90, No.
- 4. Change without regulatory effect amending NOTE filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6264.1. Research Authorization—Pesticide Form.

HISTORY

- 1. Sample form printed as an addendum to section 6264 (Register 87, No. 31).
- 2. Repealer filed 5–23–90; operative 6–22–90 (Register 90, No. 27).

§ 6266. Reports of Research Authorization Use.

- (a) Following the final application of a pesticide requiring a research authorization in a particular trial location, and at least 24 hours prior to either harvest or crop destruction, the researcher shall submit an Experimental Trial Report to the agricultural commissioner including the following information:
 - (1) Firm name;
 - (2) Authorization number;
 - (3) Commodity or site treated;
 - (4) Date of report;
 - (5) Trial location;
 - (6) Date and method of planned disposition of treated commodity; and
- (7) Name and telephone number of researcher or representative responsible for crop disposition.

- (b) Within two weeks following the expiration date of the research authorization, the researcher shall submit to the Department an Experimental Pesticide Use Report. This report shall include the following informa-
 - (1) Research authorization number;
 - (2) Pesticide products applied;
 - (3) Commodity or site treated;
 - (4) Rate of active ingredient per acre or unit;
 - (5) Total amount of active ingredient used;
 - (6) Total acres or units treated:
 - (7) Counties where trials were conducted;
 - (8) Name, address and phone number of researcher; and
- (9) Certification that the commodity was harvested/disposed of as required by the authorization.

NOTE: Authority cited: Sections 11456, 12781 and 12976, Food and Agricultural Code. Reference: Sections 12995 and 14006.6, Food and Agricultural Code.

HISTORY

- 1. New section filed 5-23-90; operative 6-22-90 (Register 90, No. 27).
- 2. Change without regulatory effect amending NOTE filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6268. Exemptions from Authorization for Research.

- (a) A pesticide registrant is exempt from the provisions of section 6260 when the registrant is the operator of the property upon which the research is to be conducted and continues to be the operator until the treated commodity is destroyed or harvested.
- (b) Personnel employed by colleges and universities and engaged in pesticide research are exempt from section 6260 if they are operating according to the current established policy of the college or university which covers pesticide use and experimentation.

NOTE: Authority cited: Sections 11456, 12781 and 12976, Food and Agricultural Code. Reference: Sections 12995 and 14006.6, Food and Agricultural Code.

HISTORY

- 1. Renumbering and amendment of former section 6261 to section 6268 filed -23-90; operative 6-22-90 (Register 90, No. 27).
- 2. Change without regulatory effect amending NOTE filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6270. Costs and Fees Prohibited.

The research authorization holder shall not charge the operator, owner, or person in possession of the property upon which the research is being conducted for the materials or use of the pesticide in connection with the research authorization. This prohibition includes charges or fees for labor and services in connection with the research authorization.

NOTE: Authority cited: Sections 11456, 12781 and 12976, Food and Agricultural Code. Reference: Sections 12995 and 14006.6, Food and Agricultural Code.

HISTORY

- 1. Renumbering and amendment of former section 6262 to section 6270 filed -23-90; operative 6-22-90 (Register 90, No. 27)
- 2. Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6272. Possession of Authorization.

Each person making an application of a pesticide under a research authorization shall have a copy of the authorization available at the use site at the time of the application.

NOTE: Authority cited: Sections 11456, 12781 and 12976, Food and Agricultural Code. Reference: Sections 11501(a)(b)(f), 12995 and 14006.6, Food and Agricultural Code.

HISTORY

- 1. Renumbering and amendment of section 6263 to section 6272 filed 5-23-90; operative 6-22-90 (Register 90, No. 27)
- 2. Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

Article 14. Violations

§ 6300. Misbranding.

A pesticide shall be deemed misbranding if its labeling contains one or more of the following or any graphic representation which is likely to be deceiving or misleading:

(a) A false or misleading statement concerning the effectiveness of the product as a pesticide;

Page 384

- (b) A false or misleading comparison with other pesticides;
- (c) Unwarranted claims as to the safety of the pesticide or its ingredients, including such statements as "Safe," "Nonpoisonous," "Nontoxic," "Noninjurious," or "Harmless" with or without such qualifying phrase as "When used as directed";
- (d) Any statement directly or indirectly implying that a specific brand pesticide is recommended or endorsed by any agency of the Federal Government or the State of California or any political subdivision, agency or instrumentality thereof.

NOTE: Authority cited: Section 12781, Food and Agricultural Code. Reference: Sections 12881 and 12995, Food and Agricultural Code.

HISTORY

- Editorial renumbering of former Section 6220 to Section 6300 and designation of new Article 14 (Sections 6300 and 6301) filed 7–19–85 (Register 85, No. 29).
- Change without regulatory effect amending section and Note filed 3-27-97
 pursuant to section 100, title 1, California Code of Regulations (Register 97, No.
 13).

§ 6301. Unregistered Products.

- (a) Section 12995 shall not apply to an individual, who personally uses a substance for the purpose of controlling their residence or garden pests, provided no food or feed commodities treated with the substance are sold or distributed to another person or fed to animals that are sold or distributed to another person for human consumption.
- (b) Pesticide products whose registration has lapsed shall not be sold by the registrant, but may be possessed and sold by a dealer for two years after the last date of registration. If acquired while legally registered or within two years after the date of last registration, such products may be possessed and used according to the directions on the label.
- (c) Notwithstanding the provisions of (b), it is unlawful to possess or use any pesticide which has been cancelled or suspended pursuant to Sections 12825, 12826, or 12827 of the Food and Agricultural Code or under FIFRA (7 U.S.C. Section 136 et seq.), except as provided in such cancellation or suspension.

NOTE: Authority cited: Section 12781, Food and Agricultural Code. Reference: Section 12995, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 2440.5 to Section 6301 filed 7–19–85 (Register 85, No. 29).
- Change without regulatory effect amending subsection (c) and Note filed 3-27-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).
- Amendment of subsection (a) and Note filed 7-3-98; operative 8-2-98 (Register 98, No. 27).

Article 15. Data Cost-Sharing

§ 6310. Dispute Resolution Proceedings.

If agreement cannot be reached about the terms and amount of payment required pursuant to Food and Agricultural Code section 12811.5, at any time more than 90 days after the issuance of an irrevocable offer to pay, either the applicant, source, or data owner may initiate or with the consent of all parties, join a binding dispute resolution proceeding under the rules prescribed under Title 29 Code of Federal Regulations, Part 1440, or its successor provision, if any, or other rules to which the applicant and data owner may agree.

- (a) To the extent feasible, and upon mutual consent of the parties, the proceeding may be consolidated with any dispute resolution process taking place between the same parties and being conducted pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec 136a et.seq.).
- (b) In determining the amount due under this section, the decisionmaker(s) of a dispute resolution proceeding shall consider, among other factors, that the data owner's exclusive right to sell the pesticide resulted in the data owner recovering all or part of the costs of generating the data.
- (c) The finding of the decisionmaker(s) in a dispute resolution proceeding shall be final and conclusive, and no official or court shall have power or jurisdiction to review that finding and determination, except for fraud, misrepresentation, or other misconduct by one of the parties to the

dispute resolution proceeding or the decisionmaker(s) where there is a verified complaint with supporting affidavits attesting to specific instances of fraud, misrepresentation, or misconduct.

(d) The parties to the dispute resolution proceeding shall share equally in the payment of fees and expenses of the dispute resolution process, except that each party shall bear its legal fees and its expenses.

NOTE: Authority cited: Section 12811.5, Food and Agricultural Code. Reference: Section 12811.5, Food and Agricultural Code.

HISTORY

- New article 15 (section 6310) and section filed 3–23–2006 as an emergency; operative 3–23–2006 (Register 2006, No. 12). A Certificate of Compliance must be transmitted to OAL by 7–21–2006 or emergency language will be repealed by operation of law on the following day.
- 2. New article 1.5 (section 6310) and section refiled 7–19–2006 as an emergency; operative 7–19–2006 (Register 2006, No. 29). A Certificate of Compliance must be transmitted to OAL by 11–16–2006 or emergency language will be repealed by operation of law on the following day.
- 3. Certificate of Compliance as to 7-19-2006 order transmitted to OAL 11-9-2006 and filed 12-19-2006 (Register 2006, No. 51).

§ 6312. Noncompliance Notification.

Pursuant to Food and Agricultural Code section 12811.5(g), any notification to the Director of an applicant's failure to comply with its obligation under Food and Agricultural Code section 12811.5(a–d) shall be in writing and shall include, organized by the subsection and subparagraph below to which it is responsive:

- (a) Identification of the applicant and the product registration challenged, including:
 - (1) Applicant name and address;
- (2) Brand name and U.S. Environmental Protection Agency Registration Number of the product;
 - (3) Date of the Department's registration of the product; and
- (4) Identification of each current and/or past Department data requirement for which you claim the applicant failed to submit a study or otherwise satisfy, and for which the applicant failed to make your company an offer to pay.
- (b) With respect to the data for which the data owner claims the applicant failed to make an offer to pay:
- (1) Identification of the Department's exact data requirement to obtain, amend, or maintain the data owner's product that the data was submitted to satisfy;
- (2) Identification of each study (including DPR document number and study record number) submitted and the corresponding data requirement it satisfied; and
- (3) The date each study was submitted to the Department and, if applicable, to the U.S. Environmental Protection Agency (including the Master Record Identification Number MRID).
- (c) A statement setting forth the specific provisions of noncompliance claimed indicating how the data owner's data meet the criteria set forth in Food and Agricultural Code section 12811.5(a) or (b) that make it subject to cost–sharing, providing any documentation currently known to the data owner in support of that contention.
- (d) Proof that, prior to making the notification to the Director pursuant to Food and Agricultural Code section 12811.5(g), the data owner has informed the applicant of its claim, provided the applicant with the information required in (a), (b), and (c), and allowed the applicant an opportunity of at least ten days to promptly make an offer to pay for the data that serves as a basis of the data owner's claim. This proof shall include copies of all correspondence between the data owner and the applicant related to this issue.
- (e) Proof that at the same time the data owner filed its notification to the Director of the applicant's failure to meet its obligation under Food and Agricultural Code section 12811.5(a–d), the data owner sent a copy of the notification and all accompanying data and information by certified mail to the applicant.
- (f) With respect to a claim that the applicant has failed to participate in a proceeding for reaching an agreement on compensation, failed to comply with an agreement related to compensation, or failed to pay an award resulting from a proceeding to determine compensation, proof of

such failure including, but not limited to, all correspondence between the parties on the issue and a copy of the award resulting from a proceeding on compensation, if any.

NOTE: Authority cited: Section 12811.5, Food and Agricultural Code. Reference: Section 12811.5, Food and Agricultural Code.

HISTORY

1. New section filed 12-19-2006; operative 12-19-2006 (Register 2006, No. 51).

§ 6314. Determination.

All parties shall have 30 days from receipt of the copy of the notification to the Director to submit additional evidence and written arguments to the Director. The Director may rely solely on the information provided by the two parties involved in the dispute, without conducting any further investigation. The Director shall provide a written finding within 60 days of the deadline for the parties' submissions. If the Director determines that the applicant has not met its obligations under Food and Agricultural Code section 12811.5(a–d), the Director shall promptly cancel the applicant's product registration.

NOTE: Authority cited: Section 12811.5, Food and Agricultural Code. Reference: Section 12811.5, Food and Agricultural Code.

HISTORY

1. New section filed 12-19-2006; operative 12-19-2006 (Register 2006, No. 51).

Subchapter 2. Cancellations and Suspensions

Article 1. Cancellations

§ 6350. DDT and DDD.

NOTE: Authority cited: Sections 407 and 12781, Food and Agricultural Code. Reference: Sections 12824 and 12825, Food and Agricultural Code.

HISTORY

- 1. Renumbering and amendment of former Section 2420 to Section 6350 filed 8–4–82; designated effective 1–1–83 (Register 82, No. 32). For prior history, see Register 78, No. 52.
- Change without regulatory effect repealing section filed 4–12–96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 15).

§ 6352. 2,4,5-T.

NOTE: Authority cited: Sections 407 and 12781, Food and Agricultural Code. Reference: Sections 12824 and 12825, Food and Agricultural Code.

HISTORY

- 1. Renumbering and amendment of former Section 2421 to Section 6352 filed 8–4–82; designated effective 1–1–83 (Register 82, No. 32). For prior history, see Register 78, No. 52.
- Change without regulatory effect repealing section filed 4–12–96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 15).

§ 6354. Inorganic Mercury Compounds.

NOTE: Authority cited: Sections 407, 12781 and 12976, Food and Agricultural Code. Reference: Sections 12825, 12995 and 14102, Food and Agricultural Code.

HISTORY

- 1. Renumbering and amendment of former Section 2422 to Section 6354 filed 8–4–82; designated effective 1–1–83 (Register 82, No. 32). For prior history, see Register 78, No. 52.
- 2. Amendment filed 1–6–83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 2).
- 3. Change without regulatory effect repealing section filed 4–12–96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 15).

§ 6356. Inorganic Arsenic.

NOTE: Authority cited: Sections 407 and 12781, Food and Agricultural Code. Reference: Sections 12824 and 12825, Food and Agricultural Code.

HISTORY

- 1. Renumbering and amendment of former Section 2423 to Section 6356 filed 8–4–82; designated effective 1–1–83 (Register 82, No. 32). For prior history, see Register 80, No. 22.
- Change without regulatory effect repealing section filed 4–12–96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 15).

§ 6358. Inorganic Phosphorous Paste.

NOTE: Authority cited: Sections 407 and 12781, Food and Agricultural Code. Reference: Sections 12824 and 12825, Food and Agricultural Code.

HISTORY

- 1. Renumbering and amendment of former Section 2424 to Section 6358 filed 8–4–82; designated effective 1–1–83 (Register 82, No. 32). For prior history, see Register 78, No. 52.
- 2. Change without regulatory effect repealing section filed 4–12–96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 15).

§ 6359. Ethylene Dibromide.

NOTE: Authority cited: Sections 407, 12781 and 14102, Food and Agricultural Code. Reference: Sections 11501(b), 12824, 12825, 14001 and 14102, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 2427 to Section 6359 filed 7–19–85 (Register 85, No. 29).
- Change without regulatory effect repealing section filed 4-12-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 15).

§ 6360. Cadmium Compounds.

NOTE: Authority cited: Sections 407, 12781 and 12976, Food and Agricultural Code. Reference: Sections 12825, 12995 and 14102, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 2428 to Section 6360 filed 7–19–85 (Register 85, No. 29).
- Change without regulatory effect repealing section filed 4–12–96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 15).

§ 6361. Butyl Mercaptan Limitations.

- (a) The Director of Food and Agriculture makes the following findings in relation to Sections 11501 and 12824 of the Food and Agricultural Code regarding pesticides labeled for defoliating plants, containing S,S,S-tributylphosphorotrithioate and tributylphosphorotrithioite.
- (b) Butyl mercaptan is an odorous raw material used in the manufacture of these two pesticides.
- (c) It is technically feasible to manufacture these two pesticides to contain less than 0.1 percent butyl mercaptan.
- (d) Pesticides containing S,S,S-tributylphosphorotrithioate or tributylphosphorotrithioite in which the butyl mercaptan is found to exceed 0.1 percent by weight shall not be sold or used in California.

NOTE: Authority cited: Section 12781, Food and Agricultural Code. Reference: Sections 11501, 12752, 12824, 12931, 12976 and 12991, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–19–84; effective thirtieth day thereafter (Register 84, No. 3).
- Change without regulatory effect amending section and Note filed 3-27-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).

§ 6362. 1,2-Dichloropropane Limitations.

NOTE: Authority cited: Sections 407, 12781 and 12976, Food and Agricultural Code. Reference: Section 12824, Food and Agricultural Code.

HISTORY

- 1. New section filed 6–5–85; effective thirtieth day thereafter (Register 85, No. 23).
- Change without regulatory effect repealing section filed 4–12–96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 15).

Article 2. Suspensions

§ 6370. DBCP (1,2-Dibromo-3-Chloropropane).

NOTE: Authority cited: Sections 407 and 12781, Food and Agricultural Code. Reference: Sections 12824, 12825, and 12826, Food and Agricultural Code.

HISTORY

- 1. Renumbering and amendment of former Section 2425 to Section 6370 filed 8-4-82; designated effective 1-1-83 (Register 82, No. 32). For prior history, see Register 78, No. 52.
- Change without regulatory effect repealing section filed 4–12–96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 15).

§ 6372. N-3-Pyridylmethyl N'-P Nitrophenyl Urea (Vacor).

NOTE: Authority cited: Sections 407 and 12781, Food and Agricultural Code. Reference: Sections 12824, 12825 and 12826, Food and Agricultural Code.

HISTORY

- 1. Renumbering and amendment of former Section 2426 to Section 6372 filed 8–4–82; designated effective 1–1–83 (Register 82, No. 32). For prior history, see Registers 79, No. 25; and 79, No. 8.
- 2. Change without regulatory effect repealing section filed 4–12–96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 15).

Page 386

§ 6379. Restrictions on Use of Bladex (Cyanizine).

NOTE: Authority cited: Sections 407 and 12781, Food and Agricultural Code. Reference: Section 12824, Food and Agricultural Code.

HISTORY

- New section filed 4-19-85 as an emergency; effective upon filing (Register 85, No. 20). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 8-19-85.
- Repealed by operation of Government Code Section 11346.1(g) (Register 87, No. 2).

Subchapter 3. Assessments

Article 1. Mill Assessment Collection

§ 6380. Sales Invoice Misrepresentation.

NOTE: Authority cited: Sections 407 and 12781, Food and Agricultural Code. Reference: Section 12841, Food and Agricultural Code.

HISTORY

- 1. Renumbering and amendment of former Chapter 4 (Article 9, Sections 2430–2435) to Chapter 6, Group 3 (Articles 1 and 2, Sections 6380–6392, not consecutive) filed 8–4–82; designated effective 1–1–83 (Register 82, No. 32). For prior history, see Registers 80, No. 12; 79, No. 52; 79, No. 28; and 78, No. 52.
- 2. Change without regulatory effect repealing section filed 2–27–95 pursuant to section 100, title 1, California Code of Regulations (Register 95, No. 9).

§ 6382. Penalties.

For any delinquency in making a return, or any deficiency in payment, of the pesticides mill assessment which is received after the date due (one calendar month after March 31, June 30, September 30, and December 31 of each year), a penalty of 10 percent of the amount which is due shall be added.

NOTE: Authority cited: Section 12781, Food and Agricultural Code. Reference: Section 12843, Food and Agricultural Code.

HISTORY

 Change without regulatory effect amending section and Note filed 3-27-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).

§ 6384. Exemptions.

When a registered pesticide is sold by the registrant to a purchaser for a nonpesticide use and the invoice clearly identifies its specific intended use, the sale is not subject to the mill assessment.

NOTE: Authority cited: Section 12781, Food and Agricultural Code. Reference: Section 12841, Food and Agricultural Code.

HISTORY

- 1. OAL Notice of Erroneous Filing filed 4–11–85; purported amendment of Section 6384 filed in error on 3–18–85 is null and void and text as filed with Secretary of State on 8–4–82 remains in effect uninterrupted (Register 85, No. 16).
- 2. Change without regulatory effect amending section and Note filed 3–27–97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13)

§ 6386. Established Rate.

The director establishes the mill assessment on pesticide products at 21 mills (0.021) per dollar of sales for all sales of registered pesticides for use in this state pursuant to Food and Agricultural Code section 12841. Note: Authority cited: Sections 12781 and 12841, Food and Agricultural Code. Reference: Section 12841, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 10–12–90 as an emergency; operative 10–12–89 (Register 89, No. 41). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed by operation of law on 2–10–90.
- 2. Certificate of Compliance as to 10–12–89 order transmitted to OAL 2–2–90 and filed 3–2–90 (Register 90, No. 11).
- Change without regulatory effect amending section and Note filed 3-27-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).
- 4. Amendment of section and Note filed 11–3–2003 as an emergency; operative 1–1–2004 (Register 2003, No. 45). This action is a permanent emergency change for which no Certificate Compliance is needed pursuant to Food and Agricultural Code section 12841.
- 5. Editorial correction of HISTORY 4 (Register 2004, No. 37).

§ 6388. Pesticide Sales and Assessment Reporting.

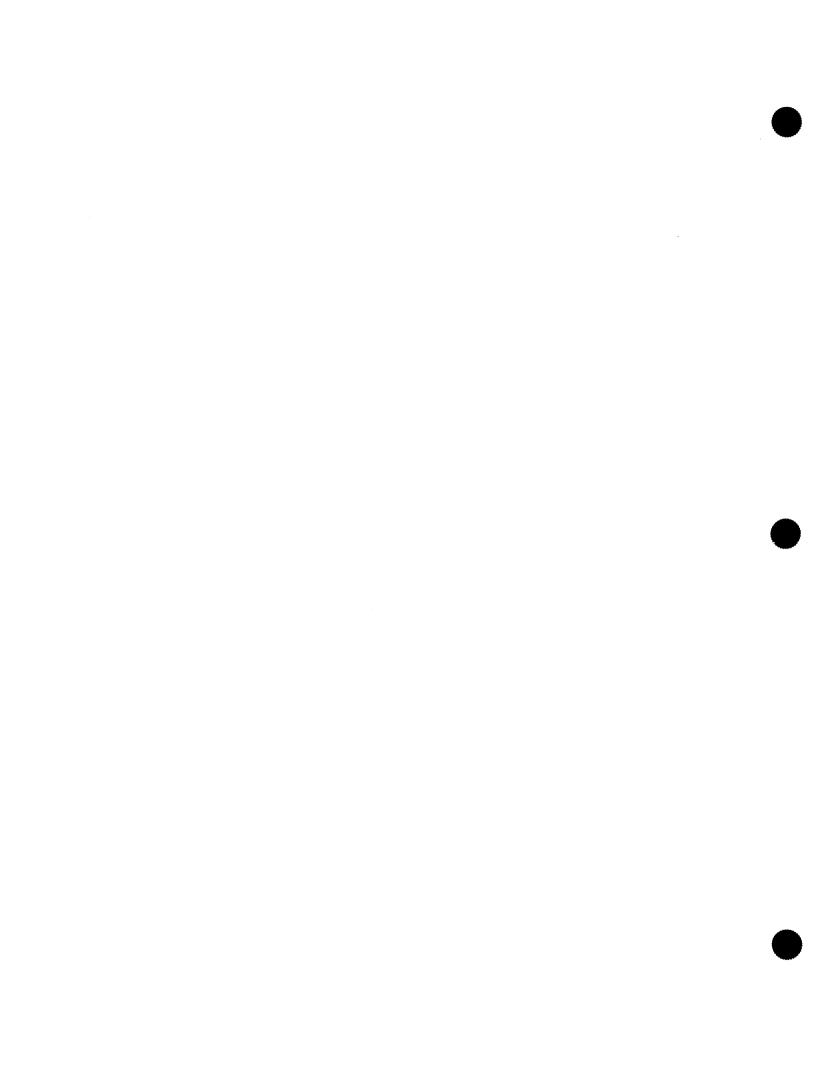
- (a) Each registrant shall report quarterly to the Department the total dollars of sales and total pounds or gallons of each registered and labeled pesticide product sold by the registrant for use in this State and the total assessments due. Each report of pesticide sales and assessment shall be on a form prescribed by the Department or in a format approved by the Director.
- (b) An acceptable Department form for reporting the pesticide sales is form "Report of Pesticide Sales in California," PR-ENF-181 (Rev. 07/98). The information to be reported shall include the following:
 - (1) The ending and delinquent date of the quarter being reported;
- (2) The name, address and U.S. Environmental Protection Agency (U.S. EPA) firm number of the registrant;
- (3) The U.S. EPA or State registration number and brand name of each product registered and sold for use in the State; and
- (4) The total dollar sales and total pounds or gallons of each formulated product sold.
- (c) An acceptable form for reporting the pesticide mill assessments is form "Report of Pesticide Sales in California," PR-ENF-180 (Rev. 07/98). The information to be reported shall include the following:
 - (1) The ending and delinquent date of the quarter being reported;
 - (2) The name, address and U.S. EPA firm number of the registrant;
- (3) The total dollar sales for all products registered and sold for use in the State during the quarter;
 - (4) The pesticide mill assessment rate;
 - (5) The total assessments and penalty (if applicable) that are due;
 - (6) The total amount of payment submitted;
- (7) The name, title, signature, and phone number of the authorized representative completing the form;
 - (8) The date when the form was completed; and
- (9) Certification under penalty of perjury that the information contained in the report is true and correct.
- (d) The individual report specified in (b) and the dollar sales figures associated with a specific product found on the report shall be considered official information acquired in confidence pursuant to Government Code section 6254(k) of the Public Records Act and section 1040 of the Evidence Code.

NOTE: Authority cited: Sections 11456, 12781 and 12845, Food and Agricultural Code. Reference: Sections 12843 and 12845, Food and Agricultural Code.

HISTORY

1. OAL Notice of Erroneous Filing filed 4–11–85; purported amendment of section 6388 filed in error on 3–18–85 is null and void and text as filed with Secretary of State on 8–4–82 remains in effect uninterrupted (Register 85, No. 16).

[The next page is 387.]



- 2. Amendment filed 1-22-92; operative 2-21-92 (Register 92, No. 13).
- 3. Amendment filed 5-16-2005; operative 6-15-2005 (Register 2005, No. 20).

Article 2. Mill Assessment Disbursement Criteria

§ 6390. Purpose of Article.

This article specifies the criteria to be used in allocating pesticide mill assessment funds to counties based upon each county's costs, pesticide regulatory activities, workload, and performance, pursuant to Section 12844 of the Food and Agricultural Code.

NOTE: Authority cited: Sections 11456, 12781 and 12844, Food and Agricultural Code. Reference: Section 12844, Food and Agricultural Code.

HISTORY

- 1. Repealer of Article 2 (Sections 6390 and 6392) and new Article 2 (Sections 6390–6396) filed 7–8–83; effective thirtieth day thereafter (Register 83, No. 28).
- Change without regulatory effect amending Note filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6391. County Reimbursement.

- (a) Reimbursement for work specified in section 6393(b) shall be made by April 1 of each year pursuant to section 12841 of the Food and Agricultural Code.
- (b) Reimbursement shall not exceed costs incurred by the county as shown in the County Agricultural Commissioners' Annual Financial Statement, Item 5, entitled "Pesticide Use Enforcement."

NOTE: Authority cited: Sections 11456, 12781 and 12844, Food and Agricultural Code. Reference: Sections 12841 and 12844, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 1–22–90 as an emergency; operative 1–22–90 (Register 90, No. 5). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed by operation of law on 5–22–90.
- 2. Certificate of Compliance as to 1–22–90 order transmitted to OAL 4–23–90 and filed 5–9–90 (Register 90, No. 24).
- 3. Amendment of subsections (a) and (b), new subsection (c), subsection relettering, and amendment of NOTE filed 2–25–99; operative 3–27–99 (Register 99, No. 9)
- 4. Repealer of subsections (a) and (b), subsection relettering and amendment of newly designated subsection (a) filed 6–10–2002; operative 7–1–2002 pursuant to Government Code section 11343.4 (Register 2002, No. 24).

§ 6392. County Reports.

Each county shall submit a monthly report on a form prescribed by the director supporting the administration and enforcement of their pesticide regulatory program. The monthly report shall be submitted within 30 days after the end of each month. All reports shall be subject to audit by the director, and the director may require substantiation of the matters therein.

NOTE: Authority cited: Sections 11456 and 12781, Food and Agricultural Code. Reference: Sections 11455, 12844 and 14012, Food and Agricultural Code.

HISTORY

1. Change without regulatory effect amending Note filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6393. Criteria Items and Apportionment.

- (a) The amount of funds allocated to each county for each criteria item shall be based on each county's pest control activities, costs, workload, and performance in proportion to all counties, except as provided in sections 6391(b) and 6395.
- (b) The apportionment for each criteria item shall be a percentage of the total mill assessment funds available for reimbursement to counties [less the amount specified in section 6395(b)]. Such criteria items and corresponding apportionments are as follows:
- (1) Apportionment, 3 percent: The total number of Pesticide Use Enforcement Program inspections completed in accordance with the prioritization plan agreed upon by the Director and the commissioner's negotiated work plans;
- (2) Apportionment, 3 percent: The total number of: licensed pest control dealers located in each county; licensed pest control advisers, pest control businesses, pest control aircraft pilots, and farm labor contractors registered in each county; structural pest control operators providing no-

tice of work in each county; active operator identification numbers in each county; and any additional similar workload activities approved jointly by the Director and the commissioners.

- (3) Apportionment, 3 percent: The total number of private applicator certificate holders certified in each county;
- (4) Apportionment, 3 percent: Work hours expended on pesticide related activities that are agreed upon by the Director and the commissioners, provided the work hours are expended by persons holding a Pesticide Regulation and/or Investigation and Environmental Monitoring license or by unlicensed persons qualified to apply for a Pesticide Regulation and/or Investigation and Environmental Monitoring license who are closely supervised by persons holding a Pesticide Regulation and/or Investigation and Environmental Monitoring license;
- (5) Apportionment, 3 percent: Expenditures reported by each county for pesticide—related activities that are agreed upon by the Director and the commissioners:
- (6) Apportionment, 3 percent: The total pounds of pesticides used in the county that have been reported pursuant to Food and Agricultural Code section 12979.
- (7) Apportionment, 21 percent: The total number of restricted materials permits and permit amendments issued by each county; sites identified on all restricted materials permits and permit amendments issued by each county; and notices of intent reviewed by each county;
- (8) Apportionment, 21 percent: Based on the total pounds of nonagricultural-labeled pesticides sold in this state in relation to each county's population. Pounds of pesticide sold data shall be derived from mill assessment collection information provided to the department. Population data shall be based on the most recent U.S. census information; and
- (9) Apportionment, 40 percent: Based on each county's pesticide use report data records in relation to the total number of pesticide use report data records submitted to the department by all counties.

NOTE: Authority cited: Sections 11456, 12781 and 12844, Food and Agricultural Code. Reference: Sections 12841 and 12844, Food and Agricultural Code.

HISTORY

- Amendment of subsection (a) and new subsection (c) filed 1-22-90 as an emergency; operative 1-22-90 (Register 90, No. 5). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed by operation of law on 5-22-90.
- 2. Certificate of Compliance as to 1–22–90 order transmitted to OAL 4–23–90 and filled 5–9–90 (Register 90, No. 24).
- 3. Amendment of subsection (c) filed 3–12–91; operative 4–20–91 (Register 91, No. 14).
- 4. Editorial correction of printing error in subsection (c) (Register 91, No. 33).
- 5. Editorial correction of printing error in subsection (c) (Register 91, No. 46).
- 6. Amendment of subsections (a), (a)(4) and (c), new subsections (d)–(d)(2)(K), and amendment of NOTE filed 2–25–99; operative 3–27–99 (Register 99, No. 9)
- 7. Repealer of subsections (a)–(d), redesignation of former subsections (d)(1)–(d)(2)(K) as subsections (a)–(b)(11) and amendment of newly designated subsection (a) filed 6–10–2002; operative 7–1–2002 pursuant to Government Code section 11343.4 (Register 2002, No. 24).
- 8. Repealer and new section filed 1–12–2006; operative 2–11–2006 (Register 2006, No. 2).
- Change without regulatory effect amending subsection (b)(8) filed 2-21-2008 pursuant to section 100, title 1, California Code of Regulations (Register 2008, No. 8).

§ 6394. Performance Evaluation.

- (a) The Director shall evaluate each county pesticide use enforcement program, at least every three years. The evaluation shall measure the county's effectiveness in implementing state program areas recognized in statute or regulation, or agreed upon by the county and Director as an essential program element.
- (b) The Director shall provide a performance evaluation report to the commissioner that documents the county's performance in implementing the state program areas recognized by the Director.
- (c) The Director and the commissioner shall jointly develop and document corrective actions to improve the county's pesticide use enforcement program in the program areas identified in the performance evaluation report. Corrective actions may be brought forth as a recommendation for mill assessment allocation under section 6396(a).

Page 387 Register 2008, No. 8; 2-22-2008

(d) When any commissioner fails to implement the jointly developed corrective actions or an agreement on corrective actions cannot be reached, the Director shall take measures to improve the pesticide use enforcement program in the county. The measures may include but are not limited to, a reduction of the county's annual mill assessment allocation under sections 6393 and 6395(a).

NOTE: Authority cited: Sections 11456, 12781 and 12844, Food and Agricultural Code. Reference: Sections 2281 and 12844, Food and Agricultural Code.

HISTORY

- Change without regulatory effect amending subsection (a) and NOTE filed 10-26-99 pursuant to section 100, title 1, California Code of Regulations (Register 99, No. 44).
- Amendment of section and Note filed 6-10-2002; operative 7-1-2002 pursuant to Government Code section 11343.4 (Register 2002, No. 24).
- 3. Amendment of section heading and section filed 1–12–2006; operative 2–11–2006 (Register 2006, No. 2).

§ 6395. Minimum Reimbursement.

(a) Determinations as specified in sections 6393 and 6394(c), notwith-standing, but subject to section 6391(b), no county shall be reimbursed funds less than the amount of funds reimbursed to the county pursuant to section 12844 of the Food and Agricultural Code, for the fiscal year ending June 30, 2003, or the average for fiscal years ending June 30, 2001, 2002, and 2003, whichever is greater, unless the mill assessment funds available for allocation on March 1 of the current year are less than \$14.3 million, in which case each county's reimbursement shall be reduced in the same proportion as it would have been reimbursed under this article. However, in no instances shall a county's minimum reimbursement be less than \$27,600 except as provided in section 6391(b).

(b) From the total funds available for allocation to counties, 30 percent shall be utilized for the stipulation of subsection (a) above.

NOTE: Authority cited: Sections 11456, 12781 and 12844, Food and Agricultural Code. Reference: Sections 12841 and 12844, Food and Agricultural Code.

HISTORY

- 1. Change without regulatory effect amending subsection (a) and NOTE filed 10–26–99 pursuant to section 100, title 1, California Code of Regulations (Register 99, No. 44).
- Amendment of subsection (a) filed 6-10-2002; operative 7-1-2002 pursuant to Government Code section 11343.4 (Register 2002, No. 24).
- Repealer and new section and amendment of Note filed 1–12–2006; operative 2–11–2006 (Register 2006, No. 2).

§ 6396. Residual Funds.

(a) Any residual funds resulting after the application of sections 6395 may be disbursed based on commissioner requests to support restricted materials permitting and reporting system activities, and any other program element that the Director and the California Agricultural Commissioners and Sealers Association jointly agree upon, on a case—by—case basis. Funding request shall be submitted to the Director by March 31st of each year and jointly approved by the Director and the California Agricultural Commissioners and Sealers Association no later than June 30th.

(b) Any residual funds resulting after the application of sections 6391, 6394(d), 6395, or 6396(a) shall be distributed to all counties not subject to section 6394(d), in the same proportion as funds reimbursed under section 6393.

NOTE: Authority cited: Sections 11456, 12781 and 12844, Food and Agricultural Code. Reference: Section 12844, Food and Agricultural Code.

HISTORY

- Change without regulatory effect amending NOTE filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).
- 2. Repealer and new section filed 1-12-2006; operative 2-11-2006 (Register 2006, No. 2).

§ 6397. Sunset Review of Regulations.

NOTE: Authority cited: Section 11456, Food and Agricultural Code. Reference: Section 11456, Food and Agricultural Code.

HISTORY

- 1. New section filed 2-25-99; operative 3-27-99 (Register 99, No. 9).
- 2. Repealer filed 1-20-2000; operative 2-19-2000 (Register 2000, No. 3).

Subchapter 4. Restricted Materials

Article 1. Restricted Materials

§ 6400. Restricted Materials.

The Director designates the pesticides listed in this section as restricted materials.

- (a) Any pesticide labeled as a "restricted use pesticide" pursuant to section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act (Title 7, United States Code, section 136a).
- (b) Any pesticide used under an "emergency exemption" issued pursuant to section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (Title 7, United States Code, section 136p).
- (c) Pesticides formulated as a dust, labeled to permit outdoor use, and packaged in containers of more than 25 pounds, except:
- (1) products containing only exempt materials specified in section 6402; and
- (2) products containing only carbaryl, disulfoton, endosulfan, lindane, strychnine, zinc phosphide or an active ingredient not otherwise included in this section, and labeled only for one or more of the following uses: home use, structural pest control, industrial use, institutional use, and use by public agency vector control districts pursuant to section 2426 of the Health and Safety Code.
- (d) Pesticide products containing active ingredients listed in section 6800(a) (potential to pollute ground water), when labeled for agricultural, outdoor institutional, or outdoor industrial use.
 - (e) Certain other pesticides:

Acrolein, when labeled for use as an aquatic herbicide

Aldicarb (Temik)

Aluminum phosphide (Phostoxin)

4-Amino pyridine (Avitrol)

Azinphos-methyl (Guthion)

Calcium cyanide

Carbaryl (Sevin), except:

- (1) when formulated as a bait; or
- (2) when labeled only for one or more of the following uses: use directly on livestock or poultry, home use, structural pest control, industrial use, institutional use, or use by public agency vector control districts pursuant to section 2426 of the Health and Safety Code.

Carbofuran (Furadan)

Chloropicrin

3-Chloro-p-toluidine hydrochloride (Starlicide)

Dazomet (Basamid), when labeled for the production of agricultural plant commodities.

Dicamba (Banvel), except:

- (1) liquid formulations packaged in containers of 1 quart or less regardless of percentage of dicamba;
- (2) liquid formulations that contain 15% or less dicamba packaged in containers of 1 gallon or less;
- (3) liquid formulations of a product that is labeled to be used without further dilution;
- (4) dry formulations, packaged in containers of 1 pound or less, of a product that is labeled to be further diluted for use; and
- (5) dry formulations, packaged in containers of 50 pounds or less, of a product that contains 10% or less dicamba and is labeled to be used without further dilution.
 - 2,4-dichlorophenoxyacetic acid (2,4-D), except:
- (1) liquid formulations, packaged in containers of 1 quart or less, regardless of percentage of 2,4–D;
- (2) liquid formulations that contain 15% or less 2,4–D packaged in containers of 1 gallon or less;
- (3) liquid formulations of a product that is labeled to be used without further dilution;

- (4) dry formulations, packaged in containers of 1 pound or less, regardless of percentage of 2,4–D;
- (5) dry formulations, packaged in containers of 50 pounds or less, of a product that contains 10% or less 2,4–D and is labeled to be used without further dilution; and
 - (6) products labeled only for use as a plant growth regulator.
 - 2,4-dichlorophenoxybutyric acid (2,4-DB), except:
- (1) liquid formulations, packaged in containers of 1 quart or less, regardless of percentage of 2.4–DB;
- (2) liquid formulations that contain 15% or less 2,4–DB packaged in containers of one gallon or less;
- (3) liquid formulations of a product that is labeled to be used without further dilution:
- (4) dry formulations, packaged in containers of 1 pound or less, regardless of percentage of 2,4–DB; and
- (5) dry formulations, packaged in containers of 50 pounds or less, of a product that contains 10% or less 2,4–DB and is labeled to be used without further dilution.
 - 2,4-dichlorophenoxypropionic acid (2,4-DP), except:
- (1) liquid formulations, packaged in containers of 1 quart or less, regardless of percentage of 2,4–DP;
- (2) liquid formulations that contain 15% or less 2,4–DP packaged in containers of 1 gallon or less;
- (3) liquid formulations of a product that is labeled to be used without further dilution;
- (4) dry formulations, packaged in containers of 1 pound or less, regardless of percentage of 2,4–DP;
- (5) dry formulations, packaged in containers of 50 pounds or less, of a product that contains 10% or less 2,4–DP and is labeled to be used without further dilution.
 - 1,3-Dichloropropene (Telone II)

Disulfoton (Di–Syston), except when labeled only for one or more of the following uses: home use, structural pest control, industrial use, institutional use, and use by public agency vector control districts pursuant to section 2426 of the Health and Safety Code.

Endosulfan (Thiodan), except when labeled only for one or more of the following uses: home use, structural pest control, industrial use, institutional use, and use by public agency vector control districts pursuant to section 2426 of the Health and Safety Code.

Ethoprop (Mocap), when labeled for turf use.

Fenamiphos (Nemacur)

Lindane, except when labeled only for one or more of the following uses: home use, structural pest control, industrial use, institutional use, and use by public agency vector control districts pursuant to section 2426 of the Health and Safety Code.

Metam sodium labeled for the production of agricultural plant commodities

Methamidophos (Monitor)

Methidathion (Supracide)

Methomyl (Lannate), except fly baits containing not more than 1% methomyl

Methyl bromide

- 2-methyl-4-chlorophenoxyacetic acid (MCPA), except:
- (1) liquid formulations packaged in containers of 1 quart or less regardless of percentage of MCPA;
- (2) liquid formulations that contain 15% or less MCPA packaged in containers of 1 gallon or less;
- (3) liquid formulations of a product that is to be used without further dilution;
- (4) dry formulations, packaged in containers of 1 pound or less, regardless of percentage of MCPA; and
- (5) dry formulations, packaged in containers of 50 pounds or less, of a product that contains less than 10% MCPA and is labeled to be used without further dilution.

Methyl isothiocyanate (MITC) labeled for the production of agricultural plant commodities

Mevinphos (Phosdrin)

Molinate (Ordram)

Oxydemeton-methyl (Metasystox-R)

Paraquat (Gramoxone)

Parathion-methyl

Phorate (Thimet)

Potassium N-methyldithiocarbamate (metam-potassium), when labeled for the production of agricultural plant commodities.

Propanil (3,4–dichloropropionanilide)

Sodium cyanide

Sodium fluoroacetate (compound 1080)

Sodium tetrathiocarbonate (Enzone)

Strychnine, except rodenticides when labeled only for one or more of the following uses: home use, structural pest control, industrial use, institutional use, and use by public agency vector control districts pursuant to section 2426 of the Health and Safety Code.

Sulfotepp

Sulfuryl Fluoride

Thiobencarb (Bolero)

Tribufos (DEF, Folex)

Tributyltin, organotin, or a tri-organotin compound formulated as an antifouling paint, coating or compound and labeled for the control of fouling organisms in an aquatic environment.

Zinc phosphide, except when labeled only for one or more of the following uses: home use, structural pest control, industrial use, institutional use, and use by public agency vector control districts pursuant to section 2426 of the Health and Safety Code.

NOTE: Authority cited: Sections 14004.5 and 14005, Food and Agricultural Code. Reference: Sections 14004.5 and 14005, Food and Agricultural Code.

HISTORY

- 1. New subsection (n)(13) filed 12–31–87 as an emergency; operative 1–1–88 (Register 88, No. 3). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 5–2–88. For prior history, see Register 87, No. 25.
- Certificate of Compliance including amendment of subsection (n)(13) transmitted to OAL 4-5-88 and filed 5-4-88 (Register 88, No. 19).
- 3. Amendment of subsections (n)(10)–(n)(13) filed 5–18–88; operative 5–20–88 pursuant to Government Code section 11346.2(d) (Register 88, No. 21).
- 4. New subsection (n)(14) filed 10–27–88 as an emergency; operative 10–27–88 (Register 88, No. 45). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 2–24–89
- within 120 days or emergency language will be repealed on 2-24-89.

 5. New subsection (n)(16) filed 12-2-88 as an emergency; operative 12-2-88 (Register 88, No. 51). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 4-4-89.
- 6. Relettering of subsection (p) to subsection (r) and new subsection (q) filed 1-4-89; operative 1-4-89 pursuant to Government Code section 11346.2(d) (Register 89, No. 5).
- 7. New subsection (n)(15) filed 2-14-89 as an emergency; operative 2-14-89 (Register 89, No. 9). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 6-14-89.
- Readoption of subsection (n)(14) filed 2-24-89 as an emergency; operative 2-24-89 (Register 89, No. 13). A Certificate of Compliance must be transmitted to OAL by 6-26-89 or readoption will be repealed by operation of law effective 6-27-89
- 9. New subsections (n)(14), (15), and (16) filed 8–10–89 as an emergency; operative 8–10–89 (Register 89, No. 19). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed by operation of law on 12–8–89.
- 10. Amendment of subsection (f)(3) filed 3-29-90 as an emergency; operative 3-29-90 (Register 90, No. 16). A Certificate of Compliance must be transmitted to OAL within 120 days, by 7-27-90, or emergency language is repealed by operation of law.
- 11. A Certificate of Compliance as to 3–29–90 order transmitted to OAL 7–24–90 and filed 8–23–90 (Register 90, No. 39).
- 12. Editorial correction adding previously missing HISTORY 9 and renumbering former HISTORY 9 and 10 to HISTORY 10 and 11 (Register 91, No. 19).
- 13. Notice of Repeal of subsections (n)(14), (15) and (16) filed 1–15–91 by operation of Government Code section 11346.1(g) (Register 91, No. 19).
- 14. Amendment of subsection (n)(10) filed 12–12–91; operative 1–13–92 (Register 92, No. 13).
- 15. New subsections (g)(10)–(11) and amendment of Note filed 7–5–94 as an emergency; operative 7–5–94 (Register 94, No. 27). A Certificate of Compliance must be transmitted to OAL by 11–2–94 or emergency language will be repealed by operation of law on the following day.
- 16. Editorial correction of History 15 (Register 94, No. 44).
- 17. New subsections (g)(10)–(11) and amendment of Note refiled 10–31–94 as an emergency; operative 10–31–94 (Register 94, No. 44). A Certificate of Com-

pliance must be transmitted to OAL by 2-28-95 or emergency language will be repealed by operation of law on the following day

- 18. New subsections (g)(10)–(11) and amendment of Note refiled 2–23–95 as an emergency; operative 2–23–95 (Register 95, No. 8). A Certificate of Compliance must be transmitted to OAL by 6–23–95 or emergency language will be repealed by operation of law on the following day.
- 19. Repealer and new section filed 5-31-95; operative 6-30-95 (Register 95, No.
- 20. Certificate of Compliance as to 2-23-95 order including subsection relettering transmitted to OAL 5-15-95 and filed 6-27-95 (Register 95, No. 26).
- 21. Change without regulatory effect amending subsection (e) carbofuran entry filed 7–24–95 pursuant to section 100, title 1, California Code of Regulations (Register 95, No. 30).
- 22. Amendment adding exception (6) to subsection (e) "2,4—dichlorophenoxyacetic acid (2,4–D)" filed 1–14–97; operative 2–13–97 (Register 97, No. 3).

 23. Amendment of subsection (e) adding "Dazomet" and "Potassium N–methyldithiocarbamate" filed 11–20–2000 as an emergency; operative 11–20–2000 (Register 2000, No. 47). A Certificate of Compliance must be transmitted to OAL by 3-20-2001 or emergency language will be repealed by operation of law on the following day.
- 24. Amendment of subsection (e) adding "Dazomet" and "Potassium N-methyldithiocarbamate" refiled 3-15-2001 as an emergency; operative 3-15-2001 (Register 2001, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-13-2001 or emergency language will be repealed by operation of law on the following day.
- 25. Certificate of Compliance as to 3–15–2001 order transmitted to OAL 6–12–2001 and filed 7–24–2001 (Register 2001, No. 35).
- 26. Amendment of subsection (e) adding "Sulfuryl Fluoride" filed 4–4–2005 as an emergency; operative 4–4–2005 (Register 2005, No. 14). A Certificate of Compliance must be transmitted to OAL by 8–2–2005 or emergency language will be repealed by operation of law on the following day.
- 27. Amendment of subsection (e) adding "Sulfuryl Fluoride" refiled 7–21–2005 as an emergency; operative 8–2–2005 (Register 2005, No. 29). A Certificate of Compliance must be transmitted to OAL by 11-30-2005 or emergency language will be repealed by operation of law on the following day
- 28. Certificate of Compliance as to 7-21-2005 order transmitted to OAL 10-31-2005 and filed 12-15-2005 (Register 2005, No. 50).
- 29. Amendment of subsection (e) filed 1-25-2008; operative 1-25-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 4).

§ 6402. Exempt Materials.

The director designates and establishes pursuant to Section 14006.7 of the Food and Agricultural Code the pesticides stated in this section as exempt materials.

- (a) Spray adjuvants
- (b) Petroleum oils
- (c) Sulfur
- (d) Lime
- (e) Lime-sulfur
- (f) Sodium polysulfide
- (g) Certain copper compounds
- (1) Bordeaux mixture
- (2) Copper acetate
- (3) Copper carbonate
- (4) Copper hydroxide
- (5) Copper–lime mixtures
- (6) Copper linoleate
- (7) Copper oleate
- (8) Copper oxychloride
- (9) Copper sulfate (basic, monohydrate, and pentahydrate)
- (10) Copper oxide
- (11) Copper calcium oxychloride
- (h) Bacillus thuringiensis Berliner

NOTE: Authority cited: Sections 11456 and 14006.7, Food and Agricultural Code. Reference: Section 14006.7, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 2462 to Section 6402 filed 8-13-85 (Register 85, No. 33).
- 2. Repealer of subsection (g)(9), subsection renumbering and amendment of NOTE filed 3–21–95 as an emergency; operative 3–21–95 (Register 95, No. 12). A Certificate of Compliance must be transmitted to OAL by 7–19–95 or emergency language will be repealed by operation of law on the following day.
- 3. Repealer of subsection (g)(9), subsection renumbering and amendment of NoTE refiled 7–13–95 as an emergency; operative 7–13–95 (Register 95, No. 28). A Certificate of Compliance must be transmitted to OAL by 11–10–95 or emergency language will be repealed by operation of law on the following day.

- 4. Repealer of subsection (g)(9), subsection renumbering and amendment of NOTE refiled 11–17–95 as an emergency; operative 11–17–95 (Register 95, No. 46). A Certificate of Compliance must be transmitted to OAL by 3-16-96 or emergency language will be repealed by operation of law on the following day
- 5. Repealer of subsection (g)(9), subsection renumbering and amendment of NOTE refiled 3-15-96 as an emergency; operative 3-15-96 (Register 96, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-13-96 or emergency language will be repealed by operation of law on the following day
- 6. Reinstatement of subsection (g)(9), subsection renumbering and reinstatement of NOTE as they existed prior to emergency order of 3-21-95 by operation of Government Code section 11346.1(f) (Register 96, No. 39).
- 7. Change without regulatory effect amending NOTE filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

Article 2. Possession and Use Limitations

§ 6404. Certification Requirements.

NOTE: Authority cited: Sections 407, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501 and 14006, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering and amendment of former Section 2465 first sentence to Section 6404 filed 8-13-85 (Register 85, No. 33).
- 2. Repealer filed 8–1–96; operative 8–31–96 (Register 96, No. 31).

§ 6406. Supervision Standards.

The certified applicator responsible for this supervision shall be aware of the conditions at the site of application and be available to direct and control the manner in which applications are made by the noncertified applicator. The availability of the certified applicator shall be directly related to the actual or potential hazard of the situation.

NOTE: Authority cited: Sections 11456, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501 and 14006, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 2465 to Section 6406 filed 8-13-85 (Register 85, No. 33)
- 2. Change without regulatory effect amending NOTE filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6408. Private Applicator Certification.

NOTE: Authority cited: Sections 407, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501 and 14006, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering and amendment of former Section 2452(h) and (j)(13) to Section 6408 filed 8–13–85 (Register 85, No. 33).

 2. Repealer filed 8–1–96; operative 8–31–96 (Register 96, No. 31).

§ 6410. Pesticide Safety Information Series.

NOTE: Authority cited: Sections 407, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501 and 14006, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering and amending of former section 2452(j)(9)(A) last sentence to section 6410 filed 8-13-85 (Register 85, No. 33).
- 2. Repealer filed 8-13-90; operative 8-13-90 (Register 90, No. 41). (See subsection (c) of 6724.)

§ 6412. Restricted Material Permit Requirements.

- (a) Except as provided in this section and Sections 6400, 6414 and 6416, restricted materials shall be possessed or used only under permit of the commissioner or under his direct supervision, or under permit of the director in any county in which there is no commissioner.
- (b) The person named in a restricted material permit is authorized to retain possession, except for sale, of materials for which the permit was valid after such permit expires, provided they are stored in accordance with Sections 6670 and 6672.

NOTE: Authority cited: Sections 11456, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501 and 14006, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering and amendment of former Section 2452(a) and (g) to Section 6412 filed 8-13-85 (Register 85, No 33).
- 2. Amendment filed 1-4-89; operative 1-4-89 pursuant to Government Code Section 11346.2(d) (Register 89, No. 5).
- 3. Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25)

§ 6414. Permit Exemptions.

(a) Permits to possess restricted materials shall not be required of commercial carriers to transport such materials.

Page 390 Register 2008, No. 4; 1-25-2008

- (b) No permit shall be required for restricted materials included only in subsection (a) of section 6400 (federally restricted use) when possessed or used by or under the supervision of a certified private or certified commercial applicator unless otherwise required by the commissioner
- (c) No permit shall be required for antifouling paints or coatings containing tributyltin.
- (d) No permit shall be required for restricted materials used only for experimental or research purposes when possessed or used, by or under the supervision of, research personnel from colleges and universities provided they are operating according to the current established policy of the college or university which covers experimental pesticide use.
- (e) No permit shall be required for restricted materials used according to a valid research authorization issued pursuant to section 6260.

NOTE: Authority cited: Sections 11456, 12976, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 14006 and 14006.6, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering and amendment of former section 2452 (b) and (c) to section 6414 filed 8–13–85 (Register 85, No. 33).
- 2. New subsection (c) filed 12–31–87 as an emergency; operative 1–1–88 (Register 88, No. 3). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 5–2–88.
- Certificate of Compliance transmitted to OAL 4-5-88 and filed 5-4-88 (Register 88, No. 19).
- 4. New subsections (d) and (e) filed 5–23–90; operative 6–22–90 (Register 90, No. 27).
- Change without regulatory effect amending subsection (b) and Note filed 8-27-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 35).
- Change without regulatory effect amending subsection (a) filed 3-27-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).
- Amendment of section and NOTE filed 10-20-2000; operative 11-19-2000 (Register 2000, No. 42).
- 8. Change without regulatory effect amending subsections (a)–(b) filed 9–9–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 37).

§ 6416. Groundwater Protection Restrictions.

- (a) A permit is required for the possession or use of a pesticide containing a chemical listed in section 6800(a) when the pesticide is:
- (1) applied in an agricultural, outdoor institutional, or outdoor industrial use within a runoff ground water protection area or in a leaching ground water protection area, or
 - (2) restricted for purposes other than ground water protection.
- (b) A permit is not required for the possession or use of a pesticide containing a chemical listed in section 6800(a) when the pesticide is used in a pest eradication program approved by the Department, unless the pesticide is also restricted for purposes other than groundwater protection.
- (c) Notwithstanding the provisions of this article and article 4, the chemicals listed in section 6800(a) may be applied for research or experimental purposes pursuant to a valid research authorization. The applicant must provide the location of the research or experimental site with the research authorization request. The exemptions found in section 6268 do not apply when a person wishes to use these chemicals for research or experimental purposes.

NOTE: Authority cited: Sections 11456, 12976, 13145, 14004.5, 14005, 14006 and 14102, Food and Agricultural Code. Reference: Sections 11501, 13145, 13150, 14004.5, 14005 and 14006, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–4–89; operative 1–4–89 pursuant to Government Code section 11346.2(d) (Register 89, No. 5).
- Amendment of subsections (a) and (b), repealer of subsections (c) and (d), and relettering and amendment of former subsection (e) to subsection (c) filed 4–10–90; operative 4–10–90 pursuant to Government Code section 11346.2(d) (Register 90, No. 16).
- Amendment of subsection (a) and NOTE filed 12–12–91; operative 1–13–92 (Register 92, No. 13).
- 4. New subsection (d) filed 4-3-92; operative 5-4-92 (Register 92, No. 18).
- Change without regulatory effect amending Note filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

Repealer of subsections (a)–(b), new subsections (a)–(a)(2), subsection relettering, amendment of newly designated subsection (b) and amendment of NOTE filed 4–27–2004; operative 5–27–2004 (Register 2004, No. 18).

§ 6417. Research Authorization for Groundwater Protection List Chemicals.

NOTE: Authority: Sections 407, 12781, 12976, 13145, 14005 and 14006, Food and Agricultural Code. Reference: Section 14006.6, Food and Agricultural Code. HISTORY

- 1. New section filed 4–10–90; operative 4–10–90 pursuant to Government Code section 11346.2(d) (Register 90, No. 16).
- 2. Repealer filed 4-3-92; operative 5-4-92 (Register 92, No. 18).

Article 3. Permit System

§ 6420. Permit Requirements.

- (a) Permits for agricultural use of a restricted material shall be issued in the name of the operator of the property to be treated. The permittee or, when allowed by the commissioner, the permittee's authorized representative or licensed agricultural pest control adviser, shall sign the permit. The authorized representative or licensed agricultural pest control adviser shall provide the commissioner with written documentation from the permittee to act on his/her behalf.
- (b) Permits for nonagricultural use of a restricted material may be issued in the name of the operator of the property to be treated or a pest control business. A permit issued to the operator of the property shall be signed by either the permittee or, when allowed by the commissioner, the permittee's authorized representative. The authorized representative shall provide the commissioner with written documentation from the permittee to act on his or her behalf. A permit issued to the pest control business shall be signed by the owner or a qualified applicator licensee or qualified applicator certificate holder responsible to supervise the operations of the pest control business.
- (c) The permittee shall be responsible for compliance with all permit conditions.

NOTE: Authority cited: Sections 11456, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501 and 14006, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 2452(e) to Section 6420 filed 8–13–85 (Register 85, No. 33).
- 2. Amendment of section heading, section and Note filed 10–20–2000; operative 11–19–2000 (Register 2000, No. 42).

§ 6422. Permit Duration.

- (a) Each permit issued for agricultural use of a restricted material shall be site and time specific. Pursuant to Food and Agricultural Code section 14007, any permit may be issued for a one—year period. Permits issued for perennial agricultural plantings, nonproduction agricultural sites, or nonagricultural sites may be issued for up to a three—year period. Permit applicants may apply for and obtain a permit for a shorter duration.
- (b) A permit to use restricted materials shall be valid for the time specified unless sooner revoked or suspended.

NOTE: Authority cited: Sections 11456, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 14006 and 14007, Food and Agricultural Code.

- 1. Editorial renumbering of former Section 2452(f) and (j)(2) to Section 6422 filed 8–13–85 (Register 85, No. 33).
- 2. Amendment of section and Note filed 10–20–2000; operative 11–19–2000 (Register 2000, No. 42).

§ 6424. Forms.

- (a) Each application and permit to possess or use a restricted material shall be on a form either provided or approved by the director.
- (b) All information required for a written notice of intent shall be on forms either provided or approved by the director.

NOTE: Authority cited: Sections 11456, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501 and 14006, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 2452(i) and (j)(14) to Section 6424 filed 8–13–85 (Register 85, No. 33).
- Change without regulatory effect amending Note filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6426. Alternatives and Mitigation Measures.

- (a) Each licensed agricultural pest control adviser and grower, when determining if and when to use a pesticide that requires a permit, shall consider, and if feasible, adopt any reasonable, effective and practical mitigation measure or use any feasible alternative which would substantially lessen any significant adverse impact on the environment.
- (b) Each licensed agricultural pest control operator shall have available a copy of a written recommendation covering each agricultural use application of a pesticide that requires a permit, and operate in accordance with a pesticide permit issued by the commissioner. The standards for such recommendations are established in Section 6556.

NOTE: Authority cited: Sections 11456, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501 and 14006, Food and Agricultural Code.

History

- 1. Editorial renumbering and amendment of former Section 2452(j)(3) and (4) to Section 6426 filed 8–13–85 (Register 85, No. 33).
- Change without regulatory effect amending Note filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6428. Agricultural Permit Applications.

Except as provided in Section 6434(a), each application for a permit for agricultural use of a restricted material shall include the following information:

- (a) Name and business address of the permittee and signature of either the permittee, or when allowed by the commissioner, the permittee's authorized representative or licensed agricultural pest control adviser;
 - (b) Location of each property to be treated;
- (c) Identification of all known areas that could be adversely impacted by the use of the restricted material(s) including hospitals; schools, and playgrounds; residential areas (including labor camps); parks; lakes, waterways, estuaries, and reservoirs; state wildlife management areas; critical habitats of rare, endangered or threatened species; and livestock and crops; (a map or aerial photograph may be used for designating such areas);
- (d) Identification of each commodity or crop, or if there is no commodity or crop the site to be treated;
 - (e) Anticipated pest problem(s) for each crop (pest(s) to be controlled);
- (f) Restricted material(s) requiring a permit necessary to control each pest on each commodity, crop, or site;
- (g) Approximate date(s) or crop stage(s) of intended restricted material application(s);
- (h) Expected method of application including the dilution, volume per acre or other units, and dosage;
- (i) Name of the pest control business, if any, and name, business address, and license or certificate number, with expiration date, of the certified private or certified commercial applicator responsible for supervising the possession or use of the restricted material(s).

NOTE: Authority cited: Sections 11456, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501 and 14006, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering and amendment of former Section 2452(j)(5) to Section 6428 filed 8-13-85 (Register 85, No. 33).
- 2. Amendment of section heading, section and Note filed 10–20–2000; operative 11–19–2000 (Register 2000, No. 42).

§ 6430. Nonagricultural Permit Applications.

Each application for a permit for nonagricultural use of a restricted material shall include the following information:

- (a) Name and business address of the operator of the property or the pest control business;
- (b) The signature of either the permittee, or the authorized representative, or the owner or qualified applicator licensee or qualified applicator certificate holder responsible to supervise the operations of the pest control business;
 - (c) Restricted material(s) to be used;
 - (d) Pest(s) to be controlled;
 - (e) Method of application;
 - (f) Criteria for determining need for the pesticide application and

(g) Name, address and license or certificate number, with expiration date, of the certified applicator responsible for supervising the possession or use of the restricted material(s).

NOTE: Authority cited: Sections 11456, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501 and 14006, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 2452(j)(7) to Section 6430 filed 8-13-85 (Register 85, No. 33).
- 2. Amendment of section heading, section and NOTE filed 10–20–2000; operative 11–19–2000 (Register 2000, No. 42).

§ 6432. Permit Evaluation.

(a) Each commissioner, prior to issuing any permit to use a pesticide and when evaluating a notice of intent, shall determine if a substantial adverse environmental impact may result from the use of such pesticide. If the commissioner determines that a substantial adverse environmental impact will likely occur from the use of the pesticide, the commissioner shall determine if there is a feasible alternative, including the alternative of no pesticide application, or feasible mitigation measure that would substantially reduce the adverse impact. If the commissioner determines that there is a feasible alternative or feasible mitigation measure which significantly reduces the environmental impact, the permit or intended pesticide application shall be denied or conditioned on the utilization of the mitigation measure. When the commissioner determines that there is a likelihood that permit conditions have been or will be violated he shall take appropriate action to assure compliance.

Each commissioner is responsible for knowing local conditions and utilizing such knowledge in making these determinations. Each commissioner shall also consider and where appropriate utilize the provisions of Section 14006.5 and other applicable sections of the Food and Agricultural Code, applicable sections of this code, applicable pest management guides, restricted materials hazard chart, pesticide safety information series, information obtained from monitoring other pest control operations, and other information required by the director.

- (b) In addition to the requirement of Sections 6428 and 6430 each permit shall contain the following:
- (1) Appropriate conditions or limitations on the use of the pesticide(s) including available pesticide safety information series leaflets for each pesticide included on the permit;
- (2) Requirements, if any, for notice prior to an agricultural use pesticide application. In the case of nonagricultural use, notice shall be required to the extent it is necessary to comply with inspection responsibilities and with the monitoring requirements of Section 6436; and
- (3) Appropriate conditions or limitations such as those described in available pest management guides. The commissioner shall inform the permittee of, and where to obtain, any pest management guide applicable to the pest control authorized in the permit.

NOTE: Authority cited: Sections 11456, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501 and 14006, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering and amendment of former Section 2452(j)(8) and (9) to Section 6430 filed 8–13–85 (Register 85, No. 33).
- Change without regulatory effect amending NoTE filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6434. Notice of Intent.

- (a) If the information required by (g), (h), and (i) of Section 6428 is not provided on the permit, it shall be included in the notice of intent.
- (b) When a notice of intent is required by the commissioner, it shall provide the following information concerning the proposed application. If the information required by this paragraph has been provided on the permit it may be referenced on the notice of intent.
 - (1) Permit number;
 - (2) Name and address of permittee and applicator;
 - (3) Location of areas to be treated and name of farm operator;
- (4) Crop or commodity, or if there is no crop or commodity the site to be treated;
 - (5) Approximate acres or other units:
 - (6) Method of application;

Page 392 Register 2008, No. 4; 1-25-2008

- (7) Pesticide(s);
- (8) Dilution, volume per acre or other units, and dosage;
- (9) Pest(s) to be controlled;
- (10) Date intended application is to commence; and
- (11) Location and identity of areas specified in Section 6428 which have changed since the permit was issued and which may be adversely impacted. A map or aerial photograph may be used for designating such locations.

The commissioner shall be notified at least 24 hours prior to commencing the use of a pesticide requiring a permit. The notice of intent to apply a pesticide may be submitted to the commissioner by the operator of the property to be treated, by such operator's authorized representative, or by the licensed pest control operator who is to apply the pesticide. The commissioner may allow less than 24 hours notice if he determines that because of the nature of the commodity or pest problem effective pest control cannot be attained or when 24 hours are not necessary to adequately evaluate the intended application.

NOTE: Authority cited: Sections 11456, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501 and 14006, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering and amendment of former Section 2452(j)(6) and (10) to Section 6434 filed 8–13–85 (Register 85, No. 33).
- Change without regulatory effect amending NOTE filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6436. Permit Monitoring.

The director shall develop and the commissioner shall utilize a valid statistical program for monitoring sites to be treated which requires more frequent monitoring of individuals who have a record of noncompliance with applicable laws and regulations including violations of Section 6556. Such program shall require monitoring of no less than 5% of the sites identified in permits or notices of intent to apply a pesticide for an agricultural use. Such monitoring shall include an evaluation of the basis for the intended application including the written recommendation, if any. In the case of nonagricultural uses, the pesticide use of each permit holder shall be inspected at least once a year. Such monitoring shall insure compliance with this section and with the provisions of Section 14006.5 of the Food and Agricultural Code. No application shall be allowed to proceed if noncompliance with these provisions exists.

NOTE: Authority cited: Sections 11456, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501 and 14006, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 2452(j)(12) to Section 6436 filed 8–13–85 (Register 85, No. 33).
- Change without regulatory effect amending Note filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6438. Pest Control Records.

NOTE: Authority cited: Sections 407, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501 and 14006, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering and amendment of former Section 3090.2(a) and (d) to Section 6438 filed 8–13–85 (Register 85, No. 33).
- 2. Repealer filed 12-22-89; operative 1-1-90 (Register 90, No. 1).

§ 6440. Pesticide Use Reports.

NOTE: Authority cited: Sections 407, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 14006 and 14011.5, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Sections 2459 and 3090.2(b), (c) and (e) to Section 6440 filed 8–13–85 (Register 85, No. 33).
- 2. Repealer filed 12–22–89; operative 1–1–90 (Register 90, No. 1).

§ 6442. Permit Review.

Section 14009 of the Food and Agricultural Code provides for a review by the director of the action of an agricultural commissioner in issuing, refusing, revoking, suspending, or conditioning a restricted materials permit. This section states the standards and procedures applicable to such review by the director.

- (a) Registration of a restricted material is not in itself a right to use the pesticide, but rather a department determination that under appropriate local conditions the commissioner can grant a use permit for the material.
- (b) The decision of an agricultural commissioner in issuing, conditioning, refusing, revoking, or suspending a restricted materials permit will be reversed by the director only for a clear abuse of discretion by the commissioner in applying the applicable restricted materials provisions of the Food and Agricultural Code (beginning with section 14001) and regulations in Title 3, California Code of Regulations (beginning with section 6400). The burden of establishing abuse of discretion is on the person requesting the review.
 - (c) The director's review is limited to the particular permit involved.
- (d) The person requesting the review of the issuance of a permit may request that the director stay the operation of the permit for a limited time or until the matter is finally decided. Whether the stay will be granted or refused will be determined by the director as soon as practicable based on the reasons stated for the stay in the request for review and supporting documents, any counter documents or arguments which are timely submitted to the director by the commissioner or permittee, and the director's own preliminary analysis of whether a stay is necessary to avoid a significant health hazard or significant crop, environmental, or property damage.

NOTE: Authority cited: Section 11456, Food and Agricultural Code. Reference: Section 14009, Food and Agricultural Code.

HISTORY

- Editorial renumbering and amendment of former Section 2463 to Section 6442 filed 8-13-85 (Register 85, No. 33).
- Amendment of section and NoTE filed 10-20-2000; operative 11-19-2000 (Register 2000, No. 42).

§ 6443. Permits for Use of Phenoxy Herbicides on Timberland.

- (a) Permits issued by county agricultural commissioners for aerial application of phenoxy herbicides for conifer release or for site preparation for commercial timber production shall be subject to the requirements of this section.
- (b) Each permit issued for such use shall be posted immediately, or as soon as practicable, by the commissioner in all offices of the commissioner and by the permittee at a post office or similar public place reasonably located so as to be seen by persons living within one mile of the proposed spraying area and shall remain posted until the expiration of such permit.
- (c) Within five days after issuance of the permit, the permittee shall mail a copy of the permit to all owners of record of property within 300 feet of the area to be treated. The permittee shall also mail a copy to all persons residing within 300 feet of the spray site described in the permit area who have filed a request for written notification with the commissioner.
- (d) Each posted and mailed copy of the permit shall include notice of the provisions of this section, Section 6442, Food and Agricultural Code Section 14009, and the names and addresses of the county agricultural commissioner and the permittee.
- (e) If a request for review is mailed to the commissioner within 20 days of the issuance of the permit, no herbicide application pursuant to the permit shall be made until 30 days after such review is completed; however, a further stay may be granted by the director pursuant to an appeal by a person directly affected by the commissioner's action. A copy of the commissioner's decision shall be mailed to the person who requested the review and the permittee.
- (f) The commissioner shall grant a review, pursuant to Food and Agricultural Code, Section 14009, to any interested person.
- (g) If no request for review is received by the commissioner within 30 days of the permit issuance, the application may commence without further delay.
- (h) If a request by a person directly affected by the commissioner's action, for a stay and appeal of the commissioner's review action is mailed to the director within 20 days of the date of the commissioner's review decision, no herbicide application pursuant to the permit shall be made

Page 393

until 15 days after the request is acted upon by the director. The applicant shall mail a copy of the appeal to the commissioner and to the permittee at the same time that the appeal is mailed to the director. The appeal must contain the following statement above the signature of the appellant: "I hereby certify that I have mailed copies of this appeal to the county agricultural commissioner and to the permittee." The appeal shall also contain a copy of the commissioner's review decision.

(i) The director shall grant a stay of the permit and an appeal pursuant to Food and Agricultural Code Section 14009 to all appellants who are directly affected by the permit action.

For the purpose of this section, an appellant shall be considered to be directly affected by the permit action where the appellant establishes that his or her residence, crops, property, or water supply point source lies within one–half mile of the spray site described in the permit. A movable camp site, trailer, home, or other portable property temporarily located in proximity to a spray site shall not qualify as a residence or located concern. The director may find that an appellant located more than one–half mile from the spray site is directly affected.

- (j) The director may rely on the commissioner's determination of the appellant's location, if such a determination way included in the commissioner's decision. The appellant may contest this determination in the appeael.
- (k) The director may deny an appeal and refuse a stay request in the following cases:
- (1) Where an appeal is filed not by an appellant directly affected by the permit for the protection of the appellant's personal interest but, rather, by another on the appellant's behalf, or,
- (2) Where an appeal fails to allege a specific abuse of discretion on the part of the commissioner in the issuance of the permit but, rather, asserts only an objection to phenoxy herbicide spraying, in general, or
- (3) Where an appeal fails to identify the specific location of appellant's source of concern, such as appellant's residence, cropland, water supply, or other fixed geographical reference so as to allow an assessment of the hazards associated with the permit.
- (I) Where the director's decision denies an appeal or refuses a stay, the appellate shall be advised of the right to seek judicial review of the decision.
- (m) A copy of the director's decision shall be mailed to the appellant, the commissioner, and the permittee.
- (n) If no appeal is received by the director with 30 days of the commissioner's review decision, the aerial application may commence without further delay.

If the director's decision upholds the permit issuance and the permit cannot be exercised because of the delay involved in the stay and/or review, the permit shall be extended by order of the director for a sufficient length of time to allow for spraying at the earliest possible date, but in no case longer than 12 months.

NOTE: Authority cited: Sections 11456, 14001, 14005 and 14006, Food and Agricultural Code. Reference: Sections 14004, 14006.5 and 14009, Food and Agricultural Code.

HISTORY

- 1. Renumbering and amendment of Section 2458.11 to Section 6443 filed 9-14-87; operative 10-14-87 (Register 87, No. 38).
- Change without regulatory effect amending Note filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6444. Generalized Effects.

If at any time pesticide residues, symptoms, or health hazards appear generally throughout any area, the director or commissioner may cause a field inspection to be made. If it appears that substantial loss, damage or injury is likely to result from continued application of a specific pesticide within such area, the director or commissioner may cause all permits for applications of that pesticide within such area canceled and specify that no additional permits shall be issued therein.

NOTE: Authority cited: Sections 11456, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501 and 14006, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 2460 to Section 6444 filed 8–13–85 (Register 85, No. 33).
- Change without regulatory effect amending Note filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

Article 4. Field Fumigation Use Requirements

§ 6445. Fumigation-Handling Activities.

For purposes of sections 6447–6447.3, and 6784(b), fumigation–handling activities are limited to employees involved in assisting with covering the tarpaulin at the end of the rows (shoveling); assisting in the overall operation, ensuring proper tarpaulin placement and condition, and changing cylinders (copiloting); operating tractor equipment (driving); supervising the fumigation operation; operating chemigation equipment and assisting in chemigation application and leak repair (chemigating); tarpaulin cutting; tarpaulin or chemigation equipment removal prior to the expiration of the restricted entry interval; and other handling activities specified by the label.

NOTE: Authority cited: Sections 11456, 12976, 12981, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 12981 and 14102, Food and Agricultural Code.

HISTORY

 Amendment of article heading and new section filed 1–25–2008; operative 1–25–2008 pursuant to Government Code section 11343.4 (Register 2008, No. 4)

§ 6445.5. Field Fumigation Licensing Requirements.

Effective January 1, 2009, when a field fumigation application is made by a licensed pest control business, the business must have a person holding a qualified applicator license or certificate with the field fumigation pest control subcategory supervising the work.

NOTE: Authority cited: Sections 11456, 11502 and 14005, Food and Agricultural Code. Reference: Sections 11501, 14001 and 14151, Food and Agricultural Code.

HISTORY

1. New section filed 1–25–2008; operative 1–25–2008 pursuant to Government Code section 11343.4 (Register 2008, No. 4).

§ 6447. Methyl Bromide—Field Fumigation — General Requirements.

The provisions of this section and sections 6447.1, 6447.2, 6447.3, and 6784(b) pertain to field soil fumigation using methyl bromide. For purposes of these sections, field soil fumigation does not apply to golf courses, replant of individual vine or tree–sites (tree holes) less than one contiguous acre, raised–tarpaulin nursery fumigations of less than one acre, potting soil, and greenhouses and other similar structures.

- (a) In addition to the requirements of section 6428, the operator of the property to be treated shall submit a proposed work site plan to the commissioner for evaluation at least seven days prior to submitting a notice of intent. The proposed work site plan shall include, but is not limited to, method of application to be used, acreage and identification of each application block to be treated, application rate to be used, description of the notification procedure to property operators pursuant to section 6447.1(b), description of any activities within the buffer zone(s) as specified in section 6447.2(e) and (f), description of any workday/work hour limitations and respiratory protection as specified in sections 6784(b)(2)(C) and (b)(3), and if applicable, description of the tarpaulin repair response plan, and tarpaulin removal. The commissioner shall retain the proposed worksite plan for one year after the expiration of the permit.
- (b) The commissioner, pursuant to section 6432, shall evaluate local conditions and the proposed work site plan.
- (c) The commissioner shall include at least the following when conditioning a permit: the buffer zone requirements, work—hour restrictions, notification requirements, any other restrictions to address local conditions, and if applicable, description of the tarpaulin repair response plan and tarpaulin removal. The commissioner shall complete the evaluation and complete conditioning the permit prior to the submission of the notice of intent.

Page 394 Register 2008, No. 4; 1-25-2008

- (d) An application block shall not exceed 40 acres unless approved by the Director.
- (e) Except for experimental research purposes pursuant to a valid research authorization issued according to section 6260 or a reduced volatile organic compound emission fumigation method approved pursuant to section 6452, tarpaulins shall have a permeability factor of no less than 5 and no more than 8 milliliters methyl bromide per hour, per square meter, per 1,000 parts per million of methyl bromide under the tarpaulin at 30 degrees Celsius, and be approved by the Department. A list of approved tarpaulins is available from the Department.
- (f) Tarpaulins shall be buried under at least four inches of firmly packed soil at the end of the rows. The tarpaulins shall remain in place for the time specified in section 6447.2.
- (g) Fumigation equipment shall be operated to eliminate pesticide drip by clearing the fumigant from the injection device before it is lifted or removed from the soil.
- (h) The Department, in coordination with county agricultural commissioners, shall ensure that ambient air concentrations of methyl bromide do not exceed an average daily non-occupational exposure of nine parts per billion in a calendar month.

NOTE: Authority cited: Sections 11456, 12976, 12981, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code.

HISTORY

Renumbering of former section 6450 to new section 6447, including amendment of section heading and section, filed 1-25-2008; operative 1-25-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 4).

§ 6447.1. Methyl Bromide Field Fumigation Notification Requirements.

- (a) Notification to the Commissioner.
- (1) Notwithstanding section 6434, the operator of the property to be treated shall assure that the commissioner is notified (notice of intent) at least 48 hours prior to commencing fumigation. The notice of intent shall indicate the hour the fumigation is intended to commence and the information specified in section 6434(b).
- (2) The fumigation shall not commence sooner than the intended starting time or later than 12 hours after the intended starting time specified on the notice of intent.
- (3) If fumigation of an application block does not commence within the time specified in (a)(2), a new notice of intent must be submitted, but no new 48-hour waiting period is needed unless required by the commissioner.
- (4) For multiple application blocks to be fumigated sequentially, the commissioner may allow one notice of intent that includes an application schedule for all the application blocks in lieu of a separate notice of intent for each application block to be fumigated. The schedule must specify the date and time each application block is intended to be fumigated.
 - (b) Notification to Property Operators.
- (1) The operator of the property to be treated shall assure that operators of the following properties within 300 feet of the perimeter of the outer buffer zone receive notification that a permit to use methyl bromide near their property has been issued by the commissioner: properties that contain schools, residences, hospitals, convalescent homes, onsite employee housing, or other similar sites identified by the commissioner. Notification shall be in writing in both English and Spanish, or by other means approved by the commissioner. The operator of the property to be treated shall assure that notification is delivered at least seven days prior to the submission of the notice of intent. The notification shall include the following information:
 - (A) the name of the chemical(s) to be applied;
- (B) name, business address, and business telephone number of the operator of the property to be treated;
- (C) name, business address, and business telephone number of the commissioner;
 - (D) the earliest and latest dates that the fumigation will start; and
- (E) how to request subsequent notification of specific date and time of the fumigation.

(2) The operator of the property to be treated shall assure that specific notification of the date and time of the start of the fumigation and anticipated expiration of buffer zones is provided to those persons notified in (b)(1) who request specific fumigation information. This specific fumigation notification shall be provided at least 48 hours prior to starting the fumigation. If a request for specific notification is received after the submission of the notice of intent and before the fumigation begins, the specific fumigation notification shall be provided prior to starting the fumigation, but the 48—hour requirement shall not apply. If the fumigation of an application block does not commence within the time frame specified in (a)(2), then a new notification must be provided to those persons who requested the information, but the 48—hour requirement shall not apply unless required by the commissioner.

NOTE: Authority cited: Sections 11456, 12976, 12981, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code.

HISTORY

1. Renumbering of former section 6450.1 to new section 6447.1, including amendment of subsections (a)(3) and (b)(1), filed 1–25–2008; operative 1–25–2008 pursuant to Government Code section 11343.4 (Register 2008, No. 4).

§ 6447.2. Methyl Bromide Field Fumigation Buffer Zone Requirements.

- (a) The commissioner shall approve buffer zone sizes and durations based upon local conditions. The commissioner shall rely upon the information provided in Methyl Bromide Field Fumigation Buffer Zone Determination, Est. 2/04, hereby incorporated by reference, to condition restricted material permits, unless the commissioner determines based on other information that a deviation from the information in Methyl Bromide Field Fumigation Buffer Zone Determination, Est. 2/04, can be made in a way that assures equal or less exposure. At no time shall the inner buffer zone be less than 30 feet, and the outer buffer zone be less than 60 feet, or the buffer zone durations be less than 36 hours.
- (b) The operator of the property to be treated shall assure that all buffer zone distances are measured from the perimeter of the application block.
- (c) The buffer zone restrictions shall begin at the start of fumigation. The buffer zone restrictions shall remain in effect for at least 36 hours after the completion of the injection to the application block.
- (d) Two buffer zones, an inner and outer for each application block, shall be approved by the commissioner after the proposed work site plan is submitted.
 - (e) Inner Buffer Zone Restrictions.
 - (1) The inner buffer zone shall be at least 30 feet.
- (2) The operator of the property to be treated shall assure that no persons are allowed within the inner buffer zone except to transit and perform fumigation—handling activities.
- (3) The inner buffer zone shall not extend into adjoining property except as provided below:
- (A) The inner buffer zone may extend into adjoining agricultural property if the adjoining property operator gives written permission and allows the operator of the property to be treated to post the inner buffer zone boundary on the adjoining property with signs. If such written permission is given, the operator of the property to be treated shall assure that:
- 1. the inner buffer zone boundaries on the adjoining property are posted with signs while the buffer zone is in effect; and
- 2. the signs are posted so that the wording is clearly visible, to persons with normal vision, from a distance of 25 feet and shall contain the following words: "METHYL BROMIDE INNER BUFFER ZONE" and "KEEP OUT" and "NO ENTRE"; and
 - 3. the signs are posted at intervals not exceeding 200 feet.
- (B) With approval from the commissioner, the inner buffer zone may extend across sites only where transit activities may occur, including streets, roads, roads within agricultural property, highways, and other similar sites of travel. Written permission and posting requirements in 6447.2(e)(3)(A) shall not apply.
 - (f) Outer Buffer Zone Restrictions.
 - (1) The outer buffer zone shall be at least 60 feet.

- (2) The operator of the property to be treated shall assure that no persons are allowed within the outer buffer zone except to transit, perform fumigation—handling activities, and commissioner—approved activities as identified in the restricted materials permit conditions. In no instance shall persons be allowed within the outer buffer zone for more than 12 hours in a 24—hour period.
- (3) The outer buffer zone may extend into other properties with permission from the operators of these other properties. In no instances shall the outer buffer zone contain occupied residences or occupied onsite employee housing while the outer buffer zone is in effect. The outer buffer zone shall not extend into properties that contain schools, convalescent homes, hospitals, or other similar sites determined by the commissioner.
- (4) The outer buffer zone may extend across roads, highways, or similar sites of travel or sites approved by the commissioner.
- (g) The operator of the property to be treated shall assure that the operator of the other properties specified in (e)(3)(A) and (f)(3) above notify the following persons that a buffer zone(s) has been established on the property: onsite employees, including those of a licensed pest control business or farm labor contractor. The notice to employees shall be given prior to the commencement of the employee's work activity. Notification to farm labor contractor employees may be done by giving written notice to the farm labor contractor, who shall then give the notice to the employee. Employee notification shall be in a manner the employee can understand, and include information required in section 6447.1(b)(2).
- (h) The operator of the property to be treated shall assure that specific notification of the date and time of the start of the fumigation and anticipated expiration of buffer zones is provided to the other property operator, if the operator of the other property is required to notify his/her employees as specified in (g). This specific fumigation notification shall be provided to the other property operator at least 48 hours prior to starting the fumigation. If the fumigation of an application block does not commence within the time frame specified in 6447.1(a)(2), then a new notification must be provided to the other property operator specified in (e)(3)(A) and (f)(3), but the 48–hour requirement shall not apply unless required by the commissioner.
- (i) When a school property is within 300 feet of the perimeter of the outer buffer zone, the injection shall be completed no less than 36 hours prior to the start of a school session. School session shall be those times when students are attending scheduled classes.

NOTE: Authority cited: Sections 11456, 12976, 12981, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code.

History

- 1. Renumbering of former section 6450.2 to new section 6447.2, including amendment of subsections (e)(3)(B), (g) and (h), filed 1–25–2008; operative 1–25–2008 pursuant to Government Code section 11343.4 (Register 2008, No. 4).
- Editorial correction restoring inadvertently omitted subsections (e)–(e)(2) (Register 2008, No. 11).

§ 6447.3. Methyl Bromide Field Fumigation Methods.

- (a) The methyl bromide field soil fumigation must be made using only the methods described in this section. However, within the San Joaquin Valley, Southeast Desert, or Ventura ozone nonattainment areas, the following methods are prohibited during the May 1 through October 31 time period: (1), (2), (4), and (6); and if applied as alternating fumigated and unfumigated areas (strip fumigation), methods (3) and (5). In addition to labeling requirements for each of these methods, the following requirements shall apply.
 - (1) Nontarpaulin/Shallow/Bed
- (A) Application rate shall not exceed 200 pounds of methyl bromide per acre.
- (B) The application tractor shall be equipped with an air fan dilution system.
 - (C) Rearward-curved (swept-back) chisels shall be used with:
- 1. closing shoes and bed-shaper, or closing shoes and compaction roller; and
- 2. chisel injection points positioned beneath and ahead of the closing shoes.

- (D) Injection depth shall be between 10 and 15 inches. The injection depth to preformed beds must not be below the bed furrow.
 - (E) Injection spacing shall be 40 inches or less.
- (F) The soil shall not be disturbed for at least three days (72 hours) following completion of injection to the application block.
 - (G) The application block restricted—entry interval shall be three days.
 - (2) Nontarpaulin/Deep/Broadcast
- (A) Application rate shall not exceed 400 pounds of methyl bromide per acre.
 - (B) Forward–curved chisel shall be used with:
- 1. An application tractor equipped with an air fan dilution system, and the injection depth shall be at least 20 inches; or
- 2. Closing shoes and compaction roller and the injection depth shall be at least 24 inches.
 - (C) Injection spacing shall be 68 inches or less.
- (D) The soil shall not be disturbed for at least four days (96 hours) following completion of injection to the application block.
 - (E) The application block restricted–entry interval shall be four days.
 - (3) Tarpaulin/Shallow/Broadcast
- (A) Application rate shall not exceed 400 pounds of methyl bromide per acre.
 - (B) Application shall be made using either:
- 1. An application tractor equipped with an air fan dilution system, and with a plow consisting of horizontal v-shaped blades mounted by a vertical arm to the tool bar. The fumigant shall be injected laterally beneath the soil surface; or
- 2. Rearward–curved (swept–back) chisels, closing shoes, and compaction roller shall be used.
 - (C) Injection depth shall be at least 10 and no greater than 15 inches.
 - (D) Injection spacing shall be 12 inches or less.
- (E) The tarpaulin shall be laid down simultaneously (with fumigant injection) by tarpaulin–laying equipment mounted on the application tractor.
- (F) The tarpaulin shall not be cut until a minimum of five days (120 hours) following completion of injection to the application block. The tarpaulin shall be cut pursuant to section 6784(b)(4).
- (G) Tarpaulin removal shall begin no sooner than 24 hours after tarpaulin cutting has been completed.
- (H) The application block restricted-entry interval shall end at completion of tarpaulin removal, and shall be at least six days.
 - (4) Tarpaulin/Shallow/Bed
- (A) Application rate shall not exceed 250 pounds of methyl bromide per acre.
 - (B) Rearward–curved (swept–back) chisels shall be used with either:
- 1. Closing shoes and compaction roller. The closing shoes shall cover the chisel marks with soil just ahead of the compaction roller, and the tarpaulin shall be laid down simultaneously (with fumigant injection) by tarpaulin–laying equipment mounted on the application tractor; or
- 2. Bed shaper. The chisels shall be placed with the injection point under the bed shaper, and the tarpaulin shall be laid down simultaneously (with fumigant injection) by tarpaulin–laying equipment mounted on the application tractor; or
- 3. Combination bed former and bed shaper. The chisels shall be placed between the bed former and the bed shaper. The tractor with the tarpaulin–laying equipment shall immediately follow the application tractor.
- (C) Injection depth shall be between 6 and 15 inches. The injection depth to preformed beds must not be below the bed furrow.
 - (D) Injection spacing shall be 12 inches or less.
- (E) The tarpaulin shall not be cut until at least five days (120 hours) following completion of injection to the application block.
- (F) If tarpaulins are removed before planting, tarpaulin removal shall begin no sooner than 24 hours after tarpaulin cutting has been completed. The application block restricted—entry interval shall end at completion of tarpaulin removal, and shall be at least six days.



- (G) If tarpaulins are not to be removed before planting, the application block restricted–entry interval shall either:
- 1. consist of the five-day period described in subsection (E) plus an additional 48 hours after holes have been cut for planting, or
- 2. be at least 14 days. If this option is chosen, the methyl bromide air concentration underneath the tarpaulin must test less than five parts per million before planting begins.

[The next page is 397.]

- (5) Tarpaulin/Deep/Broadcast
- (A) Application rate shall not exceed 400 pounds of methyl bromide per acre.
 - (B) Forward-curved chisels shall be used with either:
- 1. An air fan dilution system on the application tractor; or
- 2. Closing shoes and compaction roller.
- (C) Injection depth shall be at least 20 inches.
- (D) Injection spacing shall be 66 inches or less.
- (E) The tarpaulin shall be laid down simultaneously (with fumigant injection) by tarpaulin–laying equipment mounted on the application tractor
- (F) The tarpaulin shall not be cut until at least five days (120 hours) following completion of injection to the application block. The tarpaulin shall be cut pursuant to section 6784(b)(4).
- (G) Tarpaulin removal shall begin no sooner than 24 hours after tarpaulin cutting has been completed.
- (H) The application block restricted entry interval shall end at completion of tarpaulin removal, and shall be at least six days.
 - (6) Drip System Hot Gas
- A hot gas application through a subsurface drip irrigation system to tarpaulin-covered beds may be used if all of the following criteria are met:
- (A) Application rate shall not exceed 225 pounds of methyl bromide per acre.
- (B) The fumigant shall be injected beneath the soil surface at a minimum depth of one inch.
- (C) The portion of the drip system used in the fumigation shall be physically disconnected from the main water supply during the fumigation to prevent possible contamination of the water supply.
- (D) All fittings and emitters underneath the tarpaulin shall be buried in the soil to a minimum depth of one inch.
- (E) Prior to the start of the fumigation, all drip tubing shall be checked for blockage, and the irrigation system connections and fittings checked for blockage and leaks using pressurized air and/or water. The end of each drip tubing shall be placed under the tarpaulin prior to introduction of fumigant.
- (F) The tarpaulin shall be placed and inspected for tears, holes, or improperly secured edges prior to fumigating. Repairs and adjustments shall be made before the fumigation begins.
- (G) Prior to the start of the fumigation, all fittings above ground and outside of the tarpaulin shall be pressure—tested with compressed air, water, or nitrogen gas to a maximum pressure of 50 pounds per square inch. A soap solution shall be used to check the fittings for leaks if using air or nitrogen. All apparent leaks shall be eliminated prior to the fumigation. All drip tubing with emitters connected to the distribution manifold not covered by the tarpaulin shall be sealed to prevent fumigant loss through the emitters.
- (H) Prior to introducing the fumigant, the drip system shall be purged of water by means of pressurized gas, such as CO₂ or nitrogen.
- (I) The drip system shall be purged prior to disconnecting any line containing the fumigant.
- (J) After purging, drip tubing shall be pinched off and then disconnected from the distribution manifold. All disconnected tubing leading into the treated field shall be secured to prevent gas from escaping.
- (K) All fittings used for connecting or disconnecting the heat exchanger to the irrigation system manifold shall be of a positive shut-off design.
- (L) All persons shall wear the eye protection specified on the label when working with a manifold system or tubing containing the fumigant under pressure.
- (M) The entire fumigation system (heater, valves, and manifold) shall be purged of the fumigant at the end of each day's fumigation.
- (N) The tarpaulin shall not be cut until at least five days (120 hours) following completion of injection to the application block.
- (O) If tarpaulins are removed before planting, tarpaulin removal shall begin no sooner than 24 hours after tarpaulin cutting has been completed.

- The application block restricted—entry interval shall end at completion of tarpaulin removal and shall be at least six days.
- (P) If tarpaulins are not to be removed before planting, the application block restricted—entry interval shall either:
- 1. consist of the five-day period described in subsection (N) plus an additional 48 hours after holes have been cut for planting, or
- 2. be at least 14 days. If this option is chosen, the methyl bromide air concentration underneath the tarpaulin must test less than five parts per million before planting begins.
- (b) Notwithstanding section 6770, the operator of the property shall assure that only persons performing fumigation—handling activities are allowed in an application block before the restricted entry interval expires. Persons performing activities other than tarpaulin cutting, removal, and repair described in sections 6784(b)(3), (4), and (5) shall wear a full—face respirator that meets the requirements of section 6784(b)(2)(C).
- (c) Notwithstanding subsection (a), a reduced volatile organic compound emission field fumigation method approved pursuant to section 6452 or a method for experimental research purposes pursuant to a valid research authorization issued according to section 6260 may be allowed. NOTE: Authority cited: Sections 11456, 12976, 12981, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code.

1. Renumbering of former section 6450.3 to new section 6447.3, including repealer and new subsection (a), amendment of subsection (a)(3)(C) and new subsection (c), filed 1–25–2008; operative 1–25–2008 pursuant to Government Code section 11343.4 (Register 2008, No. 4).

§ 6448. 1,3–Dichloropropene Field Fumigation — General Requirements.

The provisions of section 6448.1 apply to field soil fumigation using 1,3–Dichloropropene within the Sacramento Metro, San Joaquin Valley, South Coast, Southeast Desert, or Ventura ozone nonattainment areas during the May 1 through October 31 time period. Raised–tarpaulin nursery fumigations of less than one acre, or replant of individual vine or treesites (tree holes) less than one contiguous acre, are not considered field soil fumigations under the provision of section 6448.1.

NOTE: Authority cited: Sections 11456, 12976, 12981, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code.

HISTORY

1. New section filed 1–25–2008; operative 1–25–2008 pursuant to Government Code section 11343.4 (Register 2008, No. 4).

§ 6448.1. 1,3-Dichloropropene Field Fumigation Methods.

- (a) Application rate must not exceed 332 pounds of 1,3–Dichloropropene active ingredient per acre.
- (b) If there are no labeling requirements specifying soil moisture, then at time of application soil must contain at least enough moisture above the depth of application to meet the following test appropriate to the soil texture for:
- (1) coarse soils (sand and loamy sand) at least enough moisture to form a ball when compressed by hand, that may break when tapped;
- (2) loamy, moderately coarse, or medium textured (coarse sandy loam, sandy loam, fine sandy loam) at least enough moisture so that soil forms a ball that holds together when tapped;
- (3) fine texture soils (clay loam, silty clay loam, sandy clay, silty clay, sandy clay loam and clay) at least enough moisture so that the soil is pliable, not crumbly. Forms a ribbon when squeezed between thumb and forefinger.
- (c) The 1,3–Dichloropropene field soil fumigation must be made using only the methods described in this section. However within the San Joaquin Valley, Southeast Desert, or Ventura ozone nonattainment areas, methods (1) and (2) are prohibited. In addition to labeling requirements for each of these methods, the following requirements shall apply.
 - (1) Nontarpaulin/Shallow/Broadcast or Bed
 - (A) Injection point must be at least 12 inches below the soil surface.

- (B) Chisel trace must be eliminated by use of tillage equipment to mix the soil to a depth of at least three inches. Broadcast fumigation must be followed by compaction of the soil surface.
 - (2) Tarpaulin/Shallow/Broadcast or Bed
 - (A) Injection point must be at least 12 inches below the soil surface.
- (B) Chisel trace must be eliminated by use of tillage equipment to mix the soil to a depth of at least three inches. Broadcast fumigation must be followed by compaction of the soil surface.
- (C) Tarpaulins must be buried under at least four inches of firmly packed soil at the end of the rows.
- (D) The operator of the property shall maintain a "tarpaulin repair response plan" pursuant to subsection (d).
- (3) Nontarpaulin/Shallow/Broadcast or Bed/Three Post–Fumigation Water Treatments
 - (A) Injection point must be at least 12 inches below the soil surface.
- (B) Chisel trace must be eliminated by use of tillage equipment to mix the soil to a depth of at least three inches. Broadcast fumigation must be followed by compaction of the soil surface.
- (C) Fumigation must be completed in a time that allows compliance with the post–fumigation water treatments below:
- 1. Water must be applied by an irrigation method that uniformly covers the treated area in the entire application block.
- 2. On the day of fumigation, the first water treatment must consist of at least 0.20 inches of water, beginning within 30 minutes of the completion of fumigation. A second post–fumigation water treatment must consist of at least 0.20 inches of water applied starting no earlier than one hour prior to sunset on the day of fumigation and completed by midnight.
- 3. On the day following fumigation, a third post-fumigation water treatment must consist of at least 0.20 inches of water, and must be applied starting no earlier than one hour prior to sunset and completed by midnight.
- 4. Additional post–fumigation water treatment(s) may be applied at any time provided the treatments required above are completed in the specified time periods.
 - (4) Tarpaulin/Shallow/Bed/Three Post-Fumigation Water Treatment
 - (A) Injection point must be at least 12 inches below the soil surface.
- (B) Chisel trace must be eliminated by use of tillage equipment to mix the soil to a depth of at least three inches.
- (C) Tarpaulins must be buried under at least four inches of firmly packed soil at the ends of the rows.
- (D) Fumigation must be completed in a time that allows compliance with the post–fumigation water treatments below:
- 1. Water must be applied by an irrigation method that uniformly covers the untarped area in the entire application block.
- 2. On the day of fumigation, the first water treatment must consist of at least 0.20 inches of water to the untarped areas, beginning within 30 minutes of the completion of fumigation. A second post–fumigation water treatment must consist of at least 0.20 inches of water to the untarped areas applied starting no earlier than one hour prior to sunset on the day of fumigation and completed by midnight.
- 3. On the day following fumigation, a third post-fumigation water treatment must consist of at least 0.20 inches of water to the untarped areas, and must be applied starting no earlier than one hour prior to sunset and completed by midnight.
- 4. Additional post–fumigation water treatment(s) may be applied at any time provided the treatments required above are completed in the specified time periods.
- (E) The operator of the property shall maintain a "tarpaulin repair response plan" pursuant to subsection (d).
 - (5) Nontarpaulin/Deep/Broadcast or Bed
 - (A) Injection point must be at least 18 inches below the soil surface.
- (B) Chisel trace must be eliminated by use of tillage equipment to mix the soil to a depth of at least three inches. Broadcast fumigation must be followed by compaction of the soil surface.
 - (6) Tarpaulin/Deep/Broadcast or Bed
 - (A) Injection point must be at least 18 inches below the soil surface.

- (B) Chisel trace must be eliminated by use of tillage equipment to mix the soil to a depth of at least three inches. Broadcast fumigation must be followed by compaction of the soil surface.
- (C) Tarpaulins must be buried under at least four inches of firmly packed soil at the end of the rows.
- (D) The operator of the property shall maintain a "tarpaulin repair response plan" pursuant to subsection (d).
 - (7) Chemigation (Drip System)/Tarpaulin
- (A) Drip system must be filled with water and tested for pressure variation, clogged emitters, and leaks before chemigation. The pressure must not exceed the pressure rating of the drip tape, and the pressure variation in the drip tape throughout the field must be less than three pounds per square inch. Drip system must be free of leaks and clogged emitters.
- (B) The tarpaulin shall be placed and inspected for tears, holes, or improperly secured edges prior to fumigating. Repairs and adjustments shall be made before the chemigation begins.
- (C) Ends of drip tape not covered by tarpaulin must be covered by at least two inches of soil.
- (D) After chemigation, the drip system must be flushed with a volume of water at least three times the volume of the mainline and laterals of the drip system.
- (E) The operator of the property shall maintain a "tarpaulin repair response plan" pursuant to subsection (d).
 - (d) Tarpaulin Repair.
- (1) If a tarpaulin is used, the operator of the property shall maintain a "tarpaulin repair response plan." The tarpaulin repair response plan shall identify the responsibilities of the licensed pest control business and/or the permittee with regard to tarpaulin damage detection and repair activities. At a minimum, the tarpaulin repair response plan shall indicate the parties responsible for the repair and incorporate the applicable elements listed in (2) below.
- (2) The "tarpaulin repair response plan" must state with specificity the situations when tarpaulin repair must be conducted. The situations should be based on, but not limited to, hazard to the public, residents, or workers; proximity to occupied structures, size of the damaged area(s); timing of damage; feasibility and response time of repair; and environmental factors such as wind speed and direction.
- (e) Notwithstanding subsection (c), a reduced volatile organic compound emission field fumigation method approved pursuant to section 6452 or a method for experimental research purposes pursuant to a valid research authorization issued according to section 6260 may be allowed. Note: Authority cited: Sections 11456, 12976, 12981, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code.

1. New section filed 1–25–2008; operative 1–25–2008 pursuant to Government Code section 11343.4 (Register 2008, No. 4).

§ 6449. Chloropicrin Field Fumigation — General Requirements.

The provisions of section 6449.1 apply to field soil fumigation using chloropicrin within the Sacramento Metro, San Joaquin Valley, South Coast, Southeast Desert, or Ventura ozone nonattainment areas during the May 1 through October 31 time period. Raised–tarpaulin nursery fumigations of less than one acre or replant of individual vine or tree–sites (tree holes) less than one contiguous acre are not considered field soil fumigations under the provisions of section 6449.1.

NOTE: Authority cited: Sections 11456, 12976, 12981, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code.

HISTORY

1. New section filed 1–25–2008; operative 1–25–2008 pursuant to Government Code section 11343.4 (Register 2008, No. 4).

§ 6449.1. Chloropicrin Field Fumigation Methods.

- (a) Application rate must not exceed 400 pounds of chloropicrin per acre.
- (b) For products containing chloropicrin as the sole active ingredient, the field soil fumigation must be made using only the methods described

Page 398

in section 6447.3 or 6448.1. However within the San Joaquin Valley, Southeast Desert, or Ventura ozone nonattainment areas the methods described in the following sections are prohibited: 6447.3 (a)(1), (2), (4), and (6); if applied as alternating fumigated and unfumigated areas (strip fumigation), methods 6447.3(a)(3) and (5); 6448.1(c)(1) and (5); and if applied as a bed fumigation, 6448.1(c)(2).

- (c) If there are no labeling requirements specifying soil moisture, then at time of application soil must contain at least enough moisture above the depth of application to meet the following test appropriate to the soil texture for:
- (1) coarse soils (sand and loamy sand) at least enough moisture to form a ball when compressed by hand, that may break when tapped;
- (2) loamy, moderately coarse, or medium textured (coarse sandy loam, sandy loam, fine sandy loam) at least enough moisture so that soil forms a ball that holds together when tapped;
- (3) fine texture soils (clay loam, silty clay loam, sandy clay, silty clay, sandy clay loam and clay) at least enough moisture so that the soil is pliable, not crumbly. Forms a ribbon when squeezed between the thumb and forefinger.
 - (d) Tarpaulin Repair.
- (1) If a tarpaulin is used, the operator of the property shall maintain a "tarpaulin repair response plan." The tarpaulin repair response plan shall identify the responsibilities of the licensed pest control business and/or the permittee with regard to tarpaulin damage detection and repair activities. At a minimum, the tarpaulin repair response plan shall indicate the parties responsible for the repair and incorporate the applicable elements described in (2) below.
- (2) The "tarpaulin repair response plan" must state with specificity the situations when tarpaulin repair must be conducted. The situations should be based on, but not limited to, hazard to the public, residents, or workers; proximity to occupied structures, size of the damaged area(s); timing of damage; feasibility and response time of repair; and environmental factors such as wind speed and direction.
- (e) Notwithstanding subsection (b), a reduced volatile organic compound emission field fumigation method approved pursuant to section 6452 or a method for experimental research purposes pursuant to a valid research authorization issued according to section 6260 may be allowed. NOTE: Authority cited: Sections 11456, 12976, 12981, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code.

HISTORY

1. New section filed 1–25–2008; operative 1–25–2008 pursuant to Government Code section 11343.4 (Register 2008, No. 4).

§ 6450. Metam-Sodium, Potassium

N-methyldithiocarbamate (metam-potassium), and Dazomet Field Fumigation — General Requirements.

The provisions of sections 6450.1 and 6450.2 apply to field soil fumigation using metam-sodium, potassium N-methyldithiocarbamate (metam-potassium), or dazomet within the Sacramento Metro, San Joaquin Valley, South Coast, Southeast Desert, or Ventura ozone nonattainment areas during the May 1 through October 31 time period. Golf courses, tree applications for prevention of root graft disease transmission, wood decay uses, potting soil, replant of individual vine or treesites (tree holes) less than one contiguous acre, raised-tarpaulin nursery fumigations of less than one acre, and greenhouses and other similar structures are not considered field soil fumigations under the provisions of sections 6450.1 and 6450.2.

NOTE: Authority cited: Sections 11456, 12976, 12981, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 2453(a) to Section 6450 filed 8–13–85 (Register 85, No. 33).
- Amendment of section and Note filed 12–15–2000; operative 1–14–2001 (Register 2000, No. 50).
- 3. Repealer and new section filed 9-19-2002 as an emergency; operative 9-22-2002 (Register 2002, No. 38). A Certificate of Compliance must be trans-

- mitted to OAL by 1-21-2003 or emergency language will be repealed by operation of law on the following day.
- 4. Repealer and new section refiled 1–21–2003 as an emergency; operative 1–21–2003 (Register 2003, No. 4). A Certificate of Compliance must be transmitted to OAL by 5–21–2003 or emergency language will be repealed by operation of law on the following day.
- 5. Repealer and new section refiled 5-19-2003 as an emergency; operative 5-21-2003 (Register 2003, No. 21). A Certificate of Compliance must be transmitted to OAL by 9-18-2003 or emergency language will be repealed by operation of law on the following day.
- 6. Repealer and new section refiled 9-11-2003 as an emergency; operative 9-18-2003 (Register 2003, No. 37). A Certificate of Compliance must be transmitted to OAL by 1-16-2004 or emergency language will be repealed by operation of law on the following day.
- 7. Repealer and new section refiled 1–14–2004 as an emergency; operative 1–17–2004 (Register 2004, No. 3). A Certificate of Compliance must be transmitted to OAL by 5–17–2004 or emergency language will be repealed by operation of law on the following day.
- 8. Repealer and new section refiled 5-17-2004 as an emergency; operative 5-18-2004 (Register 2004, No. 21). A Certificate of Compliance must be transmitted to OAL by 9-15-2004 or emergency language will be repealed by operation of law on the following day.
- 9. Repealer and new section refiled 9–9–2004 as an emergency; operative 9–15–2004 (Register 2004, No. 37). A Certificate of Compliance must be transmitted to OAL by 1–13–2005 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 9–15–2004 order, including further amendment of section, transmitted to OAL 9–21–2004 and filed 11–3–2004 (Register 2004, No. 45).
- 11. Renumbering of former section 6450 to section 6447 and new section 6450 filed 1–25–2008; operative 1–25–2008 pursuant to Government Code section 11343.4 (Register 2008, No. 4).

§ 6450.1. Metam-Sodium and Potassium N-methyldithiocarbamate (Metam-Potassium) Field Fumigation Methods.

- (a) Application rate must not exceed 320 pounds active ingredient per acre for metam-sodium. Application rate must not exceed 350 pounds active ingredient per acre for potassium N-methyldithiocarbamate (metam-potassium).
- (b) Except for the method described in subsection (d)(9), if there are no labeling requirements specifying soil moisture, then at time of application soil must contain at least enough moisture above the depth of application to meet the following test appropriate to the soil texture for:
- (1) coarse soils (sand and loamy sand) at least enough moisture to form a ball when compressed by hand, that may break when tapped;
- (2) loamy, moderately coarse, or medium textured (coarse sandy loam, sandy loam, fine sandy loam) at least enough moisture so that soil forms a ball that holds together when tapped;
- (3) fine texture soils (clay loam, silty clay loam, sandy clay, silty clay, sandy clay loam, and clay) at least enough moisture so that the soil is pliable, not crumbly. Forms a ribbon when squeezed between thumb and forefinger.
- (c) Fumigations must start no earlier than one hour after sunrise and must be completed no later than one hour before sunset except for the method described in subsection (d)(9).
- (d) The metam-sodium or potassium N-methyldithiocarbamate (metam-potassium) field soil fumigation must be made using only the methods described in this section. However, within the San Joaquin Valley, Southeast Desert, or Ventura ozone nonattainment areas, methods (1), (4), and (9) are prohibited. In addition to labeling requirements for each of these methods, the following requirements shall apply.
- (1) Sprinkler/Broadcast or Bed/One Post-Fumigation Water Treatment
- (A) Furnigation must be completed in a time that allows compliance with the post-furnigation water treatment below:
- 1. Water must be applied by an irrigation method that uniformly covers the treated area in the entire application block.
- 2. On the day of fumigation, one post-fumigation water treatment must consist of at least 0.20 inches of water, beginning within 30 minutes of the completion of fumigation.
- 3. Any additional post-fumigation water treatment(s) may be applied at any time.

- (2) Sprinkler/Broadcast or Bed/Two Post-Fumigation Water Treatments
- (A) Fumigation must be completed in a time that allows compliance with the post–fumigation water treatments below:
- 1. Water must be applied by an irrigation method that uniformly covers the treated area in the entire application block.
- 2. On the day of fumigation, the first post–fumigation water treatment must consist of at least 0.20 inches of water, beginning within 30 minutes of the completion of fumigation. A second post–fumigation water treatment must consist of at least 0.20 inches of water applied starting no earlier than one hour prior to sunset on the day of fumigation and completed by midnight.
- 3. Additional post-furnigation water treatment(s) may be applied at any time provided the treatments required above are completed in the specified time periods.
- (3) Sprinkler/Broadcast or Bed/Three Post-Fumigation Water Treatments
- (A) Fumigation must be completed in a time that allows compliance with the post–fumigation water treatments below:
- 1. Water must be applied by an irrigation method that uniformly covers the treated area in the entire application block.
- 2. On the day of fumigation, the first post–fumigation water treatment must consist of at least 0.20 inches of water, beginning within 30 minutes of the completion of fumigation. A second post–fumigation water treatment must consist of at least 0.20 inches of water applied starting no earlier than one hour prior to sunset on the day of fumigation and completed by midnight.
- 3. On the day following fumigation, a third post–fumigation water treatment must consist of at least 0.20 inches of water, and must be applied starting no earlier than one hour prior to sunset and completed by midnight.
- 4. Additional post-furnigation water treatment(s) may be applied at any time provided the treatments required above are completed in the specified time periods.
- (4) Nontarpaulin/Shallow/Broadcast or Bed/One Post-Fumigation Water Treatment
- (A) Furnigation must be completed in compliance with the post–fumigation water treatments pursuant to subsection (d)(1)(A).
- (5) Nontarpaulin/Shallow/Broadcast or Bed /Two Post-Fumigation Water Treatments
- (A) Fumigation must be completed in compliance with the post–fumigation water treatments pursuant to subsection (d)(2)(A).
- (6) Nontarpaulin/Shallow/Broadcast or Bed/Three Post–Fumigation Water Treatments
- (A) Fumigation must be completed in compliance with the post-fumigation water treatments pursuant to subsection (d)(3)(A).
 - (7) Chemigation (Drip System)
- (A) Drip system must be filled with water and tested for pressure variation, clogged emitters, and leaks before chemigation. The pressure must not exceed the pressure rating of the drip tape and the pressure variation in the drip tape throughout the field must be less than three pounds per square inch. Drip system must be free of leaks and clogged emitters.
- (B) After chemigation, the drip system must be flushed with a volume of water at least three times the volume of the mainline and laterals of the drip system.
 - (8) Rotary Tiller/Power Mulcher/Soil Capping
- (A) Application equipment must be followed immediately by soil compaction equipment.
 - (9) Flood
- (A) The fumigant must be applied with at least six inches of water per acre.
- (e) Notwithstanding subsection (d), a reduced volatile organic compound emission field furnigation method approved pursuant to section 6452 or a method for experimental research purposes pursuant to a valid research authorization issued according to section 6260 may be allowed.

NOTE: Authority cited: Sections 11456, 12976, 12981, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code.

HISTORY

- 1. New section filed 12-15-2000; operative 1-14-2001 (Register 2000, No. 50).
- 2. Repealer and new section filed 9-19-2002 as an emergency; operative 9-22-2002 (Register 2002, No. 38). A Certificate of Compliance must be transmitted to OAL by 1-21-2003 or emergency language will be repealed by operation of law on the following day.
- 3. Repealer and new section refiled 1–21–2003 as an emergency; operative 1–21–2003 (Register 2003, No. 4). A Certificate of Compliance must be transmitted to OAL by 5–21–2003 or emergency language will be repealed by operation of law on the following day.
- 4. Repealer and new section refiled 5–19–2003 as an emergency; operative 5–21–2003 (Register 2003, No. 21). A Certificate of Compliance must be transmitted to OAL by 9–18–2003 or emergency language will be repealed by operation of law on the following day.
- Repealer and new section refiled 9-11-2003 as an emergency; operative 9-18-2003 (Register 2003, No. 37). A Certificate of Compliance must be transmitted to OAL by 1-16-2004 or emergency language will be repealed by operation of law on the following day.
- Repealer and new section refiled 1–14–2004 as an emergency; operative 1–17–2004 (Register 2004, No. 3). A Certificate of Compliance must be transmitted to OAL by 5–17–2004 or emergency language will be repealed by operation of law on the following day.
- Repealer and new section refiled 5-17-2004 as an emergency; operative 5-18-2004 (Register 2004, No. 21). A Certificate of Compliance must be transmitted to OAL by 9-15-2004 or emergency language will be repealed by operation of law on the following day.
- Repealer and new section refiled 9–9–2004 as an emergency; operative 9–15–2004 (Register 2004, No. 37). A Certificate of Compliance must be transmitted to OAL by 1–13–2005 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 9–15–2004 order, including further amendment of section, transmitted to OAL 9–21–2004 and filed 11–3–2004 (Register 2004, No. 45).
- 10. Renumbering of former section 6450.1 to section 6447.1 and new section 6450.1 filed 1–25–2008; operative 1–25–2008 pursuant to Government Code section 11343.4 (Register 2008, No. 4).

§ 6450.2. Dazomet Field Fumigation Methods.

- (a) Furnigations must start no earlier than one hour after sunrise and must be completed no later than one hour before sunset.
- (b) The field soil fumigation using dazomet is limited to methods specifically identified in the labeling. In addition to labeling requirements for each identified method, the fumigation must comply with the following.
- (1) Furnigation must be completed in a time that allows compliance with the post–furnigation water treatments below:
- (A) Water must be applied by an irrigation method that uniformly covers the treated area in the entire application block.
- (B) On the day of fumigation, the first water treatment must consist of at least 0.20 inches of water, beginning within 30 minutes of the completion of fumigation. A second post–fumigation water treatment must consist of at least 0.20 inches of water applied starting no earlier than one hour prior to sunset on the day of fumigation and completed by midnight.
- (C) On the day following fumigation, a third post-fumigation water treatment must consist of at least 0.20 inches of water, and must be applied starting no earlier than one hour prior to sunset and completed by midnight.
- (D) On the second day following fumigation, a fourth post-fumigation water treatment must consist of at least 0.20 inches of water, and must be applied starting no earlier than one hour prior to sunset and completed by midnight.
- (E) Additional post-fumigation water treatment(s) may be applied at any time provided the treatments required above are completed in the specified time periods.
- (c) Notwithstanding subsection (b), a reduced volatile organic compound emission field fumigation method approved pursuant to section 6452 or a method for experimental research purposes pursuant to a valid research authorization issued according to section 6260 may be allowed. NOTE: Authority cited: Sections 11456, 12976, 12981, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code.

HISTORY

- 1. New section filed 12-15-2000; operative 1-14-2001 (Register 2000, No. 50).
- 2. Amendment of subsection (e)(1) and new subsection (e)(4) filed 6–27–2001 as an emergency; operative 6–27–2001 (Register 2001, No. 26). A Certificate of Compliance must be transmitted to OAL by 10–25–2001 or emergency language will be repealed by operation of law on the following day.
- 3. Amendment of subsection (e)(1) and new subsection (e)(4) refiled 10–15–2001 as an emergency; operative 10–25–2001 (Register 2001, No. 42). A Certificate of Compliance must be transmitted to OAL by 2–22–2002 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 10–15–2001 order, including further amendment of section, transmitted to OAL 2–22–2002 and filed 4–8–2002 (Register 2002, No. 15).
- 5. Repealer and new section filed 9-19-2002 as an emergency; operative 9-22-2002 (Register 2002, No. 38). A Certificate of Compliance must be transmitted to OAL by 1-21-2003 or emergency language will be repealed by operation of law on the following day.
- 6. Repealer and new section refiled 1–21–2003 as an emergency; operative 1–21–2003 (Register 2003, No. 4). A Certificate of Compliance must be transmitted to OAL by 5–21–2003 or emergency language will be repealed by operation of law on the following day.
- 7. Repealer and new section refiled 5-19-2003 as an emergency; operative 5-21-2003 (Register 2003, No. 21). A Certificate of Compliance must be transmitted to OAL by 9-18-2003 or emergency language will be repealed by operation of law on the following day.
- Repealer and new section refiled 9-11-2003 as an emergency; operative 9-18-2003 (Register 2003, No. 37). A Certificate of Compliance must be transmitted to OAL by 1-16-2004 or emergency language will be repealed by operation of law on the following day.
- 9. Repealer and new section refiled 1–14–2004 as an emergency; operative 1–17–2004 (Register 2004, No. 3). A Certificate of Compliance must be transmitted to OAL by 5–17–2004 or emergency language will be repealed by operation of law on the following day.
- 10. Repealer and new section refiled 5-17-2004 as an emergency; operative 5-18-2004 (Register 2004, No. 21). A Certificate of Compliance must be transmitted to OAL by 9-15-2004 or emergency language will be repealed by operation of law on the following day.
- 11. Repealer and new section refiled 9–9–2004 as an emergency; operative 9–15–2004 (Register 2004, No. 37). A Certificate of Compliance must be transmitted to OAL by 1–13–2005 or emergency language will be repealed by operation of law on the following day.
- 12. Certificate of Compliance as to 9–15–2004 order, including further amendment of section, transmitted to OAL 9–21–2004 and filed 11–3–2004 (Register 2004. No. 45).
- 13. Renumbering of former section 6450.2 to section 6447.2 and new section 6450.2 filed 1–25–2008; operative 1–25–2008 pursuant to Government Code section 11343.4 (Register 2008, No. 4).

§ 6450.3. Methyl Bromide Field Fumigation Methods. [Renumbered.]

NOTE: Authority cited: Sections 11456, 12976, 12981, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code.

HISTORY

- 1. New section filed 12-15-2000; operative 1-14-2001 (Register 2000, No. 50).
- 2. Amendment of subsection (a)(1)(C)2. filed 6–27–2001 as an emergency; operative 6–27–2001 (Register 2001, No. 26). A Certificate of Compliance must be transmitted to OAL by 10–25–2001 or emergency language will be repealed by operation of law on the following day.
- 3. Amendment of subsection (a)(2)(C)2. refiled 10–15–2001 as an emergency; operative 10–25–2001 (Register 2001, No. 42). A Certificate of Compliance must be transmitted to OAL by 2–22–2002 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 10–15–2001 order transmitted to OAL 2–22–2002 and filed 4–8–2002 (Register 2002, No. 15).
- 5. Repealer and new section filed 9-19-2002 as an emergency; operative 9-22-2002 (Register 2002, No. 38). A Certificate of Compliance must be transmitted to OAL by 1-21-2003 or emergency language will be repealed by operation of law on the following day.
- 6. Repealer and new section refiled 1–21–2003 as an emergency; operative 1–21–2003 (Register 2003, No. 4). A Certificate of Compliance must be transmitted to OAL by 5–21–2003 or emergency language will be repealed by operation of law on the following day.
- 7. Repealer and new section refiled 5-19-2003 as an emergency; operative 5-21-2003 (Register 2003, No. 21). A Certificate of Compliance must be transmitted to OAL by 9-18-2003 or emergency language will be repealed by operation of law on the following day.
- 8. Repealer and new section refiled 9-11-2003 as an emergency; operative 9-18-2003 (Register 2003, No. 37). A Certificate of Compliance must be trans-

- mitted to OAL by 1-16-2004 or emergency language will be repealed by operation of law on the following day.
- Repealer and new section refiled 1–14–2004 as an emergency; operative 1–17–2004 (Register 2004, No. 3). A Certificate of Compliance must be transmitted to OAL by 5–17–2004 or emergency language will be repealed by operation of law on the following day.
- 10. Repealer and new section refiled 5–17–2004 as an emergency; operative 5–18–2004 (Register 2004, No. 21). A Certificate of Compliance must be transmitted to OAL by 9–15–2004 or emergency language will be repealed by operation of law on the following day.
- 11. Repealer and new section refiled 9–9–2004 as an emergency; operative 9–15–2004 (Register 2004. No. 37). A Certificate of Compliance must be transmitted to OAL by 1–13–2005 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 9–15–2004 order, including further amendment of section, transmitted to OAL 9–21–2004 and filed 11–3–2004 (Register 2004, No. 45).
- 13. Renumbering of former section 6450.3 to section 6447.3 filed 1–25–2008; operative 1–25–2008 pursuant to Government Code section 11343.4 (Register 2008, No. 4).

§ 6451. Sodium Tetrathiocarbonate Field Fumigation — General Requirements.

The provisions of section 6451.1 apply to field soil fumigation using sodium tetrathiocarbonate within the Sacramento Metro, San Joaquin Valley, South Coast, Southeast Desert, or Ventura ozone nonattainment areas below during the May 1 through October 31 time period. Replant of individual vine or tree–sites (tree holes) less than one contiguous acre, and raised–tarpaulin nursery fumigations of less than one acre, and greenhouses and other similar structures are not considered field soil fumigations under the provisions of section 6451.1.

NOTE: Authority cited: Sections 11456, 12976, 12981, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code.

HISTORY

1. New section filed 1–25–2008; operative 1–25–2008 pursuant to Government Code section 11343.4 (Register 2008, No. 4).

§ 6451.1. Sodium Tetrathiocarbonate Field Fumigation Methods.

- (a) The field soil fumigation of sodium tetrathiocarbonate is limited to methods specifically identified in the labeling.
- (b) Notwithstanding subsection (a), a reduced volatile organic compound emission field fumigation method approved pursuant to section 6452 or a method for experimental research purposes pursuant to a valid research authorization issued according to section 6260 may be allowed. NOTE: Authority cited: Sections 11456, 12976, 12981, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code.

HISTORY

1. New section filed 1–25–2008; operative 1–25–2008 pursuant to Government Code section 11343.4 (Register 2008, No. 4).

§ 6452. Reduced Volatile Organic Compound Emissions Field Fumigation Methods.

- (a) For the Sacramento Metro and South Coast ozone nonattainment areas, the Director may approve use of a field fumigation method not described in sections 6447.3, 6448.1, 6449.1, 6450.1, 6450.2, and 6451.1 if the request is accompanied by scientific data documenting the volatile organic compound (VOC) emissions. The emission rating specified in section 6452.4 or the maximum emission rate (emission rating multiplied by the maximum application rate) must be no greater than any one of the methods for the same fumigant described in sections 6447.3, 6448.1, 6449.1, 6450.1, 6450.2, and 6451.1.
- (b) For the San Joaquin Valley, Southeast Desert, and Ventura ozone nonattainment areas, upon written request, the Director may approve use of a field fumigation method either not described or excluded from use in sections 6447.3, 6448.1, 6449.1, 6450.1, 6450.2, or 6451.1 if the request meets the following criteria:
- (1) The request is accompanied by scientific data documenting the VOC emissions:
- (A) The emission rating, as specified in section 6452.4, is no greater than any one of the methods for the same fumigant allowed for use in the

San Joaquin Valley, Southeast Desert, and Ventura ozone nonattainment areas as specified in sections 6447.3, 6448.1, 6449.1, 6450.1, 6450.2, or 6451.1, or

- (B) The maximum emission rate (emission rating multiplied by the maximum application rate) is no greater than any one of the methods for the same fumigant allowed for use in the San Joaquin Valley, Southeast Desert, and Ventura ozone nonattainment areas as specified in sections 6447.3, 6448.1, 6449.1, 6450.1, 6450.2, or 6451.1.
 - (c) Criteria the Director shall consider includes whether:
- (1) the data and information provided are sufficient to estimate emissions:
 - (2) the results are valid as indicated by the quality control data; and
 - (3) the conditions studied represent agricultural fields fumigated.
- (d) The Director shall publish a notice of interim approval for a field fumigation method on the Department's Web site. The interim approval expires three years after the date of approval.

NOTE: Authority cited: Sections 11456, 12976, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 14006 and 14102.

HISTORY

- 1. Editorial renumbering of former Section 2453(b) and (c) to Section 6452 filed 8–13–85 (Register 85, No. 33).
- Change without regulatory effect amending Note filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).
- 3. Renumbering of former section 6452 to section 6453 and new section 6452 filed 1–25–2008; operative 1–25–2008 pursuant to Government Code section 11343.4 (Register 2008, No. 4).

§ 6452.1. Fumigant Volatile Organic Compound Emission Records and Reporting.

- (a) Any person who applies field furnigants shall maintain records of furnigant applications pursuant to section 6624.
- (b) Any person who applies field fumigants shall report the information specified in section 6626.

NOTE: Authority cited: Sections 11456, 12976, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 14006 and 14102.

HISTORY

1. New section filed 1–25–2008; operative 1–25–2008 pursuant to Government Code section 11343.4 (Register 2008, No. 4).

§ 6452.2. Fumigant Volatile Organic Compound Emission Limits.

(a) The Director shall establish field fumigant volatile organic compound (VOC) emission limits in the Volatile Organic Compound Emissions Inventory Report issued pursuant to section 6452.4 for areas that exceed 80 percent of the emissions benchmarks listed below during the May 1 through October 31 time period:

Ozone Nonattainment Area	Total Agricultural and Structural VOC Emissions Inventory Benchmarks from May 1 to October 31
Sacramento Metro	900,000 lbs. (2.4 tons/day average)
San Joaquin Valley	5,900,000 lbs. (16.0 tons/day average)
South Coast	1,500,000 lbs. (4.1 tons/day average)
Southeast Desert	230,000 lbs. (0.62 tons/day average)
Ventura	970,000 lbs. (2.6 tons/day average)

- (b) The Director shall calculate the field fumigant VOC emission limits specified in (a) by subtracting the nonfumigant pesticide VOC emissions from the total agricultural and structural VOC emissions inventory benchmarks. Nonfumigant pesticide product emissions will be the summation of the pounds of each pesticide product used multiplied by the VOC content (emission potential) for the specific product.
- (c) The Director establishes the following field fumigant VOC emissions limits for 2008:

Maximum Total Pounds of VOC

Ozone Nonattainment Area	Emissions from Field Fumigations from May 1 to October 31

Ventura 734,000 lbs. (2.00 tons/day average)

NOTE: Authority cited: Sections 11456, 12976, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 14006 and 14102, Food and Agricultural Code.

HISTORY

1. New section filed 1–25–2008; operative 1–25–2008 pursuant to Government Code section 11343.4 (Register 2008, No. 4).

§ 6452.3. Field Fumigant Volatile Organic Compound Emission Allowances.

- (a) No person may apply a field furnigant during the May 1 through October 31 time period in an ozone nonattainment area for which a furnigant emission limit has been established pursuant to section 6452.2, unless their restricted material permit includes a field furnigant emission allowance.
- (b) To obtain a field fumigant emission allowance, a permittee shall request an emission allowance by submitting information to the commissioner by a date designated by the commissioner. The information must include but is not limited to the following:
 - (1) operator identification number;
 - (2) county;
 - (3) crop;
 - (4) month(s) of application;
 - (5) number of acres to be fumigated;
 - (6) identification of each site to be fumigated;
 - (7) meridian, township, range, and section of sites to be fumigated;
 - (8) verification of operator of property for each site identified;
 - (9) identification of fumigant products to be used;
 - (10) the application rate; and
 - (11) fumigation method.
- (c) The Director shall establish a fumigant emission allowance(s) for each permittee so that the total allowances in each ozone nonattainment area do not exceed the fumigant limit established for that area. If the total allowances requested exceed an established fumigant emission limit, the Director will proportionally reduce each request to ensure that the limit is not exceeded.
- (d) Commissioners in each ozone nonattainment area subject to a fumigant emission limit shall issue permits or amend existing permits to comply with the fumigant emission allowance(s) established by the Director
- (e) Commissioners shall deny any notice of intent that does not comply with the permittees' fumigant emission allowances.

NOTE: Authority cited: Sections 11456, 12976, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 14006 and 14102, Food and Agricultural Code.

HISTORY

1. New section filed 1–25–2008; operative 1–25–2008 pursuant to Government Code section 11343.4 (Register 2008, No. 4).

§ 6452.4. Annual Volatile Organic Compound Emissions Inventory Report.

- (a) The Director shall issue an annual emissions inventory report for the Sacramento Metro, San Joaquin Valley, South Coast, Southeast Desert, and Ventura ozone nonattainment areas. The emission inventory report must:
- (1) report the total agricultural and structural (fumigant and nonfumigant) pesticide volatile organic compound (VOC) emissions for the previous years. Nonfumigant pesticide product emissions will be the summation of the pounds of each pesticide product used multiplied by the VOC content (emission potential) for the specific product. Fumigant product emissions will be the summation of the pounds of each pesticide product used multiplied by the emission potential for that specific product and VOC emission rating for the application method, as specified in (5);
- (2) evaluate compliance with the total pounds of agricultural and structural VOC emissions specified in section 6452.2;
- (3) establish fumigant emissions limits established pursuant to section 6452.2 for the upcoming year;
 - (4) (reserved).
- (5) establish an emission rating for each field fumigation method described in sections 6447.3, 6448.1, 6449.1, 6450.1, 6450.2, 6451.1, or 6452. The emission rating will be expressed as a percentage of the

Page 398.4

amount of fumigant applied. The Director shall base the emission rating upon available scientific data documenting the VOC emissions.

- (b) A draft emission report shall be made available to the public for comment. A 45–day public comment period will be provided to allow for submission of written statements or arguments to the Director for review before making finalizing the Annual Volatile Organic Compound Emission Report. The emission report will be posted on the Department's Web site.
- (c) The emission ratings as shown in Table 22 in the September 29, 2007 Barry, Spurlock, and Segawa memorandum to John Sanders, shall be used to determine the emissions. These emission ratings may be modified by the final annual emissions inventory report.

NOTE: Authority cited: Sections 11456, 12976, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 14006 and 14102, Food and Agricultural Code.

HISTORY

 New section filed 1–25–2008; operative 1–25–2008 pursuant to Government Code section 11343.4 (Register 2008, No. 4).

Article 5. Use Requirements

§ 6453. Chloropicrin and Methyl Bromide—Nursery and Commodity Fumigation.

- (a) When chloropicrin or methyl bromide is used, singly or in combination, to treat nursery potting soils or soil mixes, nursery stock, and other agricultural commodities, appliances, or equipment, it shall be done in a properly sealed fumigation chamber, railroad car, or truck trailer, or under a gas confining tarp approved by the commissioner or director. The commissioner or director may specify the fumigation period. Injection shall be made in a manner that minimizes gas loss.
- (b) When chloropicrin or methyl bromide is applied singly or in combination, the commissioner or director may require the treatment site or fumigation chamber to be posted and attended for a specified time after application.

NOTE: Authority cited: Sections 11456, 12976, 12981, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code.

HISTORY

1. New article 5 heading and renumbering of former section 6452 to new section 6453 filed 1-25-2008; operative 1-25-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 4).

§ 6454. Chloropicrin and Methyl Bromide—Structural Fumigation.

This section supplements the methyl bromide fumigation requirements found in the Business and Professions Code and Title 16 of the California Code of Regulations, as well as directions for use given on methyl bromide product labeling.

- (a) When furnigating a structure, the furnigator shall ensure that the distance between the furnigated structure and its property line shall meet the following criteria and that no person, other than the furnigation crew, enters the area prescribed in either (1), (2), or (3) below during the treatment period:
- (1) For fumigations utilizing 50 pounds of methyl bromide or less, a distance of at least five (5) feet must exist; or
- (2) For fumigations utilizing more than 50 pounds, but less than 80 pounds, a distance in feet calculated using the following formula must exist:
 - 5 times the total poundage of methyl bromide minus 240 feet; or
- (3) For fumigations utilizing 80 pounds or more, a distance in feet equal to two (2) times the total poundage of methyl bromide applied must exist.
- (b) Structures shall be covered with the required tarpaulins or sealed prior to fumigation. The "acceptable" tarpaulin used in fumigations shall be vinyl coated with a minimum weight of seven (7) ounces per square yard (or having a fumigant retention capability equal to or greater than that provided by the seven–ounce weight tarpaulin). The vinyl coating

shall not be worn, cracked, abraded, or similarly damaged to the extent that any of the underlying fabric shows through the vinyl coating.

- (c) All cuts, tears, holes, or similar damage to tarpaulins shall be repaired prior to introduction of the fumigant. Temporary repairs to damaged tarpaulins shall be made with vinyl coated self-adhesive tape, or the damaged area of the tarpaulin may be rolled and clipped so the tarpaulin's fumigant gas retention capability is maintained.
- (d) Fumigators shall use the fumigant retention method specified in the table below for the application rate and poundage combinations utilized in the fumigation:

Methyl Bromide Application Rate Per 1,000 Cubic Feet of Structure	Total Pounds of Methyl Bromide Applied in a 24–hour Period	Fumigant Retention Method
Up to 0.5 pounds	Not more than 20 pounds	"acceptable" tarpaulin
	More than 20 pounds, but less than 1,000 pounds	"acceptable" tarpaulin, or if the structure is a concrete tilt-up, seal with vinyl coated self-adhesive tape
More than 0.5 pounds Up to 1.5 pounds	Not more than 50 pounds	"acceptable" tarpaulin and a side drape of either: (1) an "acceptable" tarpaulin or (2) an unused 4-mil disposable polyethylene sheet
	More than 50 pounds, but less than 1,000 pounds	"acceptable" tarpaulin, or if the structure is a concrete tilt-up, seal with vinyl coated self-adhesive tape
More than 1.5 pounds Up to 3.0 pounds	Not more than 50 pounds	"acceptable" tarpaulin and a side drape of one unused 4-mil disposable polyethylene sheet
	More than 50 pounds, but less than 1,000 pounds	"acceptable" tarpaulin, or if the structure is a concrete tilt—up, seal with vinyl coated self—adhesive tape

- (e) When tarpaulins are used, all sides of the structure shall be draped to the ground. Sand snakes, water snakes, or similar weights shall be used to seal the base of the tarpaulins to the ground. Prior to the placement of these snakes or weights, the soil adjacent to the structure foundation shall be thoroughly watered.
- (f) Chloropicrin shall be used as a warning agent when fumigating a structure unless specifically prohibited by regulations or product labeling.
- (g) A fan shall be used to disperse chloropicrin and methyl bromide within the structure. Chloropicrin shall be released into the airstream of the fan when it is introduced (either by itself or in combination with methyl bromide).
- (h) Aeration of the fumigated structure shall not begin earlier than one hour after sunrise or later than one hour before sunset. The sunrise and sunset times published in the local newspaper shall be used to establish aeration timing.
- (i) Following treatment, the fumigated structure shall be aerated through convection tubing or ducting. Except as provided in subsection (j), the convection tubing or ducting outlet shall be located above the highest point of the roof as follows:
- (1) Six (6) feet for fumigations utilizing 50 pounds of methyl bromide or less; or
- (2) Ten (10) feet for fumigations utilizing more than 50 pounds of methyl bromide.
- (j) If any nearby structure is taller than the fumigated structure and the distance between the structures is equal to or less than the distance indicated in the following table, the convection tubing or ducting outlet shall be located as high as the top of the roof of the tallest structure.

Total Pounds of Convective Tubing or Ducting Outlet Must Be Methyl Bromide Applied As High As the Tallest Structure Within:

	•
1-14	50 ft.
15-24	75 ft.
25-32	100 ft.
33-40	125 ft.
41-50	150 ft.
51-60	175 ft.
61-99	200 ft.
100-1,000	A distance in footage equal to 2 times
	the pounds of methyl bromide used

- (k) When aerating a fumigated structure, a licensed Branch 1 operator or field representative shall ensure, from the initiation of the aeration procedure to completion of the steps described in (n) of this section, that persons not involved in the aeration process do not come within:
- (1) Ten (10) feet of the fumigated structure, for fumigations utilizing 50 pounds of methyl bromide or less; or
- (2) For fumigations utilizing more than 50 pounds but less than 80 pounds, a distance in feet calculated using the following formula must exist:
 - 5 times the total poundage of methyl bromide minus 240 feet; or
- (3) The number of feet equaling two (2) times the pounds of methyl bromide used for fumigations utilizing more than 80 pounds.
- (*l*) Exhaust fans and convection tubing or ducting may be installed prior to aeration or when covering the structure with tarpaulins in preparation for fumigation. The exhaust fans, convection tubing, and installation of the fans and tubing shall meet the following requirements:
- (1) Each exhaust fan shall have a capacity of at least 5,000 cubic feet per minute (cfm).
- (2) Convection tubing or ducting shall be large enough to fit over the exhaust fan housing and shall be securely attached to the housing prior to aeration.
- (3) Exhaust fans and convection tubing shall be installed in a manner which does not present a hazard to workers and the public.
- (m) If exhaust fans and convection tubing or ducting are installed after the fumigation has begun, the installer shall wear self-contained breathing apparatus (SCBA) respiratory protection.
- (n) The methyl bromide concentration shall be measured at the approximate center of the structure with a Fumiscope®, or similar instrument, that shall be located outside of the fumigated structure. (An instrument similar to a Fumiscope® may be used provided it can measure methyl bromide concentrations at the one ounce per 1,000 cubic feet [250 ppm] level.) Without entering the structure, the fumigator shall collect the methyl bromide sample for measurement through the use of tubing or ducting placed inside the structure and connected to the analytical instrument prior to the initiation of fumigation. The structure shall be aerated until the methyl bromide concentration has been reduced to 250 ppm

- or less (250 ppm is about one ounce per thousand cubic feet) while following the requirements listed below:
- (1) If the fumigated structure's windows were left open during the fumigation, the structure shall be aerated through convection tubing or ducting until the methyl bromide concentration is 250 ppm or less with the tarpaulins left in place; or
- (2) If the fumigated structure's windows were closed during the fumigation:
- (A) The space between the fumigated structure and the tarpaulin shall be aerated prior to tarpaulin removal through convection tubing or ducting.
- (B) After the tarpaulins are removed, the fumigated structure shall be aerated through convection tubing or ducting until the methyl bromide concentration is 250 ppm or less.

NOTE: Authority cited: Sections 11456, 12976, 12981, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former section 2453(d) to section 6454 filed 8–13–85 (Register 85, No. 33).
- 2. Amendment of section heading and Note and new subsections (c)–(f) filed 4–14–92 as an emergency; operative 4–14–92 (Register 92, No. 18). A Certificate of Compliance must be transmitted to OAL 8–12–92 or emergency language will be repealed by operation of law on the following day.
- 3. Amendment of section heading and NOTE and new subsections (c)–(f) refiled 8–14–92 as an emergency; operative 8–14–92 (Register 92, No. 33). A Certificate of Compliance must be transmitted to OAL 12–12–92 or emergency language will be repealed by operation of law on the following day.
- 4. Amendment of section heading and NOTE and new subsections (c)–(f) refiled 12–18–92 as an emergency; operative 12–18–92 (Register 92, No. 51). A Certificate of Compliance must be transmitted to OAL 4–17–93 or emergency language will be repealed by operation of law on the following day.
- 5 Amendment of section heading and NoTE and new subsections (c)–(f) refiled 3–29–93 as an emergency; operative 3–29–93 (Register 93, No. 14). A Certificate of Compliance must be transmitted to OAL 7–27–93 or emergency language will be repealed by operation of law on the following day.
- 6. Repealer of subsections (c)–(f) and reinstatement of section heading and NoTE as they existed prior to emergency amendments filed 12–1–93, effective 7–28–93 by operation of Government Code section 11346.1(f) (Register 93, No. 49).
- 7. Editorial correction of HISTORY 3, 4, 5, and 6 (Register 94, No. 30).
- 8. Repealer and new section and amendment of NoTE filed 8–15–2000; operative 9–14–2000 (Register 2000, No. 33).

§ 6455. Sulfuryl Fluoride—Structural Fumigation, Aeration, and Reentry.

NOTE: Authority: Sections 12976, 12981, 14005, 14102 and 15203, Food and Agricultural Code. Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code.

HISTORY

1. New section filed 4–14–92 as an emergency; operative 4–14–92 (Register 92, No. 18). A Certificate of Compliance must be transmitted to OAL 8–12–92 or emergency language will be repealed by operation of law on the following day.

[The next page is 399.]

- New section refiled 8-14-92 as an emergency; operative 8-14-92 (Register 92, No. 33). A Certificate of Compliance must be transmitted to OAL 12-14-92 or emergency language will be repealed by operation of law on the following day.
- 3. New section refiled 12–18–92 as an emergency; operative 12–15–92 (Register 92, No. 51). A Certificate of Compliance must be transmitted to OAL 4–19–93 or emergency language will be repealed by operation of law on the following day.
- 4. New section refiled 3–29–93 as an emergency; operative 3–18–93 (Register 93, No. 14). A Certificate of Compliance must be transmitted to OAL 7–16–93 or emergency language will be repealed by operation of law on the following day.
- 5. Repealed by operation of Government Code section 11346.1(f) (Register 93, No. 49).

§ 6456. Sodium Arsenite.

NOTE: Authority cited: Sections 407, 12976, 12981, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 2454 to Section 6456 filed 8–13–85 (Register 85, No. 33).

2. Repealer filed 5-31-95; operative 6-30-95 (Register 95, No. 22).

§ 6457. Bentazon (Basagran).

In addition to the restrictions specified in sections 6487.1, 6487.2, 6487.3, and 6487.4, the following restrictions apply for agricultural, outdoor institutional, and outdoor industrial uses of bentazon for the purpose of ground water protection:

- (a) Bentazon shall not be applied in Del Norte or Humboldt Counties.
- (b) Bentazon shall not be used in the production of rice.

NOTE: Authority cited: Sections 11456, 12976, 13145, 14005 and 14006, Food and Agricultural Code. Reference: Sections 13145, 13150 and 14006, Food and Agricultural Code.

HISTORY

1. Renumbering and amendment of former section 6486.6 to section 6457 filed 4–27–2004; operative 5–27–2004 (Register 2004, No. 18).

§ 6458. Aldicarb.

(a) The amount of pesticides containing aldicarb that may be applied to the following crops shall not exceed:

	Stage of Growth Crop of Crop	Pounds of 15G/ Acre/Application	Ounces 15G/1000 Feet of Row
` /	Cotton At Planting At First Squaring From Squaring Through Early Bloom (Do not exceed a total of 21 pounds per acre)	7 14 14	40" row spacing 8.5 17 17
(2)	Potatoes At Planting	14 or	34" row spacing 14.5
	After Planting Sugar beets At Planting or Within One Week Before Planting Postemergence (Do not exceed a total of 28 pounds per acre)	14 14 14	14.5 22" row spacing 9.5 9.5
	Dried Beans	7	22-48" row spacing 7.5
5)	Citrus	33	N/A
		Pounds of 10G/ Acre/Application	Ounces 10G/1000 Square Feet
6)	Ornamentals	50	20
			or Pounds of 10G/1000 Linear Feet 42" row spacing 4
		(Do not exceed 50 pounds per acre per year)	

(b) Pesticides containing aldicarb shall not be applied to cotton, potatoes, sugar beets, dried beans, citrus, or field-grown ornamentals from September 1 to March 1 of each year.

NOTE: Authority cited: Sections 12781 and 12976, Food and Agricultural Code. Reference: Sections 12976 and 13150, Food and Agricultural Code.

HISTORY

- 1. New section filed 6-4-90; operative 7-4-90 (Register 90, No. 29).
- 2. Change without regulatory effect amending section and Note filed 3-27-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13)

§ 6460. Drift Control.

Unless expressly authorized by permit issued pursuant to section 6412, no liquid Dicamba, 2,4–dichlorophenoxyacetic acid, 2,4–dichlorophenoxybutric acid, 2,4–dichlorophenoxypropionic acid, 2–methyl–4–chlorophenoxyacetic acid, or Propanil herbicide shall be:

- (a) Discharged more than ten feet above the crop or target. Discharge shall be shut off whenever it is necessary to raise the equipment over obstacles such as trees or poles.
 - (b) Applied when wind velocity is more than ten miles per hour.
 - (c) Applied by aircraft except as follows:

- (1) The flow of liquid to aircraft nozzles shall be controlled by a positive shutoff system as follows:
- (A) each individual nozzle shall be equipped with a check valve and the flow controlled by a suckback device or a boom pressure release device: or
- (B) Each individual nozzle shall be equipped with a positive action valve.
- (2) Aircraft nozzles shall not be equipped with any device or mechanism which would cause a sheet, cone, fan, or similar type dispersion of the discharged material except as otherwise provided.
 - (3) Aircraft boom pressure shall not exceed 40 pounds per square inch.
- (4) Aircraft nozzles shall be equipped with orifices directed backward parallel to the horizontal axis of the aircraft in flight.
- (5) Fixed wing aircraft and helicopters operating in excess of 60 miles per hour shall be equipped with jet nozzles having an orifice of not less than 1/16 inch in diameter.
- (6) Helicopters operating at 60 miles per hour or less shall be equipped with:

- (A) Nozzles having an orifice not less than 1/16 inch in diameter. A number 46 (or equivalent) or larger whirlplate may be used; or
- (13) Fan nozzles with a fan angle number not larger than 80 degrees and a flow rate not less than one gallon per minute at 40 pounds per square inch pressure (or equivalent); or
- (B) The Microfoil (R) boom (a coordinated spray system including airfoil—shaped nozzles with each orifice not less than 0.013 inches in diameter) or equivalent type approved by the director. Orifices shall be directed backward parallel to the horizontal axis of the aircraft in flight.
 - (d) Applied by ground equipment except as follows:
 - (1) Ground equipment other than handguns shall be equipped with:
- (A) Nozzles having an orifice not less than 1/16 inch in diameter or equivalent, and operated at a boom pressure not to exceed 30 pounds per square inch; or
- (B) Low pressure fan nozzles with a fan angle number not larger than 80 degrees and fan nozzle orifice not smaller than 0.2 gallon per minute flow rate or equivalent, and operated at a boom pressure not to exceed 15 pounds per square inch.

NOTE: Authority cited: Sections 12781, 12972, 12976, 14001, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 14006, 14033 and 14102, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering and amendment of former section 2458(a)–(c) to section 6460 filed 8–13–85 (Register 85, No. 33).
- Amendment filed 2-6-87; effective upon filing pursuant to Government Code section 11346.2(d) (Register 87, No. 7).
- 3. Amendment of subsection (c) filed 5–23–88 as an emergency, operative 5–23–88 (Register 88, No. 22). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 9–20–88.
- 4. Emergency language filed 5–23–88 repealed by operation of law (Register 89, No. 49).
- 5. Amendment of subsection (c) filed 12–1–89; operative 12–1–89 pursuant to Government Code section 11346.2(d) (Register 89, No. 49).
- Editorial correction of printing error in subsection (c)(5) and HISTORY 5. (Register 91, No. 33).
- 7. Change without regulatory effect amending first paragraph and Note filed 4–3–96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 14).

§ 6462. Propanil.

The provisions of this section apply to propanil used in Butte, Colusa, Glenn, Placer, and Yuba Counties; the portion of Sutter County situated north of Sankey Road; and the portion of Yolo County situated north of State Highway 16.

- (a) No emulsifiable concentrate formulation shall be applied.
- (b) Applications using aircraft shall be made in accordance with the following requirements:
- (1) Aerial applications shall not be made within four miles of cultivated commercial plantings of prunes.
- (2) No more than 720 acres may be treated by aircraft within each county per day.
- (3) Each operating aircraft nozzle shall produce a droplet size, in accordance with the manufacturer's specifications, not less than 600 microns volume median diameter (Dv0.5) with not more than ten percent of the diameter by volume (Dv0.1) less than 200 microns.
- (c) Notwithstanding (b)(1), the Butte county agricultural commissioner may allow the California Rice Research Station to make aerial applications within four miles of cultivated commercial plantings of prunes according to a work plan submitted to and approved by the Butte county agricultural commissioner. The work plan shall include: the largest individual site that may be treated per application; total acres that may be treated per day which shall not exceed 45 acres; the minimum distance that must be maintained from cultivated commercial plantings of prunes and the application site; and any additional procedures to protect cultivated commercial plantings of prunes within four miles of the application site.
- (d) Applications using ground equipment shall be made in accordance with the following requirements:

- (1) Ground applications shall not be made within one mile of cultivated commercial plantings of prunes, except as provided in (A) and (B) below
- (A) The commissioner may allow applications to be made to sites not less than one-half mile from cultivated commercial plantings of prunes if the following requirements are met:
- 1. Prior to the application, the operator of the property shall provide to the commissioner a recommendation written by a licensed pest control adviser stating there are no other feasible pest management alternatives;
- 2. Onsite monitoring of wind speed and wind direction shall be conducted by the applicator in a manner approved by the commissioner throughout the entire application. A record of recorded data shall be retained for one year; and
- 3. A positive airflow away from cultivated commercial plantings of prunes is present throughout the entire application.
- (B) The commissioner may allow applications to be made to sites less than one-half mile from cultivated commercial plantings of prunes when the following requirements are met in addition to the requirements of (A):
- 1. The commissioner shall provide onsite monitoring of all applica-
- 2. The commissioner shall provide for notice to, and opportunity to comment by, any owner of cultivated commercial plantings of prunes within one-half mile of the application.
- (2) Each operating nozzle shall produce a droplet size, in accordance with the manufacturer's specifications, not less than 500 microns volume median diameter (Dv0.5) with not more than ten percent of the diameter by volume (Dv0.1) less than 200 microns.

NOTE: Authority cited: Sections 11456, 12781, 14001, 14005 and 14102, Food and Agricultural Code. Reference: Sections 14006 and 14007, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former section 2456 to section 6462 filed 8-13-85 (Register 85, No. 33).
- Amendment filed 6-3-86; effective upon filing pursuant to Government Code section 11346.2(d) (Register 86, No. 23).
- 3. Amendment of subsection (b) filed 5–31–91; operative 5–31–91 pursuant to Government Code section 11346.2(d) (Register 91, No. 28).
- 4. Amendment of subsection (a), new subsection (c) and amendment of Note filed 6-4-97 as an emergency; operative 6-4-97 (Register 97, No. 23). A Certificate of Compliance must be transmitted to OAL by 10-2-97 or emergency language will be repealed by operation of law on the following day.
- 5. Reinstatement of section as it existed prior to 6–4–97 emergency amendment by operation of Government Code section 11346.1(f) (Register 98, No. 19).
- 6. Amendment of section and NOTE filed 5-8-98 as an emergency; operative 5-8-98 (Register 98, No. 19). A Certificate of Compliance must be transmitted to OAL by 9-7-98 or emergency language will be repealed by operation of law on the following day.
- Reinstatement of section as it existed prior to 5–8–98 emergency amendment by operation of Government Code section 11346.1(f) (Register 99, No. 15).
- 8. Amendment of subsection (b), new subsections (b)(1)–(e) and amendment of NOTE filed 4–7–99; operative 4–7–99 pursuant to Government Code section 11343.4(d) (Register 99, No. 15).
- Editorial correction replacing inadvertently filed text with correct regulatory text (Register 99, No. 22).
- Amendment of section and NOTE filed 3-23-2004; operative 4-22-2004 (Register 2004, No. 13).

§ 6464. Phenoxy and Certain Other Herbicides.

(a) The provisions of this subsection apply to Dicamba, 2,4—dichlorophenoxyacetic acid, 2,4—dichlorophenoxybutric acid, 2,4—dichlorophenoxypropionic acid, 2—methyl—4—chlorophenoxyacetic acid, and Propanil herbicides when used in the Central Valley below one thousand feet elevation during the period beginning March 16 and continuing through October 15 of each calendar year. The boundary of this area through the Sacramento—San Joaquin Delta where the elevation does not reach 1,000 feet is as follows: Commencing from the point where Bailey Road intersects 1,000 feet elevation in Contra Costa County, thence north along Bailey Road to its intersection with Highway 4, thence west along Highway 4 or its intersection with Highway 680, thence north along Highway 80 to its intersection with Highway 505, thence north along Highway 505

to its intersection with the Solano-Yolo County line, thence west along the Solano-Yolo County line to its intersection with 1,000 feet elevation.

- (1) A smoke column or other device satisfactory to the commissioner shall be employed at the time and place of air applications to indicate to the pilot of the aircraft temperature inversions and the direction and velocity of the air flow; and
- (2) Unless expressly authorized by permit no herbicide in an ester form shall be applied.
- (b) The requirements of this subsection apply to Dicamba, 2,4–dichlorophenoxyacetic acid, 2,4–dichlorophenoxybutric acid, 2,4–dichlorophenoxypropionic acid, 2–methyl–4–chlorophenoxyacetic acid, and Propanil herbicides during the period beginning March 16 and continuing through October 15 of each calendar year when used in the following areas:
- (1) That portion of Sacramento County bounded by a line beginning at the junction of the Mokelumne River and Georgianna Slough; thence in a northerly direction following the meanderings of the Georgianna Slough to its junction with the Sacramento River near Walnut Grove; thence northwesterly along the Sacramento River to the junction of the north end o Randall Island and the north end of Snodgrass Slough; thence southeasterly along Snodgrass Slough to a point 1.0 miles due north of Lambert Road (first Standard Parallel north) which is the common boundary line between Section 27 and 34, T6N-R4E; thence due east along said line to its intersection with the Southern Pacific Railroad tracks; thence southerly along the Southern Pacific Railroad tracks to its intersection with Lambert Road (first Standard Parallel north); thence easterly along Lambert Road to its intersection with Franklin Boulevard, then southerly along Franklin Boulevard to its intersection with Twin Cities Road; thence easterly along Twin Cities Road to its intersection with the Southern Pacific Railroad Tracks (Amador Branch); thence northeasterly along said tracks to their intersection with the first Standard Parallel north; thence easterly along the first Standard Parallel north to its intersection with the Sacramento-Amador County line; thence southerly along the Sacramento-Amador County line to its junction with the Sacramento-Amador-San Joaquin County lines; thence westerly along the Sacramento-San Joaquin County line to the point of beginning.
- (2) All of Madera County west and south of a line beginning at the east boundary of Range 17 east and the Madera County–Merced County boundary line, thence south to the northwest corner of Section 30, Township 9 South, Range 18 east, thence east to the northeast corner of Section 28, Township 9 south, Range 18 east, thence south to the intersection of the Madera Canal in the northeast 1/4 of Section 9, Township 10 south, Range 18 east, thence southeasterly along the Madera Canal to the northeast corner of Section 1, Township 11 south, Range 19 east, thence east along the north boundary line of Township 11 south, to the Madera County–Fresno County boundary line.
- (3) All of Fresno County lying west of a line beginning at Friant Dam and continuing southeasterly along the Friant–Kern Canal its point of intersection with the north boundary of Section 29, Township 13 south, Range 23 east, thence due east along said boundary line projected to its intersection with the east boundary of Township 13 south, Range 24 east; then south along said east boundary of Township 13 south, Range 24 east and continuing south along the east boundary of Township 14 south, Range 24 east to the county boundary line.
 - (4) All of Kings County.
- (5) All of Tulare County lying west of a line drawn southeasterly from the northwest corner of Township 15 south, Range 25 east on the Fresno–Tulare County line to the southeast corner of Township 17 south, Range 27 east; thence due south along said east boundary of Range 27 east to the Kern County boundary line.
- (6) Those portions of Kern County described as follows: (A) All of Kern County lying west of a line commencing at a point on Tulare–Kern County line at the northwest corner of Section 6, Township 25 south, Range 31 east; thence south along the west boundary of Range 31 east to the south boundary of Township 32 south, Range 31 east; thence continuing due south to the Los Angeles County line. (B) Rosamond Area.

Includes all of Township 9 north, Range 14 west, Township 9 north, Range 13 west, and Township 9 north, and Range 12 west.

- (7) A permit authorizing use shall show the application site(s) for which it is valid, except that a permit need not show the application site(s) if a notice of intent to apply pesticide is required to be filed previous to any application. The commissioner may require that any application be made only under his direct supervision.
- (8) No application shall be made on any area situated within two miles of any cultivated commercial vineyard or cotton planting belonging to any person other than the owner of the property being treated unless there is a continuous air flow away from such planting, but in no case shall any application be made within one–half mile of such plantings.
- (9) No application shall be made by aircraft, nor shall aircraft be loaded except as follows:
 - (A) Within Sacramento County.
- (B) During the period beginning March 16 and continuing through March 31 within the counties of Fresno, Kern, Kings, and Tulare.
- (10) The provisions of paragraphs (8) and (9) shall not apply to Dicamba or Propanil herbicides.
- (c) The provisions of this subsection apply to Dicamba, 2,4-dichlorophenoxyacetic acid, 2,4-dichlorophenoxybutric acid, 2,4-dichlorophenoxypropionic acid, 2-methyl-4-chlorophenoxyacetic acid, or Propanil herbicides during the period beginning March 16 and continuing through October 15 of each calendar year when used in that portion of San Joaquin County bounded by a line beginning at the intersection of Sacramento, San Joaquin and Amador Counties; thence southerly along the San Joaquin County line to State Highway 88; thence southwesterly along Highway 88 to its intersection with State Highway 12; thence westerly along Highway 12 and 88 to the intersection of Clements Road to its intersection with an imaginary easterly extension of Eight Mile Road from its junction with the Calaveras River; thence west along this extension to Eight Mile Road; then west along Eight Mile Road to Thornton Road; thence south on Thornton Road to its intersection with Disappointment Slough; thence westerly along Disappointment Slough to the southeast corner of Bishop Tract; thence westerly along the southern edges of Bishop Tract, King Island, and Empire Tract; thence northerly along the west edge of Empire Tract to the southeast corner of Bouldin Island; thence along the southern and western edges of Bouldin Island to the intersection of San Joaquin, Contra Costa, and Sacramento Counties; thence northerly and easterly along the San Joaquin-Sacramento County line to the point of beginning
- (1) No application shall be made when wind velocity is less than 2 miles per hour or greater than 7 miles per hour.
 - (2) No herbicide in an ester form shall be applied.
- (3) A permit authorizing use shall show the application site(s) for which it is valid, except that a permit need not show the application site(s) if a notice of intent to apply pesticides is required to be filed previous to any application.
- (4) No application shall be made on any area situated within two miles of any cultivated commercial vineyard belonging to any person other than the owner of the property being treated; that existed prior to May 1, 1978.
- (5) No application shall be made by aircraft; nor shall aircraft be loaded except as follows:
- (A) Within that portion of San Joaquin County described as the entire areas of Empire Tract, King Island, Bishop Tract, and Rio Blanco Tract, the eastern boundary line of which begins on Atherton Levee Road at the confluence of Disappointment Slough and the dredger cut, located approximately one–half mile west of Interstate Highway 5 Pixley Slough Bridge 29–200 L; and thence running northerly along the State of California borrow pit to its meeting with the easterly end of White Slough subject to the following restriction:
- 1. The commissioner may require that all applications be made under the direct supervision of the commissioner's representative.
- (B) Within the entire area of Staten Island and Bouldin Island subject to the following restrictions:

- 1. The commissioner may require that all applications be made under the direct supervision of the commissioner's representative.
 - 2. A drift reducing agent shall be added to the spray mixture.
- Only one aircraft shall spray at a given time on each of the two isands.
- (6) The provisions of subsections (4) and (5) shall not apply to Propanil herbicides.

NOTE: Authority cited: Sections 11456, 12976, 12981, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 12981, 14006, and 14102, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering and amendment of former Sections 2457 and 2458(d)–(f) to Section 6464 filed 8–13–85 (Register 85, No. 33).
- 2. Change without regulatory effect repealing subsections (a)–(a)(4), relettering subsections and amending newly designated subsections (a). (b), (b)(9), (b)(10), (c) and (c)(6) and NOTE filed 4–3–96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 14).
- 3. New subsections (d)–(d)(4)(E) and amendment of NOTE filed 4–15–98 as an emergency; operative 4–15–98 (Register 98, No. 16). A Certificate of Compliance must be transmitted to OAL by 8–13–98 or emergency language will be repealed by operation of law on the following day.
- 4. Reinstatement of section as it existed prior to 4–15–98 emergency amendment by operation of Government Code section 11346.1(f) (Register 99, No. 16).
- Change without regulatory effect amending NOTE filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6466. Paraquat.

The aerial application of paraquat for preplant or preemergence weed control shall be made only in accordance with the following restrictions:

- (a) Jet nozzles having an orifice of not less than 1/16 inch in diameter shall be used with such orifices directed backward parallel to the horizontal axis of the aircraft in flight. A number 46 (or equivalent) or larger whirlplate may be used.
 - (b) Boom pressure shall not exceed 40 pounds per square inch.
- (c) Spray material shall not be discharged at a height of more than ten (10) feet above the crop or target.
 - (d) Wind velocity shall not exceed 10 miles per hour.

NOTE: Authority cited: Sections 11456, 12976, 12981, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 2458.2 to Section 6466 filed 8–13–85 (Register 85, No. 33).
- Change without regulatory effect amending NOTE filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6467. Folpet.

NOTE: Authority cited: Sections 407, 12976, 12981 and 14006, Food and Agricultural Code. Reference: Sections 11501, 12981 and 14006, Food and Agricultural Code.

HISTORY

- New section filed 2-14-89 as an emergency; operative 2-14-89 (Register 89, No. 9). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 6-14-89.
- New, substantially equivalent, section filed 8-10-89 as an emergency; operative 8-10-89 (Register 91, No. 19). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed by operation of law on 12-8-89.
- Editorial correction adding previously missing HISTORY 2. (Register 91, No. 19).
- Repealed by operation of Government Code section 11346.1 (g) filed 1–15–91 (Register 91, No. 19).

§ 6468. 1,3-Dichloropropene and Ethylene Dibromide.

NOTE: Authority cited: Sections 407, 12976, 12981, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 2458.3 to Section 6468 filed 8–13–85 (Register 85, No. 33).
- 2. Repealer filed 5-31-95; operative 6-30-95 (Register 95, No. 22).

§ 6469. Propargite (Omite, Comite).

NOTE: Authority cited: Sections 407, 12976, 12981 and 14005, Food and Agricultural Code. Reference: Sections 11501, 12981 and 14006, Food and Agricultural Code.

HISTORY

- 1. New section filed 10–27–88 as an emergency; operative 10–27–88 (Register 88, No. 45). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 2–24–89.
- Readoption of a substantially equivalent regulation filed 2–24–89 as an emergency; operative 2–24–89 (Register 89, No. 13). A Certificate of Compliance must be transmitted to OAL by 6–26–89 or readoption will be repealed by operation of law effective 6–27–89.
- New, substantially equivalent, section filed 8-10-89 as an emergency: operative 8-10-89 (Register 91, No. 19). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed by operation of law on 12-8-89.
- 4. Editorial correction adding previously missing HISTORY 3. (Register 91, No. 19)
- 5. Repealed by operation of Government Code section 11346.1(g) filed 1–15–91 (Register 91, No. 19).

§ 6470. Cotton Harvest Aids.

- S,S,S-tributyl phosphorotrithioate (DEF), tributyl phosphorotrithioite (Folex), or paraquat when used as cotton harvest aids, singly or in combination, shall be used only in accordance with the following restrictions:
- (a) (1) Closed systems as specified in subsection 2476(b) shall be used for all mixing and transfers conducted by an employee.
- (2) Paraquat applications shall not be made within 1/8 mile of any school or any area zoned as residential where people are actually residing or other inhabited residential area designated by the commissioner.
- (3) DEF or Folex applications shall not be made within 1/2 mile of any area zoned as residential where people are actually residing or other inhabited residential area designated by the commissioner or any school in session or due to be in session within 24 hours.
- (4) DEF or Folex applications shall not in any case be made within 1/8 mile of any school.
- (b) (1) Jet nozzles having an orifice of not less than 1/16 inch in diameter shall be used on aircraft with such orifices directed backward parallel to the horizontal axis of the aircraft in flight. A number 46 (or equivalent) or larger whirlplate may be used.
- (2) Aircraft nozzles shall not be equipped with any device or mechanism which would cause a sheet, fan, cone, or similar type dispersion of the discharged material.
 - (3) Aircraft boom pressure shall not exceed 40 pounds per square inch.
- (4) These cotton harvest aids shall be applied by aircraft only in combination with a viscoelastic thickening agent or other drift control agent approved as effective for such purposes by the Director of the Department of Food and Agriculture.
- (5)Except for the requirements of paragraph (4), this subsection does not apply to helicopters equipped with a Microfoil (R) boom operated at air speeds below 60 miles per hour.
- (c) Air carrier ground equipment shall not be used to apply DEF or Folex.

NOTE: Authority cited: Sections 11456, 12976, 12981, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering and amendment of former Section 2458.4 to Section 6470 filed 8–13–85 (Register 85, No. 33).
- Change without regulatory effect amending Note filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6472. Ethylene Dichloride.

NOTE: Authority cited: Sections 407, 12976, 12981, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 2458.5 to Section 6472 filed 8–13–85 (Register 85, No. 33).
- 2. Repealer filed 5-31-95; operative 6-30-95 (Register 95, No. 22).

§ 6473. Bromoxynil.

NOTE: Authority cited: Sections 407, 12976, 12981 and 14005, Food and Agricultural Code. Reference: Sections 11501, 12981 and 14006, Food and Agricultural Code.

Page 402 Register 2004, No. 18; 4-30-2004

HISTORY

- New section filed 12–2–88 as an emergency; operative 12–2–88 (Register 88, No. 51). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 4–4–89.
- 2. New, substantially equivalent, section filed 8–10–89 as an emergency; operative 8–10–89 (Register 91, No. 19). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed by operation of law on 12–8–89.
- Editorial correction adding previously missing HISTORY 2. (Register 91, No. 19).
- 4. Repealed by operation of Government Code section 11346.1(g) filed 1–15–91 (Register 91, No. 19).

§ 6474. Carbofuran.

Carbofuran (Furadan) shall not be applied to alfalfa located within one mile of nesting geese, widgeon or coots or to areas where repeated feeding of these waterfowl is known to occur.

NOTE: Authority cited: Sections 11456, 12976, 12981, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 2458.7 to Section 6474 1 filed 8–13–85 (Register 85, No. 33).
- Change without regulatory effect amending Note filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6476. Fenamiphos.

The following restrictions apply to all turf uses of fenamiphos (Nemacur).

- (a) Fenamiphos shall not be used to treat residential or institutional lawns or public recreation areas other than golf courses.
- (b) Fenamiphos shall not be applied with a knapsack or similar equipment that is placed on the applicator's body.
- (c) Fenamiphos shall be watered in immediately after it is applied with a minimum of one–half (1/2) inch of water. Such water shall not be allowed to run off the treated area.
- (d) Unprotected persons shall be kept out of areas being treated with fenamiphos until 24 hours after watering, as specified in subsection (c), is completed.

NOTE: Authority cited: Sections 11456, 12976, 12981, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 2458.8 to Section 6476 filed 8–13–85 (Register 85, No. 33).
- Change without regulatory effect amending NOTE filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6480. 2,4-Dichlorophenyl P-Nitrophenyl Ether.

NOTE: Authority cited: Sections 407, 12976, 12981, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 2458.10 to Section 6480 filed 8–13–85 (Register 85, No. 33).
- 2. Repealer filed 5-31-95; operative 6-30-95 (Register 95, No. 22).

§ 6482. Oxydemeton-Methyl (Metasystox-R).

NOTE: Authority cited: Sections 407 and 14005, Food and Agricultural Code. Reference: Sections 14005 and 14006, Food and Agricultural Code.

HISTORY

- 1. New section filed 12–23–86 as an emergency; effective upon filing (Register 86, No. 52). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 4–22–87.
- 2. Certificate of Compliance including amendment of subsections (a)(2) and (a)(5) transmitted to OAL 4–22–87 and filed 5–21–87 (Register 87, No. 22).
- 3. Repealer of subsection (b) filed 12–7–88 as an emergency; operative 12–7–88 (Register 88, No. 51). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 4–6–89.
- Certificate of Compliance including amendment transmitted to OAL 3-9-89 and filed 3-27-89 (Register 89, No. 13).
- 5. Repealer filed 8–13–90; operative 8–13–90 (Register 90, No. 41). (See new section 6790.)

§ 6484. Bentazon (Basagran).

NOTE: Authority cited: Sections 407 and 14005, Food and Agricultural Code. Reference: Sections 14005 and 14006, Food and Agricultural Code.

HISTORY

- New section filed 6-2-87 as an emergency; operative 6-2-87 (Register 87, No. 25). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 9-30-87.
- 2. Emergency language filed 6–2–87 repealed by operation of Government Code section 11346.1(g) (Register 88, No. 21).
- 3. New section filed 5–18–88; operative 5–20–88 pursuant to Government Code section 11346.2(d) (Register 88, No. 21).
- 4. Repealer filed 12–12–91; operative 1–13–92 (Register 92, No. 13).

§ 6486. Atrazine.

NOTE: Authority cited: Sections 407, 13145, 14005 and 14006, Food and Agricultural Code. Reference: Sections 13145, 13150 and 14006, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–4–89; operative 1–4–89 pursuant to Government Code Section 11346.2(d) (Register 89, No. 5).
- 2. Renumbering and amendment of former section 6486 to section 6486.1 filed 4-10-90; operative 4-10-90 pursuant to Government Code section 11346.2 (d) (Register 90, No. 16).

§ 6486.1. Atrazine.

NOTE: Authority cited: Sections 11456, 12976, 13145, 14005 and 14006, Food and Agricultural Code. Reference: Sections 13145, 13150 and 14006, Food and Agricultural Code.

HISTORY

- 1. Renumbering and amendment of former section 6486 to section 6486.1 filed 4–10–90; operative 4–10–90 pursuant to Government Code section 11346.2(d) (Register 90, No. 16). For prior history, see Register 89, No. 5.
- 2. Change without regulatory effect amending NoTE filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).
- 3. Repealer filed 4-27-2004; operative 5-27-2004 (Register 2004, No. 18).

§ 6486.2. Simazine.

NOTE: Authority cited: Sections 11456, 12976, 13145, 14005 and 14006, Food and Agricultural Code. Reference: Sections 13145, 13150 and 14006, Food and Agricultural Code.

HISTORY

- 1. New section filed 4–10–90; operative 4–10–90 pursuant to Government Code section 11346.2(d) (Register 90, No. 16).
- Change without regulatory effect amending Note filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).
- 3. Repealer filed 4-27-2004; operative 5-27-2004 (Register 2004, No. 18).

§ 6486.3. Bromacil.

NOTE: Authority cited: Sections 11456, 12976, 13145, 14005 and 14006, Food and Agricultural Code. Reference: Sections 13145, 13150 and 14006, Food and Agricultural Code.

HISTORY

- 1. New section filed 4–10–90; operative 4–10–90 pursuant to Government Code section 11346.2 (d) (Register 90, No. 16).
- Change without regulatory effect amending NoTE filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).
- 3. Repealer filed 4-27-2004; operative 5-27-2004 (Register 2004, No. 18).

§ 6486.4. Diuron.

NOTE: Authority cited: Sections 11456, 12976, 13145, 14005 and 14006, Food and Agricultural Code. Reference: Sections 13145, 13150 and 14006, Food and Agricultural Code.

HISTORY

- 1. New section filed 4–10–90; operative 4–10–90 pursuant to Government Code section 11346.2 (d) (Register 90, No. 16).
- 2. Change without regulatory effect amending NoTE filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).
- 3. Repealer filed 4-27-2004; operative 5-27-2004 (Register 2004, No. 18).

§ 6486.5. Prometon.

NOTE: Authority cited: Sections 11456, 12976, 13145, 14005 and 14006, Food and Agricultural Code. Reference: Sections 13145, 13150 and 14006, Food and Agricultural Code.

HISTORY

- 1. New section filed 4–10–90; operative 4–10–90 pursuant to Government Code section 11346.2 (d) (Register 90, No. 16).
- Change without regulatory effect amending Note filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

3. Repealer filed 4-27-2004; operative 5-27-2004 (Register 2004, No. 18).

§ 6486.6. Bentazon (Basagran).

NOTE: Authority cited: Sections 11456, 12976, 13145, 14005 and 14006, Food and Agricultural Code. Reference: Sections 13145, 13150 and 14006, Food and Agricultural Code.

HISTORY

- 1. New section filed 12-12-91; operative 1-13-92 (Register 92, No. 13).
- Change without regulatory effect amending Note filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).
- 3. Renumbering of former section 6486.6 to section 6457 filed 4–27–2004; operative 5–27–2004 (Register 2004, No. 18).

§ 6486.7. Azinphos-Methyl.

- (a) When employees apply azinphos-methyl using air carrier (air blast) ground equipment where any part of the airstream is directed at an angle above horizontal to the ground:
- (1) Employee applicators shall wear a chemical–resistant suit over long–sleeved shirt and long–legged pants, chemical–resistant hood, chemical–resistant boots, chemical–resistant gloves, and a full–face respirator or a half–face respirator together with a face shield in addition to labeling–required personal protective equipment;
- (2) If the employee applicator utilizes an enclosed cab and the work clothing and personal protective equipment specified in section 6738(i)(5), (6), and (7), the requirements in (1) do not apply. In situations specified in 6738(i), where respiratory protection is required inside an enclosed cab, the respiratory protection shall meet labeling requirements.

NOTE: Authority cited: Sections 12981 and 14005, Food and Agricultural Code. Reference: Sections 12980, 12981, 14001 and 14006, Food and Agricultural Code.

HISTORY

- New section filed 6-1-98 as an emergency; operative 6-1-98 (Register 98, No. 23). A Certificate of Compliance must be transmitted to OAL by 9-29-98 or emergency language will be repealed by operation of law on the following day.
- 2. Repealed by operation of Government Code section 11346.1(g) (Register 98, No. 42).
- 3. New section filed 4–14–99 as an emergency; operative 4–14–99 (Register 99, No. 16). A Certificate of Compliance must be transmitted to OAL by 8–12–99 or emergency language will be repealed by operation of law on the following day.
- 4. New section refiled 8-11-99 as an emergency; operative 8-11-99 (Register 99, No. 33). A Certificate of Compliance must be transmitted to OAL by 12-9-99 or emergency language will be repealed by operation of law on the following day.
- Repealed by operation of Government Code section 11346.1(g) (Register 2000, No. 23).
- 6. New section filed 9-29-2000; operative 10-29-2000 (Register 2000, No. 39).

§ 6486.8. Norflurazon.

NOTE: Authority cited: Sections 12976, 13145, 14005 and 14006, Food and Agricultural Code. Reference: Sections 13145, 13150 and 14006, Food and Agricultural Code.

HISTORY

- 1. New section filed 2-21-2001; operative 3-23-2001 (Register 2001, No. 8).
- 2. Repealer filed 4-27-2004; operative 5-27-2004 (Register 2004, No. 18).

§ 6487.1. Artificial Recharge Basins.

Use of pesticides registered for agricultural, outdoor industrial, and outdoor institutional use containing chemicals listed in section 6800(a) shall be prohibited below the high water line inside artificial recharge basins, unless the pesticide is applied six months or more before the basin is used to recharge ground water.

NOTE: Authority cited: Sections 11456, 12976, 13145 and 14102, Food and Agricultural Code. Reference: Sections 13145, 13150 and 14102, Food and Agricultural Code.

HISTORY

1. New section filed 4-27-2004; operative 5-27-2004 (Register 2004, No. 18).

§ 6487.2. Inside Canal and Ditch Banks.

Use of pesticides registered for agricultural, outdoor industrial, and outdoor institutional use containing chemicals listed in section 6800(a)

shall be prohibited below the high water line inside unlined canals and ditches, unless at least one of the following applies:

- (a) the pesticide user can document that the percolation rate of the canal or ditch is equal to or less than 0.2 inches per hour (0.002 gallons per minute per square foot); or
- (b) the pesticide is applied six months before water is run in the canal or ditch.

NOTE: Authority cited: Sections 11456, 12976, 13145 and 14102, Food and Agricultural Code. Reference: Sections 13145, 13150 and 14102, Food and Agricultural Code.

HISTORY

1. New section filed 4-27-2004; operative 5-27-2004 (Register 2004, No. 18).

§ 6487.3. Engineered Rights-of-Way Within Ground Water Protection Areas.

Use of pesticides registered for agricultural, outdoor industrial, and outdoor institutional use containing chemicals listed in section 6800(a) shall be prohibited on engineered rights-of-way in leaching or runoff ground water protection areas unless one of the following management options can be met and is designated by the commissioner on the permit:

- (a) The property operator complies with section 6487.4; or
- (b) Any runoff from the treated right—of—way shall pass through a noncrop fully vegetated area adjacent, and equal in area, to the treated area, or spread out onto an adjacent unenclosed fallow field that is at least 300 feet long and that will not be irrigated for six months following application, with full consideration of any plantback restrictions; or
- (c) The property operator complies with any permit issued pursuant to the storm water provisions of the federal Clean Water Act pertaining to the treated area; or
- (d) An alternative management practice or pesticide approved by the Director as follows:
- (1) Upon written request, the Director may evaluate and approve use of management practices that are based on scientific data demonstrating their effectiveness in reducing movement of pesticides to ground water; or
- (2) Upon written request, the Director may make a determination to allow the interim use of a pesticide containing a chemical listed in section 6800(a) on an engineered right-of-way within a ground water protection area, for a period not to exceed three years. The Director's determination shall be based on evidence that the available management practices are not feasible for a specific crop or site, and that there are no feasible alternatives for the specific crop or site. The formal request shall include a study protocol(s) that is acceptable to the Director to develop feasible alternatives or alternate management practices. The study protocol shall include a description of the objective, personnel, study plan, sampling methods including number of samples to be analyzed, data analysis, chemical analytical methods including appropriate quality control, timetable, and references, if any. The requestor shall submit a written progress report every six months. If the progress report does not support the submitted study protocol(s), or if a report is not submitted, the Director may rescind the determination to allow the use of the pesticide within a ground water protection area.
- (3) The Director will issue a public notice stating the reasons interim use has been approved under (1) or (2). The notice will be posted on the Department's Web site.

NOTE: Authority cited: Sections 11456, 12976, 13145 and 14102, Food and Agricultural Code. Reference: Sections 13145, 13150 and 14102, Food and Agricultural Code.

HISTORY

1. New section filed 4-27-2004; operative 5-27-2004 (Register 2004, No. 18).

§ 6487.4. Runoff Ground Water Protection Areas.

Except as provided in sections 6487.1, 6487.2, and 6487.3, use of pesticides registered for agricultural, outdoor industrial, and outdoor institutional use containing chemicals listed in section 6800(a) shall be prohibited in runoff ground water protection areas unless one of the following management practices can be met and is designated by the commissioner on the permit. The management practice identified in (b), "Incorporation of the pesticide," does not apply to bentazon.

- (a) Soil disturbance. Within seven days before the pesticide is applied, the soil to be treated shall be disturbed by using a disc, harrow, rotary tiller, or other mechanical method. This subsection does not apply to bentazon, and does not apply to the area to be treated that is immediately adjacent to the crop row and that does not exceed 33 percent of the distance between crop rows; or
- (b) Incorporation of the pesticide. Within 48 hours after the day the pesticide is applied, the pesticide shall be incorporated on at least 90 percent of the area treated; using a disc, harrow, rotary tiller, or other mechanical method, or by sprinkler or low flow irrigation, including chemigation if allowed by the label, using a minimum of 1/4 inch of irrigation water and a maximum of either one inch or the maximum amount of irrigation water specified on the label, at application rates that do not cause surface water runoff from the treated property or to wells on the treated property. This subsection does not apply to bentazon, and does not apply to the area treated with other pesticides listed in section 6800(a) that is immediately adjacent to the crop row and that does not exceed 33 percent of the distance between crop rows; or
- (c) Band treatment. The pesticide shall be applied as a band treatment immediately adjacent to the crop row so that not more than 33 percent of the distance between rows is treated; or
- (d) Timing of application. The pesticide shall be applied between April 1 and July 31; or
- (e) Retention of runoff on field. For six months following the application, the field shall be designed, by berms, levees, or nondraining circulation systems, to retain all irrigation runoff and all precipitation on, and drainage through, the field. The retention area on the field shall not have a percolation rate of more than 0.2 inches per hour (5 inches per 24 hours); or
- (f) Retention of runoff in a holding area off the field. For six months following the application, all runoff shall be channeled to a holding area off the application site, under the control of the property operator, that is designed to retain all irrigation runoff and all precipitation on, and drainage through, the treated field and all other areas draining into that holding area. The holding area shall not have a percolation rate of more than 0.2 inches per hour (5 inches per 24 hours); or
- (g) Runoff onto a fallow field. For six months following application, runoff shall be managed so that it runs off onto an adjacent unenclosed fallow field at least 300 feet long that is not irrigated for six months after application, with full consideration of any plant back restrictions; or
- (h) An alternative management practice or pesticide approved by the Director as follows:
- (1) Upon written request, the Director may evaluate and approve use of alternative management practices that are based on scientific data demonstrating their effectiveness in reducing movement of pesticides to ground water; or
- (2) Upon written request, the Director may make a determination to allow the interim use of a pesticide containing a chemical listed in section 6800(a) within a runoff ground water protection area, for a period not to exceed three years. The Director's determination shall be based on evidence that the available management practices are not feasible for a specific crop or site, and that there are no feasible alternatives for the specific crop or site. The formal request shall include a study protocol(s) that is acceptable to the Director to develop feasible alternatives or alternate mitigation measures. The study protocol shall include a description of the objective, personnel, study plan, sampling methods including number of samples to be analyzed, data analysis, chemical analytical methods including appropriate quality control, timetable, and references, if any. The requester shall submit a written progress report every six months. If the progress report does not support the submitted study protocol(s), or if a report is not submitted, the Director may rescind the determination to allow the use of the pesticide within a ground water protection area.
- (3) The Director will issue a public notice stating the reasons interim use has been approved under (1) or (2). The notice will be posted on the Department's Web site.

NOTE: Authority cited: Sections 11456, 12976, 13145 and 14102, Food and Agricultural Code. Reference: Sections 13145, 13150 and 14102, Food and Agricultural Code.

HISTORY

1. New section filed 4-27-2004; operative 5-27-2004 (Register 2004, No. 18).

§ 6487.5. Leaching Ground Water Protection Areas.

Except as provided in sections 6487.1, 6487.2, and 6487.3, use of pesticides registered for agricultural, outdoor industrial, and outdoor institutional use containing chemicals listed in section 6800(a) shall be prohibited in leaching ground water protection areas unless any one of the following management practices can be met and is designated by the commissioner on the permit:

- (a) The permittee shall not apply any irrigation water for six months following application of the pesticide; or
- (b) The permittee shall apply the pesticide to the planting bed or the berm above the level of irrigation water in the furrow or basin and the water level shall remain at or below that level for six months following application of the pesticide; or
- (c) Irrigation shall be managed so that the ratio of the amount of irrigation water applied divided by the net irrigation requirement is 1.33 or less for six months following application of the pesticide; or
- (d) An alternative management practice or pesticide approved by the Director as follows:
- (1) Upon written request, the Director may evaluate and approve use of alternative management practices that are based on scientific data demonstrating their effectiveness in reducing movement of pesticides to ground water; or
- (2) Upon written request, the Director may make a determination to allow the interim use of a pesticide containing a chemical listed in section 6800(a) within a leaching ground water protection area, for a period not to exceed three years. The Director's determination shall be based on evidence that the available management practices are not feasible for a specific crop or site, and that there are no feasible alternatives for the specific crop or site. The formal request shall include a study protocol(s) that is acceptable to the Director to develop feasible alternatives or alternate management practices. The study protocol shall include a description of the objective, personnel, study plan, sampling methods including number of samples to be analyzed, data analysis, chemical analytical methods including appropriate quality control, timetable, and references, if any. The requester shall submit a written progress report every six months. If the progress report does not support the submitted study protocol(s), or if a report is not submitted, the Director may rescind the determination to allow the use of the pesticide within a ground water protection area.
- (3) The Director will issue a public notice stating the reasons interim use has been approved under (1) or (2). The notice will be posted on the Department's Web site.

NOTE: Authority cited: Sections 11456, 12976, 13145 and 14102, Food and Agricultural Code. Reference: Sections 13145, 13150 and 14102, Food and Agricultural Code.

HISTORY

1. New section filed 4-27-2004; operative 5-27-2004 (Register 2004, No. 18).

§ 6488. Antifouling Paints or Coatings Containing Tributyltin.

- (a) Antifouling paints or coatings containing tributyltin shall be applied only to:
 - (1) aluminum vessel hulls;
 - (2) vessel hulls 82 feet or more in length; and
 - (3) outboard motors and lower drive units.
- (b) Except as provided n subsection (a), antifouling paints or coatings containing tributyltin shall not be applied to any surface or object that will come into contact with the freshwater or marine environment. This prohibition includes, but is not limited to, use on docks, piers, nets and other fishing equipment.
- (c) Prior to purchase of antifouling paints or coatings containing tributyltin the purchaser shall present to the dealer a copy of the registration

of the vessel to be painted or coated to verify the vessel type requirements specified in (a). In the case where no vessel registration exists or the paint or coating is to be applied to an outboard motor or lower drive unit, the purchaser shall submit a sworn statement to verify that the paint or coating shall be applied only to an aluminum vessel hull, to a vessel hull 82 feet or more in length, or to an outboard motor or lower drive. The sworn statement shall be made substantially in the form provided in Section 6574(b).

NOTE: Authority cited: Sections 14005 and 14151, Food and Agricultural Code. Reference: Sections 14005 and 14006, Food and Agricultural Code.

HISTORY

- 1. New section filed 12–31–87 as an emergency; operative 1–1–88 (Register 88, No. 3). A certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 5–2–88.
- 2. Certificate of Compliance including amendments and new subsection (b) transmitted to OAL 4-5-88 and filed 5-4-88 (Register 88, No. 19).
- 3. Amendment of subsections (a)–(a)(3) and (c) and amendment of Note filed 1–5–93; operative 1–5–93 (Register 93, No. 2).

§ 6489. Tributyltin Paint and/or Coating Additives.

Pesticides containing bis(tributyltin) oxide which are sold as "additives" to be mixed with paints or coatings shall not be applied, either alone or when mixed with paint, to any surface that comes into contact with the aquatic or marine environment including, but not limited to, vessels, piers and fishing equipment.

NOTE: Authority cited: Sections 12781, 14005 and 14102, Food and Agricultural Code. Reference: Sections 12824, 14005 and 14006, Food and Agricultural Code.

HISTORY

- 1. New section filed 6-16-88; operative 7-16-88 (Register 88, No. 26).
- 2. Change without regulatory effect amending section and Note filed 3–27–97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).

Subchapter 5. Produce Carrying Pesticide Residue

Article 1. Tolerances and Exemptions

§ 6490. Incorporation of Federal Tolerances.

- (a) The Director of Food and Agriculture hereby finds that the pesticide chemicals referred to in this group are useful for the production and marketing of produce and that the presence of such pesticide chemicals as spray residue in quantities within the tolerances hereby established is not deleterious to the health of man or animals.
- (b) The director, having reviewed the tolerances and exemptions from tolerances established by the Environmental Protection Agency in Title 40, Code of Federal Regulations, Part 180 and having found that such tolerances and exemptions therefrom are in accordance with the standards and provisions of the Food and Agricultural Code, hereby establishes like tolerances for pesticide chemicals on produce packed, shipped, or sold within the State of California except as otherwise provided in this Group 5. The director will continuously review future amendments to said federal regulations, and tolerances and exemptions therefrom hereafter adopted shall also be deemed incorporated by reference, unless otherwise provided in this Group 5.
- (c) If the director has evidence that tolerances developed by the EPA are not appropriate for California conditions, the director shall adopt a California tolerance taking into account such evidence.

NOTE: Authority cited: Sections 11456, 12531 and 12561, Food and Agricultural Code. Reference: Section 12565, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 2490 to Section 6490 filed 8–13–85 (Register 85, No. 33).
- Change without regulatory effect amending Note filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6492. Limitation on Residues.

No residue of a pesticide chemical in or on produce is justified or permitted unless a permissible tolerance has been established by the director, or unless the director has authorized an exemption from a tolerance. NOTE: Authority cited: Sections 11456, 12531 and 12561, Food and Agricultural Code. Reference: Section 12565, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 2490.1 to Section 6492 filed 8–13–85 (Register 85, No. 33).
- 2. Change without regulatory effect amending NOTE filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

Chapter 3. Pest Control Operations

Subchapter 1. Licensing

Article 1. General License Requirements

§ 6500. License Duration.

The Director shall issue licenses and certificates for two years; provided, however, a license or certificate may be issued for less than two years based on when the applicant enters the two-year cycle described below.

The term of the license or certificate is determined by the Director as follows:

Each license or certificate with a name beginning with A through L shall expire December 31 of the following even numbered year.

Each license or certificate with a name beginning with M through Z shall expire December 31 of the following odd numbered year.

The issuance of a two-year license or certificate in no way affects any annual county registration required by the Food and Agricultural Code. NOTE: Authority cited: Sections 11456, 11502, 12005 and 12111, Food and Agricultural Code. Reference: Section 11456, Food and Agricultural Code.

HISTORY

- 1. New Group 1 (Articles 1-6, Sections 6500-6566, not consecutive) filed 1-24-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 5). For history of Subchapter 3, see Register 83, No. 5).
- Change without regulatory effect amending NOTE filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).
- Amendment filed 11–3–2003 as an emergency; operative 1–1–2004 (Register 2003, No. 45). This action is a permanent emergency change for which no Certificate Compliance is needed pursuant to Food and Agricultural Code section 11502.5.
- 4. Editorial correction of HISTORY 3 (Register 2004, No. 37).

§ 6502. Applications.

- (a) An application for a new license or certificate shall be made on a form prescribed by the Director and shall be accompanied by the required application fee specified below in Table 1—License and Certificate Application Fees and Forms. The application fee shall allow an applicant a 12-month period to become licensed or certified.
- (b) Beginning with those licenses or certificates expiring December 31, 2003, an application to renew a license or certificate shall be made on a form prescribed by the Director and shall be accompanied by the required renewal fee specified below in Table 2—License and Certificate Renewal Fees and Forms. If the license or certificate is issued for more than one year pursuant to 6500, the applicant shall pay double the annual renewal fee.
- (1) If the renewal application is not postmarked by December 31 of the year the license or certificate expires, a penalty of 50 percent of the renewal fee shall be added to the original amount due.
- (c) Pursuant to this section, the prescribed forms, hereby incorporated by reference, are specified in Table 1 and Table 2 below.

Table 1—License and Certificate Application Fees and Forms

License or Certificate Type	New Application Fee	Form
Pest Control Business License Additional fee for each Pest Control Business Branch	\$160 \$ 80	Pest Control Business License Application PR-PML-042 (Rev. 9/04)
Pest Control Business License, Maintenance Gardener only	\$ 80	Maintenance Gardener Pest Control Business License Application PR-PML-004 (Rev. 9/04)
Pest Control Dealer License Additional fee for each Dealer Branch	\$160 \$ 80	Pest Control Dealer License Application PR-PML-041 (Rev. 9/04)
Pesticide Broker License Additional fee for each Broker Branch	\$0 \$0	Pesticide Broker License Application (PB) PR-PML-217 (Rev. 1/06)
Agricultural Pest Control Adviser License	\$ 80	Agricultural Pest Control Adviser Application PR-PML-084 (Rev. 9/04)
Pest Control Aircraft Pilot Certificate	\$ 60	Aircraft Pilot Pest Control Certificate Application PR-PML-005 (Rev. 9/04)
Pest Control Dealer Designated Agent License	\$ 25	Pest Control Dealer Designated Agent License Application PR-PML-043 (Rev. 9/04)
Qualified Applicator License	\$ 80	Qualified Applicator License Application PR-PML-001 (Rev. 4/07)
Qualified Applicator Certificate	\$ 40	Qualified Applicator Certificate Application PR-PML-001A (Rev. 4/07)

Table 2—License and Certificate Renewal Application Fees and Forms

License or Certificate Type	Annual Renewal Fee	Form
Pest Control Business License Additional fee for each Pest Control Business Branch	\$160 \$ 80	Pest Control Business Renewal Application PR-PML-192 (Rev. 9/04)
Pest Control Business License, Maintenance Gardener only	\$ 80	Maintenance Gardener Pest Control Business Renewal Application PR-PML-186 (Rev. 9/04)
Pest Control Dealer License Additional fee for each Dealer Branch	\$160 \$ 80	Pest Control Dealer License Renewal Application PR-PML-191 (Rev. 9/04)
Pesticide Broker License Additional fee for each Pesticide Broker Branch	\$0 \$0	Pesticide Broker License Renewal Application PR-PML-190 (Rev. 1/06)
Agricultural Pest Control Adviser License	\$ 70	Individual License/Certificate Renewal Application PR-PML-141 (Rev. 9/04)
Pest Control Aircraft Pilot Certificate	\$ 45	Individual License/Certificate Renewal Application PR-PML-141 (Rev. 9/04)
Pest Control Dealer Designated Agent License	\$ 25	Individual License/Certificate Renewal Application PR-PML-141 (Rev. 9/04)
Qualified Applicator License	\$ 60	Individual License/Certificate Renewal Application PR-PML-141 (Rev. 4/07)
Qualified Applicator Certificate	\$ 30	Individual License/Certificate Renewal Application PR-PML-141 (Rev. 4/07)

NOTE: Authority cited: Sections 11456, 11502, 11502.5, 12005 and 12111, Food and Agricultural Code. Reference: Sections 11502.5, 11702, 11703, 11704, 11707, 11903, 11904, 12021, 12103, 12104, 12105, 12201, 12202, 12252, 12401 and 12404, Food and Agricultural Code.

HISTORY

- Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).
- Amendment of section and Note filed 11-3-2003 as an emergency; operative 1-1-2004 (Register 2003, No. 45). This action is a permanent emergency change for which no Certificate Compliance is needed pursuant to Food and Agricultural Code section 11502.5.
- 3. Editorial correction of HISTORY 2 (Register 2004, No. 37).
- Change without regulatory effect amending Tables 1 and 2 within subsection (c) filed 9–9–2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No. 37).
- Change without regulatory effect amending Tables 1 and 2 within subsection (c) filed 2-7-2006 pursuant to section 100, title 1, California Code of Regulations (Register 2006, No. 6).

 Amendment of Tables 1 and 2 within subsection (c) filed 1–25–2008; operative 1–25–2008 pursuant to Government Code section 11343.4 (Register 2008, No. 4).

§ 6504. Examinations.

- (a) The director shall schedule examinations at such times and places as he deems reasonable. Each applicant shall appear at a time and place designated by the director for examination.
- (b) All applicants for a license or certificate will be required to pass an examination on the laws and regulations governing pesticide use and the safety precautions necessary to prevent injury.
- (c) A passing score of 70 percent or greater is required to qualify for any license or certificate issued pursuant to Division 6 of the Food and Agricultural Code; or for a qualified applicator certificate.
- (d) Applicants may request up to four examinations at each time and place.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12024 and 12111, Food and Agricultural Code. Reference: Sections 11702, 11905, 12024 and 12106, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 1–14–85 as an emergency; effective upon filing (Register 85, No. 4). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 5–14–85.
- 2. Certificate of Compliance transmitted to OAL 5-14-85 and filed 6-17-85 (Register 85, No. 25).
- 3. Change without regulatory effect amending NOTE filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6505. Examination Fees.

- (a) In addition to the application fee specified in section 6502(a), an agricultural pest control adviser, pest control aircraft pilot, pest control dealer designated agent, qualified applicator license or qualified certificate applicant shall pay, if applicable:
- (1) A \$50 fee for the Laws, Regulations, and Basic Principles examination; and
 - (2) A \$50 fee for each additional examination category requested.
- (b) A license or certificate holder seeking to add an additional category shall submit a \$50 fee for each examination category requested accompanied by the required application form specified in 6502.
- (c) A \$50 fee shall be submitted for each request to reschedule an examination due to the applicant's failure to obtain a passing score or failure to appear for a scheduled examination.

NOTE: Authority cited: Sections 11456 and 11502.5, Food and Agricultural Code. Reference: Section 11502.5, Food and Agricultural Code.

HISTORY

- New section filed 1-14-85 as an emergency; effective upon filing (Register 85, No. 4). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 5-14-85.
- 2. Certificate of Compliance transmitted to OAL 5-14-85 and filed 6-17-85 (Register 85, No. 25).
- 3. Change without regulatory effect amending NoTE filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).
- Repealer and new section filed 11-3-2003 as an emergency; operative 1-1-2004 (Register 2003, No. 45). This action is a permanent emergency change for which no Certificate Compliance is needed pursuant to Food and Agricultural Code section 11502.5.
- 5. Editorial correction of HISTORY 4 (Register 2004, No. 37).

§ 6506. Acceptance of Prior Examination.

NOTE: Authority cited: Sections 407, 11502, 12005 and 12111, Food and Agricultural Code. Reference: Sections 11702 and 12106, Food and Agricultural Code.

HISTORY

 Repealer filed 5-24-85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 22).

§ 6508. Notification of Change.

- (a) Every license or certificate holder shall immediately notify the Director of any change in, including but not limited to, name, business address, business organization, qualified person, bond, insurance, registered officers, or any other matter shown in the application.
- (b) Licenses and certificates are not transferable, and in case of a change of business organization or ownership, a new application and fee are required.
 - (c) A \$20 fee is required when:
- (1) a license or certificate holder requests a replacement or duplicate copy of a license or certificate; or
- (2) a license or certificate is reissued as a result of a name change made pursuant to (a).

NOTE: Authority cited: Sections 11456, 11502, 12005 and 12111, Food and Agricultural Code. Reference: Sections 11501, 11708 and 12110, Food and Agricultural Code.

HISTORY

- 1. Change without regulatory effect amending NOTE filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).
- Amendment filed 11–3–2003 as an emergency; operative 1–1–2004 (Register 2003, No. 45). This action is a permanent emergency change for which no Certificate Compliance is needed pursuant to Food and Agricultural Code section 11502
- 3. Editorial correction of HISTORY 2 (Register 2004, No. 37).

§ 6510. Renewals and New Applications.

A person who has not possessed a valid license or certificate within 12 months of the date of application or has a valid license or certificate and has not completed the continuing education requirements within each two—year license or certification period as specified in section 6511 shall not be allowed to renew his or her license or certificate and shall be required to submit an application for a new license or certificate and pass the examinations before being issued a license or certificate.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12024, 12111 and 14005, Food and Agricultural Code. Reference: Sections 11702, 11905, 12024, 12106 and 14006, Food and Agricultural Code.

HISTORY

- New section filed 5-24-85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 22).
- 2. Change without regulatory effect amending NoTE filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).
- 3. Change without regulatory effect amending section filed 4–18–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 16).

§ 6511. Continuing Education Requirements.

No license or certificate issued to a licensee or certificate holder specified in this section shall be renewed unless the holder has completed the required continuing education hours within each two—year license or certificate period. The education shall have been obtained in a course or program approved pursuant to section 6512.

- (a) Except as provided in (f) and (g), a pest control aircraft pilot shall complete a minimum of 20 hours of approved continuing education relating to pest management and pesticides, including not less than four hours pertaining to pesticide laws and regulations and four hours pertaining to aerial pest control equipment and application techniques.
- (b) Except as provided in (f) and (g), qualified applicator license and certificate holders shall complete a minimum of 20 hours of approved continuing education relating to pest management and pesticides, including not less than four hours pertaining to pesticide laws and regulations.
- (c) Except as provided in (f) and (g), qualified applicator license and certificate holders engaged in the business of maintenance gardening, pursuant to Food and Agricultural Code section 11704, shall complete a minimum of eight hours of approved continuing education relating to pest management and pesticides, including not less than two hours pertaining to pesticide laws and regulations.
- (d) Except as provided in (f) and (g), qualified applicators who only possess a license or certificate in the seed treatment pest control category shall complete a minimum of four hours of approved continuing education relating to pest management and pesticides, including not less than two hours pertaining to pesticide laws and regulations.
- (e) Except as provided in (f) and (g), an agricultural pest control adviser licensee shall complete a minimum of 40 hours of approved continuing education relating to pest management and pesticides, including not less than four hours pertaining to pesticide laws and regulations.
- (f) Each licensee or certificate holder listed in this section, whose initially issued license or certificate has been valid for less than 12 months at the time of its renewal is exempt from the continuing education requirements applicable to that license or certificate.
- (g) Each licensee or certificate holder listed in this section whose initially issued license or certificate has been valid for 12 to 20 months at the time of its renewal shall complete a minimum of one–half of the continuing education requirements applicable to that license or certificate. NOTE: Authority cited: Sections 11456 and 11502.5, Food and Agricultural Code. Reference: Section 11502.5, Food and Agricultural Code.

HISTORY

- 1. New section filed 6-4-90; operative 7-4-90 (Register 90, No. 29).
- Change without regulatory effect amending NOTE filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6512. Approval of Continuing Education Courses.

(a) A continuing education provider intending to sponsor a continuing education course or program shall be responsible for the following, including but not limited to, administering the continuing education course

or program, the agenda and course or program content, attendance verification, and administrative record keeping found in section 6513.

- (b) Requests for evaluation and approval of a course or program offering continuing education in pest management and pesticides shall be submitted by the continuing education provider to the Director at least 30 days before presentation of the education. The request for evaluation and approval shall be made on the Continuing Education Approval Request form (PR-PML-131, Rev. 09/03), hereby incorporated by reference, and shall be accompanied by a comprehensive written outline, description of the course or program, and a \$45 fee for each course.
- (c) For a course or program previously approved within the calendar year, the continuing education provider shall submit a request to modify the course or program, or add an additional presentation(s) on the Continuing Education Additional Presentation Request form (PR-PML-132 Est. 9/03), hereby incorporated by reference, at least 30 days before the requested presentation(s).
- (d) If the Director determines that the course or program outline and description are not comprehensive, the Director may request that a more detailed and comprehensive outline and description be submitted before making the determination as to whether the course or program meets the criteria specified in (e) below.
- (e) The Director may approve any course or program submitted for evaluation, which meets the following criteria:
- (1) The instruction shall relate only to pest management and pesticides (including but not limited to, laws and regulations, chemical formulations, labeling and label interpretation, application equipment, pests, identification of environmentally sensitive areas, endangered species, drift prevention, pesticide registration, integrated pest management, cultural practices, pesticide worker safety, surface and ground water protection, and biological control methods).
- (2) The instructional course or program shall be at least one hour total in length.
- (f) The approval of a course or program pursuant to this section shall be valid for the calendar year in which the course or program would be presented.

NOTE: Authority cited: Sections 11456 and 11502.5, Food and Agricultural Code. Reference: Section 11502.5, Food and Agricultural Code.

HISTORY

- 1. New section filed 6-4-90; operative 7-4-90 (Register 90, No. 29).
- Change without regulatory effect amending Note filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).
- Amendment of section and Note filed 11–3–2003 as an emergency; operative 1–1–2004 (Register 2003, No. 45). This action is a permanent emergency change for which no Certificate Compliance is needed pursuant to Food and Agricultural Code section 11502.5.
- 4. Editorial correction of HISTORY 3 (Register 2004, No. 37).

§ 6513. Records of Continuing Education.

- (a) The instructor or sponsoring organization shall maintain a record of licensees and certificate holders who have successfully completed continuing education for three years from the completion date of the course or program.
- (b) Each licensee and certificate holder specified in section 6511 shall maintain a record for three years of all continuing education approval pursuant to section 6512 which he acquired during each license or certificate period.
 - (c) The records specified in (a) and (b) shall include:
 - (1) the license or certificate holder's name;
 - (2) license or certificate number;
 - (3) the title and location of the instruction;
 - (4) name of instructor or sponsoring organization, hours credited, and
- (5) the identification code number assigned by the director or regional accreditation committee to the course or program.
- (d) Certificates of course or program completion or written statements containing all the information specified in (c), issued by the instructor or sponsoring organization shall be sufficient to constitute the records specified in (a) and (b).

(e) The records specified in (a) and (b) shall be submitted to the director upon written request.

NOTE: Authority cited: Sections 11456 and 11502.5, Food and Agricultural Code. Reference: Sections 11502.5 and 12980.1(c), Food and Agricultural Code.

HISTORY

- 1. New section filed 6-4-90; operative 7-4-90 (Register 90, No. 29).
- Change without regulatory effect amending Note filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6514. Regional Accreditation Committees.

NOTE: Authority cited: Sections 407 and 11502.5, Food and Agricultural Code. Reference: Sections 11502.5 and 12986, Food and Agricultural Code.

HISTORY

- 1. New section filed 6-4-90; operative 7-4-90 (Register 90, No. 29).
- 2. Repealer filed 8-1-96; operative 8-31-96 (Register 96, No. 31).

Article 2. Agricultural Pest Control Operator Licenses

§ 6520. Authorized Agent Qualifications.

NOTE: Authority cited: Sections 407 and 11502, Food and Agricultural Code. Reference: Sections 11702 and 11703, Food and Agricultural Code.

HISTORY

- Repealer filed 1–14–85 as an emergency; effective upon filing (Register 85, No.

 A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 5–14–85.
- 2. Certificate of Compliance transmitted to OAL 5-14-85 and filed 6-17-85 (Register 85, No. 25).

§ 6522. Categories.

The categories for supervision of pest control by a qualified person pursuant to Section 11708 of the Food and Agricultural Code shall be those listed in Section 6530. Persons holding an unrevoked license or licenses pursuant to this section in 1984 will be issued a corresponding license or licenses for the categories specified in Section 6530 upon application before December 31, 1985.

NOTE: Authority cited: Sections 11456 and 11702, Food and Agricultural Code. Reference: Sections 11702 and 11705, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 5–24–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 22).
- Change without regulatory effect amending NOTE filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6524. Financial Responsibility of Applicants for an Agricultural Pest Control Business License.

- (a) Each applicant shall demonstrate financial responsibility in connection with the obtaining and maintenance of an agricultural pest control business license pursuant to Article 1 of Chapter 4 (beginning with Section 11701) of Division 6 of the Food and Agricultural Code as follows:
- (1) File with the Director an original certificate of insurance (Form number 38–052, dated 3/88, entitled "Certificate of Insurance") certifying insurance coverage for the operations involved for an annual period in an amount not less than that specified in an in accordance with the provisions of (c). The certificate shall be provided by the Director and issued by the insurer. Within 10 days of expiration of the insurance policy(s) identified by the certificate, applicants who have been licensed by the Director, shall file a new certificate [identifying the current policy(s)] with the Director. For insurance covering aircraft, the certificate shall specify the N number(s) of the aircraft covered by the insurance for chemical liability; or,
- (2) Deposit with the Director a certificate of deposit issued (by a licensed financial institution doing business in California) and maintained under the following conditions:
- (A) The principal amount of the certificate of deposit at time of issuance is not less than that specified in and in accordance with the provisions of (c);
- (B) The Director is given express authority to withdraw any part or all of the funds required to satisfy a final judgment of a California or Federal

Page 409

court based upon violation of the provisions of Food and Agricultural Code Division 6, and Division 7 pertaining to pesticides, and regulations issued pursuant to those provisions;

- (C) The Director is given express authority to withdraw any part or all of the funds and deposit the funds in court in an interpleader action in any circumstance where it appears to the Director that there may be multiple judgments involving violation of the laws and regulations specified in (B) and such funds may be called upon to satisfy such judgments; and
- (D) If any part of the funds are withdrawn as provided in (B) and (C), an additional certificate of deposit shall be filed with the Director so that the remaining funds, if any, of the initial certificate of deposit and the principal amount of the additional certificate of deposit equal the principal amount of the initial certificate of deposit at the time of its issuance; or
- (3) Deposit with and on a form provided by the Director a surety bond (Form number 38–053, dated 3/88, entitled "Agricultural Pest Control Business Licensees Bond") issued by a bonding company doing business in California in an amount not less than that specified in and in accordance with the provisions of (c).
- (b) Applicants electing to show financial responsibility by a certificate of deposit as specified in (a)(2) shall assign the certificate to the Director and shall maintain the certificate and not be entitled to withdraw the funds for two years after termination of the license or until all claims filed against the licensee are satisfied, whichever occurs later.
- (c) Applicants may show financial responsibility by liability insurance which covers chemical bodily injury and chemical property damage or by a certificate of deposit or a surety bond to cover chemical bodily injury and chemical property damage in the amounts specified below:

Type of Pest Control Operations	Bodily Injury Per Person	Liability Insurance Bodily Injury Per Occurrence	Property	Certificate of Deposit or Surety Bond
Agricultural pest con- trol business license applicants who make applications by ground rigs or who make fumigations	\$100,0	00/300,000/50,000)	\$75,000
Agricultural pest con- trol business license applicants who make applications by air- craft	000 pe ty dan one—ha damag numbe craft, y	noo/300,000/100, raircraft; propermage aggregate: alf the property e limit times the er of insured airwhere more than ceraft is insured.		\$50,000 per aircraft but not to ex- ceed \$300,000 per business license
Applicants for an agreultural pest contribusiness license in the maintenance garden category; in lieu of insuance, a certificate of diposit, or surety bon these applicants may provided a statement the Director under penaty of perjury that as chemical bodily injuand chemical proper damage resulting frought their pest control oper tions they are financial able to respond in darages using their own personners.	ol he er ur- le- dd, ay to to to ry ty om a- elly	0/10,000/5,000		\$5,000

(d) Applicants whose business involves applications by aircraft and who elect to show financial responsibility by a certificate of deposit or

sonal assets

- a surety bond shall file with and on a form provided by the Director (Form number 38–054, dated 3/88, entitled "List of Aircraft") a list of the applicant's aircraft including their N numbers and their usages.
- (e) Aircraft which is covered by liability insurance only for nonchemical bodily injury and nonchemical property damage shall not be operated for pesticide application purposes, unless the pest control business using the aircraft has deposited with the Director, as specified in (a)(2) and (a)(3), a certificate of deposit or a surety bond for that aircraft in the amount specified in (c).
- (f) Applicants who make applications by aircraft and ground rigs shall meet the financial responsibility requirements of this section for both the aircraft and ground rig types of pest control operations.

NOTE: Authority cited: Sections 11456, 11502 and 11702, Food and Agricultural Code. Reference: Sections 11501 and 11702, Food and Agricultural Code.

HISTORY

- 1. New section filed 9-19-88; operative 9-19-88 (Register 88, No. 39).
- Change without regulatory effect amending NoTE filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

Article 3. Qualified Applicators

§ 6530. Categories and Examinations.

Applicants may qualify by examination to work in one or more of the following categories:

- (a) Residential, Industrial and Institutional Pest Control
- (b) Landscape Maintenance Pest Control
- (c) Right of Way Pest Control
- (d) Agricultural Pest Control (plant)
- (e) Forest Pest Control
- (f) Aquatic Pest Control
- (g) Regulatory Pest Control
- (h) Seed Treatment
- (i) Agricultural Pest Control (animal)
- (j) Demonstration and Research
- (k) Health Related Pest Control

NOTE: Authority cited: Sections 11456, 12976, 14005 an 14102, Food and Agricultural Code. Reference: Sections 11501, 14001 and 14102, Food and Agricultural Code.

HISTORY

- 1. Renumbering and amendment of former Section 2467 to Section 6530 filed 4-30-85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 18).
- 2. Change without regulatory effect amending NOTE filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6532. Expiration.

NOTE: Authority cited: Sections 407, 11702, 12976 and 14005, Food and Agricultural Code. Reference: Sections 11501, 11702 and 14001, Food and Agricultural Code.

HISTORY

- 1. New section filed 5–24–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 22).
- 2. Repealer filed 8-1-96; operative 8-31-96 (Register 96, No. 31).

§ 6534. Refusal, Revocation, and Suspension.

A qualified applicator certificate or license may be refused, revoked, or suspended by the director for any of the following:

- (a) Failure to adequately supervise the use of a restricted material;
- (b) Failure to comply with any applicable provision of Divisions 6 or 7 of the Food and Agricultural Code, or regulations adopted pursuant to such provisions;
 - (c) Making any false or fraudulent record or report.

NOTE: Authority cited: Sections 11456, 12976, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 14001 and 14102, Food and Agricultural Code.

HISTORY

- 1. Renumbering and amendment of former Section 2468 to Section 6534 filed 4-30-85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 18).
- Change without regulatory effect amending Note filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

Page 410

§ 6536. Field Fumigation Licensing Requirements.

- (a) A person who performs or supervises field fumigation applications pursuant to section 6445.5 must hold a qualified applicator license or certificate in the subcategory of field fumigation pest control.
- (b) Notwithstanding section 6530, examination requirements and fees required pursuant to section 6502 may be waived and a person may be issued a qualified applicator license or certificate in the field fumigation pest control (subcategory O) within 12 months from the effective date of this section, if the applicant meets the following criteria:
- (1) Possesses a valid qualified applicator license or certificate in Agricultural Pest Control (category D), Regulatory Pest Control (category G), or Demonstration and Research (category J);
- (2) Has at least 24 months of technical experience conducting field fumigation activities for a pest control business licensed by the Director from January 1, 2006 to December 31, 2008; and
- (3) Has a statement signed by the pest control business under which the applicant is operating verifying this technical experience.

NOTE: Authority cited: Sections 11456, 11502 and 14005, Food and Agricultural Code. Reference: Sections 11501, 14001 and 14151, Food and Agricultural Code.

HISTORY

1. New section filed 1–25–2008; operative 1–25–2008 pursuant to Government Code section 11343.4 (Register 2008, No. 4).

Article 4. Pest Control Aircraft Pilot's Certificate

§ 6540. Apprentice Pilot Supervision.

The journeyman pilot responsible for supervision of an apprentice pilot shall be aware of the conditions at the application site and be available to direct and control the manner in which applications are made by the apprentice. The availability of the journeyman shall be directly related to the actual or potential hazard of the situation.

NOTE: Authority cited: Section 11456, Food and Agricultural Code. Reference: Sections 11908 and 11909, Food and Agricultural Code.

HISTORY

 Change without regulatory effect amending Note filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6542. Registration.

- (a) Each pest control aircraft pilot who registers as an apprentice pilot in any county shall include on the registration form the name of the journeyman pilot responsible for providing supervision of the pest control activities of such apprentice. The journeyman pilot named on the apprentice pilot's county registration must be currently registered with that county.
- (b) The apprentice pilot shall immediately notify the commissioner and amend the registration in the event the journeyman pilot named on the apprentice's registration is no longer able to provide such apprentice with supervision.

NOTE: Authority cited: Sections 11456 and 11502, Food and Agricultural Code. Reference: Sections 11921 and 11924, Food and Agricultural Code.

HISTORY

 Change without regulatory effect amending NOTE filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6544. Pesticide Handling by Pilots.

Pilots who operate pest control aircraft shall not transfer, mix or load liquid category one or two pesticides containing organophosphates or carbamates unless a closed system is used.

NOTE: Authority cited: Sections 11456, 11502, 12976 and 12981, Food and Agricultural Code. Reference: Sections 11502 and 12981, Food and Agricultural Code.

HISTORY

 Change without regulatory effect amending Note filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

Article 5. Agricultural Pest Control Adviser Licenses

§ 6550. Minimum Qualifications.

- (a) A person who has never held an agricultural pest control adviser license shall meet one of the following minimum qualifications:
- (1) Graduated from college with a bachelor's degree in agricultural sciences, biological sciences, natural sciences, or pest management which includes completing the baccalaureate and/or post-baccalaureate curricula specified in (b); or
- (2) Graduated from an accredited doctoral degree program in agricultural sciences, biological sciences, natural sciences, or pest management; or
- (3) Completed the required curricula specified in (b) and 24 months of technical experience working:
 - (A) for a licensed agricultural pest control adviser;
- (B) for a pest management specialist including, but not limited to, a farm adviser, certified commercial applicator, certified private applicator, or licensed pest control dealer;
 - (C) as a field sweeper, field checker or scout:
- (D) as a participant in field or laboratory research activities relating to pest control;
- (E) as a participant in agricultural pest control/management activities for a federal, state, or county entity;
- (F) as a qualified applicator licensee pursuant to Division 6, Chapter 8, commencing with Food and Agricultural Code section 12201, employed by a licensed pest control business except that no more than 12 months experience solely in the categories specified in subsections 6530(b) and (k) shall be used;
- (G) as a licensed structural pest control operator or field representative for a registered structural pest control company except that no more than 12 months experience shall be used
- (H) as a farm operator involved in agricultural pest control/management activities; or
- (I) as an assistant to, or work as, a certified crop adviser accredited by the American Society of Agronomy.
- (b) To satisfy the requirements of the college-level curricula specified in (a)(1) and (3), 42 semester or 63 quarter units in the following corecourse categories shall be completed with a 2.0 grade-point average or better:
- (1) Physical and Biological Sciences 12 semester or 18 quarter units in this category which includes introduction to inorganic chemistry, organic chemistry, biochemistry, plant biology or botany, general ecology, biology, genetics, plant physiology, and zoology.
- (2) Crop Health 9 semester or 13.5 quarter units in this category which includes courses in soils and irrigation, as well as introductory courses in vegetative management or weed science; plant pathology; entomology; plant nutrition or fertility; nematology; and vertebrate management. A current crop adviser certificate accredited by the American Society of Agronomy can count towards 3 semester or 4.5 quarter units.
- (A) For course titles such as Senior Project, Internship, Cooperative Work Experience, Independent Study, Dissertation, and Thesis, only a total of 3 semester or 4.5 quarter units will be allowed. The applicant shall include a course or project description, and a justification for the course category and principal area of study within the category to be accepted for credit.
- (3) Pest Management Systems and Methods 6 semester or 9 quarter units in this category, with at least one course emphasizing integrated pest management principles. This category includes applied courses in entomology; plant pathology; vegetation management or weed science; and other pest management disciplines, in addition to biological control and courses related to pesticides, pest control equipment systems, and the use of pesticides. Courses on alternative cropping systems, and sustainable or organic agricultural systems are acceptable.

- (A) One year of full-time related work experience listed in section 6550(a)(3)(A-I) may be used to fulfill part of this requirement, provided the work experience is not counted towards the 24 months of technical experience specified in (a)(3) or towards credit for production systems work experience in subsection (b)(4)(A). If approved by the Director, 3 semester or 4.5 quarter units will be granted. Documentation of job duties, employment records, a statement from an employer, or other proof of pest management systems and methods work experience shall be submitted to the Director.
- (B) For course titles such as Senior Project, Internship, Cooperative Work Experience, Independent Study, Dissertation, and Thesis, only a total of 3 semester or 4.5 quarter units will be allowed. The applicant shall include a course or project description, and a justification for the course category and principal area of study within the category to be accepted for credit.
- (4) Production Systems 6 semester or 9 quarter units in this category which includes horticulture; viticulture; forestry; agronomy; and crop, vegetable, fruit, or animal sciences; or other production systems.
- (A) One year of full-time related work experience listed in section 6550(a)(3)(H) may be used to fulfill part of this requirement provided the work experience is not counted towards the 24 months of technical experience specified in (a)(3) or towards credit for pest management systems and methods work experience in subsection (b)(3)(A). If approved by the Director, 3 semester or 4.5 quarter units will be granted. Documentation of job duties, employment records, a statement from an employer, or other proof of production systems work experience shall be submitted to the Director.
- (B) For course titles such Senior Project, Internship, Cooperative Work Experience, Independent Study, Dissertation, Thesis, and Enterprise Project, only a total of 3 semester or 4.5 quarter units will be allowed. The applicant shall include a course or project description, and a justification for the course category and principal area of study within the category to be accepted for credit.
- (5) Electives An additional 9 semester or 13.5 quarter units in any of the categories in (b)(2–4) above.
- (c) The applicant shall submit to the Director the completed Agricultural Pest Control Adviser Core Course and/or Work Experience Requirements for New License Applicants form (PR-PML-085, Rev. 11/07), hereby incorporated by reference, an official transcript verifying the courses completed, and if applicable, documentation for course titles required in subsections (b)(2)(A), (b)(3)(B), or (b)(4)(B), and the degrees granted to the applicant. In addition, an applicant qualifying pursuant to (a)(3) shall submit employment records, a statement from an employer, or other proof of technical experience to the Director.

NOTE: Authority cited: Sections 11456, 12005 and 12024, Food and Agricultural Code. Reference: Section 12024, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 9–3–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).
- 2. Amendment of section and NOTE filed 4-26-99; operative 5-26-99 (Register 99, No. 18).
- 3. Repealer of subsection (d) filed 1–20–2000; operative 2–19–2000 (Register 2000, No. 3).
- Change without regulatory effect amending section filed 12–5–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 49).
- Amendment filed 4–23–2008; operative 4–23–2008 pursuant to Government Code section 11343.4 (Register 2008, No. 17).

§ 6551. Licensing for Public Agencies.

Except as specifically exempted in section 12001 of the Food and Agricultural Code, any person employed by any federal, state, county, or local public agency who provides to that federal, state, county, or local public agency recommendations on any agricultural use must possess a valid agricultural pest control adviser license issued by the Director. NOTE: Authority cited: Sections 11456 and 12005, Food and Agricultural Code. Reference: Sections 11501 and 12001, Food and Agricultural Code.

HISTORY

1. New section filed 10-7-2005; operative 11-6-2005 (Register 2005, No. 40).

§ 6552. Continued Education Requirements.

NOTE: Authority cited: Sections 407, 12005 and 12024, Food and Agricultural Code. Reference: Sections 11501 and 12024, Food and Agricultural Code.

HISTORY

- 1. Amendment of subsections (b)–(d) filed 9–3–85; effective upon filing pursuant to Government Code section 11346.2 (d) (Register 85, No. 36).
- 2. Repealer filed 6-4-90; operative 7-4-90 (Register 90, No. 29).

§ 6554. Regional Accreditation Committee.

NOTE: Authority cited: Sections 407, 12005 and 12024, Food and Agricultural Code. Reference: Sections 11501 and 12024, Food and Agricultural Code.

HISTORY

1. Repealer filed 6-4-90; operative 7-4-90 (Register 90, No. 29).

§ 6556. Recommendations.

In addition to the requirements of Section 12003 of the Food and Agricultural Code, each recommendation shall include:

- (a) Total acreage or units to be treated;
- (b) Concentration and volume per acre or other units;
- (c) Worker re-entry interval, if one has been established; preharvest or preslaughter interval; and label restrictions on use or disposition of the treated commodity, by-products or treated area;
- (d) Criteria used for determining the need for the recommended treatment: and
- (e) Certification that alternatives and mitigation measures that would substantially lessen any significant adverse impact on the environment have been considered and, if feasible, adopted.

In addition, the recommendation shall designate the pest by accepted common name.

NOTE: Authority cited: Sections 11456, 12003 and 12005, Food and Agricultural Code. Reference: Section 12003, Food and Agricultural Code.

HISTORY

1. Change without regulatory effect amending Note filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6557. Advisories for Groundwater Protection.

NOTE: Authority cited: Sections 11456, 12976, 13145. 14005, 14006 and 14102, Food and Agricultural Code. Reference: Sections 11501, 13145 and 14006, Food and Agricultural Code.

HISTORY

- 1. New section filed 4–10–90; operative 4–10–90 pursuant to Government Code section 11346.2 (d) (Register 90, No. 16).
- Change without regulatory effect amending NOTE filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).
- 3. Repealer filed 4-27-2004; operative 5-27-2004 (Register 2004, No. 18).

Article 6. Pest Control Dealer Licenses

§ 6560. Supervision.

- (a) Each licensed pesticide dealer shall have and maintain at the principal office and at each branch location a designated agent to actively supervise all operations conducted by the location.
- (b) The designated agent shall be a person who has passed the laws and regulations examination; or who holds a valid agricultural pest control adviser license, pest control aircraft pilot certificate, or is a qualified applicator licensee.

NOTE: Authority cited: Sections 11456 and 12111, Food and Agricultural Code. Reference: Sections 11501 and 12103, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 1–14–85 as an emergency; effective upon filing (Register 85, No. 4). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 5–14–85.
- 2. Certificate of Compliance transmitted to OAL 5-14-85 and filed 6-17-85 (Register 85, No. 25).
- 3. Amendment of article 6 heading filed 10–20–2000; operative 11–19–2000 (Register 2000, No. 42).
- Change without regulatory effect amending Note filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

Page 412

§ 6562. Dealer Records and Sales Reporting.

- (a) Each licensed pesticide dealer shall prepare and maintain records of all pesticides sold or delivered, except for pesticides labeled only for home use. These records shall include the following:
 - (1) The purchaser's name and address;
 - (2) The product purchased, and the amount;
 - (3) The date of purchase;
- (4) The operator identification number(s) specified in Section 6622 on the invoice, or a statement on the invoice indicating that the purchaser was not required to obtain an operator identification number pursuant to Section 6622:
- (5) A copy of an agricultural pest control adviser's written recommendation, or the following statement (or a substantially similar statement) on the invoice or delivery slip supplied to the customer:

No recommendation has been made by, or provided to, the seller concerning the use of the pesticide covered by this invoice; and

- (6) The location where the pesticide was delivered, including the name of the person who, or business which, received the shipment, if the dealer delivered the pesticide.
- (b) The records shall be maintained at the sales office. These records shall be produced for inspection, by purchaser name, upon request by the director or agricultural commissioner.

NOTE: Authority cited: Sections 11456, 12111, 12976 and 13145, Food and Agricultural Code. Reference: Sections 11501, 12110 and 13145, Food and Agricultural Code

HISTORY

- 1. Amendment filed 5–24–85; effective upon filing pursuant to Government Code section 11346.2(d) (Register 85, No. 22).
- 2. Amendment filed 12-22-89; operative 1-1-90 (Register 90, No. 1).
- 3. Amendment of section heading, subsections (a), (a)(2), (a)(4), (b), NOTE and new subsection (c) filed 4–3–92; operative 5–4–92 (Register 92, No. 18).
- 4. Repealer of subsection (c) filed 9–5–95; operative 10–5–95 (Register 95, No. 36)
- Change without regulatory effect amending Note filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6564. Appropriate Products.

All persons engaged in business as licensed pesticide dealers shall:

- (a) Sell or deliver a pesticide for which a recommendation has been provided to him or written by any person employed by him only when the pesticide labeling corresponds to the recommendation; and
- (b) Not knowingly sell or deliver a pesticide for a use not shown in the labeling, or when any condition of use shown in the labeling cannot be complied with.

NOTE: Authority cited: Sections 11456 and 12111, Food and Agricultural Code. Reference: Sections 12971 and 12973, Food and Agricultural Code.

[The next page is 413.]

HISTORY

 Change without regulatory effect amending NOTE filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6566. Supplemental Labeling.

When a recommended pesticide usage is included only in registered supplemental labeling, both the written recommendation, if any, and such registered supplemental labeling shall be delivered by the dealer to the applicator in sufficient time to allow him to prepare properly for the application.

NOTE: Authority cited: Sections 11456 and 12111, Food and Agricultural Code. Reference: Sections 11501 and 12973, Food and Agricultural Code.

HISTORY

 Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6568. Dealer Responsibilities.

- (a) Each licensed pest control dealer that sells a restricted material which requires a permit for its use or possession shall, before sale or delivery, obtain a copy of the permit.
- (b) A restricted material specified in Section 6400(a) (federally restricted use) or in Section 6400(d) (potential to pollute ground water) that does not require a permit for possession or use shall be sold or delivered only to a certified applicator. The dealer shall, before sale or delivery, obtain from the purchaser a copy of his or her qualified applicator license or certificate, private applicator certificate, or a signed statement in substantially the following form:

I am a ce	ertified applicator authorized b	y the scope of my
		license/certification
	(license/certificate type)	
No	to use the restricted ma	nterial(s) I am purchasing. My
certificat	e/license is valid until	
		(Date)
	operator of the property that l	am employed by
	(Certified Applicator)	(Date)

- (c) Prior to the sale or delivery of pesticides listed in section 6622 to the operator of the property (or the operator's authorized representative) the dealer shall obtain from the purchaser a copy of the restricted materials permit showing all operator identification numbers, if the purchaser has such a permit; or a copy of the form issued to an operator of the property pursuant to section 6622.
- (d) The dealer shall send a list of the operator identification numbers with corresponding names of persons purchasing pesticides during the quarter, within 10 days following the end of each quarter of the calendar year, to each of the commissioners who issued the numbers. The dealer is not required to send the list to the commissioner of the county in which the dealer is located.
- (e) The dealer shall retain for two years a copy of each form specified in section 6622, permit, or signed statement that pesticide purchaser provided to the dealer.

NOTE: Authority cited: Sections 11456 and 14005, Food and Agricultural Code. Reference: Sections 11501, 14006, 14010 and 14035, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former section 2461 to section 6568 filed 8–13–85 (Register 85, No. 33).
- Amendment filed 1–4–89; operative 1–4–89 pursuant to Government Code section 11346.2(d) (Register 89, No. 5).
- 3. Amendment filed 12-22-89; operative 1-1-90 (Register 90, No. 1).
- 4. Editorial correction of printing errors in form (Register 91, No. 33).
- 5. Change without regulatory effect amending subsection (b) and NoTE filed 8–27–96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 35).
- Amendment of section and Note filed 10–20–2000; operative 11–19–2000 (Register 2000, No. 42).

§ 6570. Groundwater Protection Material Requirements.

NOTE: Authority cited: Sections 11456, 12976 and 13145, Food and Agricultural Code. Reference: Sections 11501 and 13145, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–4–89; operative 1–4–89 pursuant to Government Code section 11346.2(d) (Register 89, No. 5).
- 2. Amendment of subsection (a) and Note and repealer of subsection (a)(2) filed 12–12–91; operative 1–13–92 (Register 92, No. 13).
- 3. Change without regulatory effect amending Note filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).
- 4. Repealer filed 4–27–2004; operative 5–27–2004 (Register 2004, No. 18).

§ 6572. Sales Reporting.

NOTE: Authority cited: Sections 407, 12976 and 13145, Food and Agricultural Code. Reference: Section 13145, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–4–89; operative 1–4–89 pursuant to Government Code section 11346.2(d) (Register 89, No. 5).
- 2. Repealer filed 4-3-92; operative 5-4-92 (Register 92, No. 18).

§ 6574. Antifouling Paints or Coatings Containing Tributyltin—Dealer Requirements.

- (a) Antifouling paints or coatings containing tributyltin shall be sold only for the following purposes:
 - (1) For application to aluminum vessel hulls;
 - (2) For application to vessel hulls 82 feet or more in length; or
 - (3) For application to outboard motors or lower drive units.
- (b) Prior to sale, the dealer shall secure a copy of the vessel registration to verify the use requirements of (a) (1) or (2). If no vessel registration exists or the paint or coating will be applied to an outboard motor or lower drive unit, the dealer shall secure a sworn statement to verify the use requirements of (a) (1), (2), or (3). The sworn statement shall be made in substantially the following form:
- I, (name of purchaser), declare under penalty of perjury that the antifouling paint or coating containing tributyltin that I am purchasing shall be applied only to an aluminum vessel hull, to a vessel hull 82 feet or more in length, or to an outboard motor or lower drive unit. The serial number of the vessel is (number).

(Signature of Purchaser)	(Date)

- (c) The dealer shall prepare and maintain the following records for all sales of antifouling paints that contain tributyltin:
 - (1) Name and address of vessel owner;
- (2) Name and certificate or license number of the certified commercial applicator and location of vessel where application is to be made;
 - (3) Date of sale;
 - (4) Quantity sold; and
- (5) A copy of the vessel registration or sworn statement verifying the vessel length, vessel hull composition requirements, or intended use on an outboard motor or lower drive unit and registration number. If no registration number exists, the vessel serial number shall be included.
- (d) The dealer shall maintain the records specified in (c) in a separate log of sales for two years; and the records shall be readily accessible to the director and the commissioner upon request.

NOTE: Authority cited: Sections 12111 and 14005, Food and Agricultural Code. Reference: Sections 11501 and 14006, Food and Agricultural Code.

HISTORY

- 1. New section filed 12–31–87 as an emergency; operative 1–1–88 (Register 88, No. 3) A certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 5–2–88.
- Certificate of Compliance including amendment and new subsection (b) transmitted to OAL 4-5-88 and filed 5-4-88 (Register 88, No. 19).
- 3. Amendment of subsections (a)–(a)(3), (b), (c) and (c)(5) and amendment of NOTE filed 1–5–93; operative 1–5–93 (Register 93, No. 2).

§ 6576. Sales Limitation of Clopyralid.

Prior to sale of a pesticide containing the active ingredient clopyralid for which use restrictions have been established in section 6950, the licensed pest control dealer shall obtain and retain for two years a signed statement from a licensed or certified qualified applicator in substantially the following form:

I, <u>(print name of purchaser)</u> , certify that my employees or I will not apply any product containing clopyralid to a residential lawn, and will only apply clopyralid to sites where I can assure the collected grass clippings will remain on the property.
Name of Product:EPA Reg. No.:
Under penalty of perjury, the foregoing statement is true and my em-

Under penalty of perjury, the foregoing statement is true and my employees or I will not apply any pesticide containing the active ingredient clopyralid for lawn and turf uses as defined in Food and Agricultural Code section 13190(e) except in accordance with the listed applicator responsibility requirements.

Signature of Qualified Applicator License or Certificate No.

Category Expiration Date Date of Purchase

NOTE: Authority cited: Sections 11456, 12111, 12781, 12976 and 14102, Food and Agricultural Code. Reference: Sections 12824, 13191 and 13192, Food and Agricultural Code.

HISTORY

1. New section filed 12-28-2005; operative 1-27-2006 (Register 2005, No. 52).

Article 7. Private Applicators

§ 6580. Certificate Issuance.

- (a) An application for a new private applicator certificate shall be made on the Private Applicator Certificate Application form PR-PML-045 (Rev. 12/04), hereby incorporated by reference, and submitted to the county agricultural commissioner. No application fee is required.
- (b) All private applicator certificate applicants shall be required to take and pass the private applicator examination before being issued a new certificate.
- (c) Notwithstanding section 6500, the commissioner, or Director in a county where there is no county agricultural commissioner, shall issue a private applicator certificate for a period of up to three years in accordance with Food and Agricultural Code section 14095.

NOTE: Authority cited: Sections 11456 and 11502, Food and Agricultural Code. Reference: Sections 14091, 14092 and 14095, Food and Agricultural Code.

HISTORY

1. New article 7 (sections 6580–6584) and section filed 5–23–2006; operative 6–22–2006 (Register 2006, No. 21).

§ 6582. Certificate Renewal.

- (a) A certified private applicator who elects to renew his/her certificate shall:
- (1) Submit a Private Applicator Certificate Application form PR-PML-045 (Rev. 12/04), hereby incorporated by reference, to the county agricultural commissioner no sooner than 120 days prior to, and no later than 90 days after, the expiration date; and
- (2) Complete continuing education requirements as specified in section 6584 during the time the certificate is valid, or retake and pass the private applicator certificate examination.
- (b) A certified private applicator who has not renewed his/her private applicator certificate within the timeframe specified in (a)(1) shall be required to take and pass the private applicator examination before being issued a certificate.

NOTE: Authority cited: Sections 11456 and 11502, Food and Agricultural Code. Reference: Sections 14093 and 14096, Food and Agricultural Code.

HISTORY

1. New section filed 5-23-2006; operative 6-22-2006 (Register 2006, No. 21).

§ 6584. Continuing Education Requirements.

(a) Private applicator certificate holders who elect to renew their certification by obtaining continuing education shall have completed the following hours pertaining to the topic areas as described in section 6512(e)(1):

- (1) Each private applicator whose certificate has been valid for less than 12 months at the time of renewal is exempt from continuing education requirements applicable to the certificate.
- (2) Each private applicator whose certificate has been valid for 12 months to 24 months at the time of renewal shall have completed a minimum of four hours, including a minimum of two hours on pesticide laws and regulations.
- (3) Each private applicator whose certificate has been valid for more than 24 months and up to 36 months at the time of renewal shall have completed a minimum of six hours, including a minimum of two hours in pesticide laws and regulations.
- (b) The continuing education shall have been obtained in a course or program approved pursuant to section 6512.

NOTE: Authority cited: Sections 11456, 11502 and 11502.5, Food and Agricultural Code. Reference: Section 14096, Food and Agricultural Code.

HISTORY

1. New section filed 5-23-2006; operative 6-22-2006 (Register 2006, No. 21).

Subchapter 2. Work Requirements

Article 1. Pest Control Operations Generally

§ 6600. General Standards of Care.

Each person performing pest control shall:

- (a) Use only pest control equipment which is in good repair and safe to operate.
 - (b) Perform all pest control in a careful and effective manner.
- (c) Use only methods and equipment suitable to insure proper application of pesticides.
- (d) Perform all pest control under climatic conditions suitable to insure proper application of pesticides.
- (e) Exercise reasonable precautions to avoid contamination of the environment.

NOTE: Authority cited: Sections 11456, 12976 and 12981, Food and Agricultural Code. Reference: Section 11501, Food and Agricultural Code.

HISTORY

- 1. New Subchapter 3 (Group 2, Articles 1–3, Sections 6600–6656, not consecutive) filed 1–3–83; effective thirtieth day thereafter (Register 83, No. 2).
- 2. Change without regulatory effect amending NOTE filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6601. General Application of Standards.

- (a) Whenever pesticide product labeling requires the use of personal protective equipment or specifies other restrictions or procedures be followed, the application of that labeling requirement to an owner or operator of the property to be treated, their families, and others, shall be consistent with any applicable standards for employees in Subchapter 3, commencing with Section 6700.
- (b) It is not the intent of these regulations to require separate or duplicate equipment or facilities. Equipment and facilities provided for compliance with the requirements of other agencies may also be used for complying with these regulations provided the equipment and facilities meet the requirements of these regulations.

NOTE: Authority cited: Sections 12976 and 12981, Food and Agricultural Code. Reference: Sections 11501, 12973 and 12980, Food and Agricultural Code.

HISTORY

1. New section filed 12–31–96; operative 1–1–97 pursuant to Government Code section 11343.4(d) (Register 97, No. 1).

§ 6602. Availability of Labeling.

A copy of the registered labeling that allows the manner in which the pesticide is being used shall be available at each use site.

NOTE: Authority cited: Sections 11456 and 12976, Food and Agricultural Code. Reference: Section 11501 and 12973, Food and Agricultural Code.

HISTORY

 Change without regulatory effect amending NoTE filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

Page 414

§ 6604. Accurate Measurement.

Concentrate pesticides shall be weighed or measured accurately using devices which are calibrated to the smallest unit in which the pesticide is being weighed or measured.

NOTE: Authority cited: Sections 11456 and 12976, Food and Agricultural Code. Reference: Section 11501, Food and Agricultural Code.

HISTORY

 Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6606. Uniform Mixture.

A uniform mixture shall be maintained in both application and service rigs.

NOTE: Authority cited: Sections 11456 and 12976, Food and Agricultural Code. Reference: Section 11501, Food and Agricultural Code.

HISTORY

 Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6608. Equipment Cleaning.

Pest control equipment shall be thoroughly cleaned when necessary to prevent illness or damage to persons, plants or animals from residues of pesticides previously used in the equipment.

NOTE: Authority cited: Sections 11456, 12976 and 12981, Food and Agricultural Code. Reference: Section 11501, Food and Agricultural Code.

HISTORY

 Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6609. Wellhead Protection.

- (a) Except as provided in subsection (b), the following activities shall be prohibited within 100 feet of a well (including domestic, municipal, agricultural, dry or drainage, monitoring, or abandoned wells):
 - (1) mixing, loading, and storage of pesticides.
 - (2) rinsing of spray equipment or pesticide containers.
- (3) maintenance of spray equipment that could result in spillage of pesticide residues on the soil.
 - (4) application of preemergent herbicides.
 - (b) Wells shall not be subject to the requirements in (a) if they are:
- (1) sited so that runoff water from irrigation or rainfall does not move from the perimeter of the wellhead toward the wellhead and contact or collect around any part of the wellhead including the concrete pad or foundation; or
- (2) protected by a berm constructed of any material sufficient to prevent movement of surface runoff water from the perimeter of the wellhead to the wellhead.
- (c) Application of preemergent herbicides shall be prohibited between the berm and the wellhead.

NOTE: Authority cited: Sections 11456, 12976 and 14102, Food and Agricultural Code. Reference: Sections 11501 and 14102, Food and Agricultural Code.

HISTORY

1. New section filed 4-27-2004; operative 5-27-2004 (Register 2004, No. 18).

§ 6610. Backflow Prevention.

Each service rig and piece of application equipment that handles pesticides and draws water from an outside source shall be equipped with an air–gap separation, reduced pressure principle backflow prevention device or double check valve assembly. Backflow protection must be acceptable to both the water purveyor and the local health department.

NOTE: Authority cited: Sections 11456 and 12976, Food and Agricultural Code. Reference: Section 11501, Food and Agricultural Code.

HISTORY

1. Change without regulatory effect amending Note filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6612. Age.

No person shall permit a minor under 18 years of age to mix or load a pesticide which, in any use situation, use of any of the following is required by labeling or regulation:

- (a) air supplied respiratory protection;
- (b) closed systems; or

(c) full body chemical resistant protective clothing.

NOTE: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

- 1. Renumbering and amendment of former Section 6722 to Section 6612 filed 9–26–88; operative 10–26–88 (Register 88, No. 41). For prior history, see Registers 86, No. 34 and 86, No. 31.
- 2. Change without regulatory effect amending NOTE filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6614. Protection of Persons, Animals, and Property.

- (a) An applicator prior to and while applying a pesticide shall evaluate the equipment to be used, meteorological conditions, the property to be treated and surrounding properties to determine the likelihood of harm or damage.
- (b) Notwithstanding that substantial drift will be prevented, no pesticide application shall be made or continued when:
- (1) There is a reasonable possibility of contamination of the bodies or clothing of persons not involved in the application process;
- (2) There is a reasonable possibility of damage to nontarget crops, animals or other public or private property; or
- (3) There is a reasonable possibility of contamination of nontarget public or private property, including the creation of a health hazard, preventing normal use of such property. In determining a health hazard, the amount and toxicity of the pesticide, the type and uses of the property and related factors shall be considered.

NOTE: Authority cited: Sections 12976 and 12981, Food and Agricultural Code. Reference: Sections 11501 and 11791, Food and Agricultural Code.

HISTORY

Change without regulatory effect adding new subsection designators (a)–(b), renumbering, and amendment of new subsection (b)(1) and NoTE filed 6–22–95 pursuant to section 100, title 1, California Code of Regulations (Register 95, No. 25)

§ 6616. Consent to Apply.

No person shall directly discharge a pesticide onto a property without the consent of the owner or operator of the property.

NOTE: Authority cited: Sections 11456 and 12976, Food and Agricultural Code. Reference: Section 11501, Food and Agricultural Code.

HISTORY

1. Change without regulatory effect amending NoTE filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6618. Notice of Applications.

- (a) Each person performing pest control shall give notice to the operator of the property to be treated before any pesticide is applied.
- (1) The notice shall be in a manner the person can understand and include:
 - (A) The date of the scheduled application;
- (B) The identity of the pesticide to be applied by brand or common chemical name; and
- (C) Precautions to be observed as printed on the pesticide product labeling or included in applicable laws or regulations.
- (2) If the scheduled application is for the commercial or research production of an agricultural plant commodity the notice shall also include:
 - (A) The time of the scheduled application;
 - (B) The location and description of the area to be treated;
 - (C) The applicable restricted entry interval;
- (D) The product name, EPA registration number, and active ingredient; and
- (E) If the pesticide product labeling requires the posting of treated fields.
- (b) The operator of property for the commercial or research production of an agricultural plant commodity shall assure that notice is given to persons, as specified below, except for the persons who applied or supervised the application for which the notice is intended. For the purposes of this subsection, persons includes employees of the operator of the property and any contractor hired by the operator of the property who may walk within 1/4 mile of the treated field.
 - (1) The notice shall be given:

Page 415

- (A) Prior to the application, to persons who are in the field or likely to enter the field during the application; and
- (B) Before the scheduled entry, to persons who may enter the field during the restricted entry interval.
- (2) The notice shall be given to any licensed pest control business or licensed labor contractor hired by the operator of the property that may have employees on or within 1/4 mile of the field during the application or the restricted entry interval. The pest control business or labor contractor receiving notice shall give notice to his or her employees. In lieu of giving notice to the licensed pest control business or the licensed labor contractor, the operator of the property may give notice directly to the employees of a labor contractor or pest control business to meet the requirements of this subsection (b).
- (3) The notice shall be in a manner the person can understand and include:
 - (A) The location and description of the treated area;
 - (B) The time during which entry is restricted; and
- (C) Instructions not to enter the treated field, except as provided in section 6770, until the restricted entry interval has expired.
- (4) The notice specified in this subsection (b) is not required when a field is posted as specified in section 6776 unless the pesticide product labeling requires both oral notification to fieldworkers and the posting of treated fields.
- (c) The operator of property for purposes other than the commercial or research production of an agricultural plant commodity, shall assure that notice is given to all persons who are on the treated property, or likely to enter during the application or the period of time that any restrictions on entry are in effect, except for the persons who made or supervised the application for which the notice is intended.
- (1) The notice shall be in a manner the person can understand and include:
 - (A) the date of the application;
- (B) The identity of the pesticide by brand or common chemical name; and
- (C) Precautions to be observed as printed on the pesticide product labeling or included in applicable laws or regulations.
- (2) Compliance by licensed Structural Pest Control Operators with the notice requirements of section 8538 of the Business and Professions Code meets the requirements of this section.
- (3) Compliance by public agencies with the notice or barrier requirements of section 12978 of the Food and Agricultural Code meets the notice requirements of this section.

NOTE: Authority cited: Sections 12976 and 12981, Food and Agricultural Code. Reference: Sections 11501, 12980 and 12981, Food and Agricultural Code; and Section 8538, Business and Professions Code.

HISTORY

- 1. Amendment filed 12-6-91; operative 1-1-92 (Register 92, No. 13).
- 2. Repealer and new section filed 12–31–96; operative 1–1–97 pursuant to Government Code section 11343.4(d) (Register 97, No. 1).

§ 6619. Pesticide Application Completion Notice.

- (a) In addition to the notice required pursuant to Section 6618, an agricultural pest control business applying pesticides for the production of an agricultural commodity shall give notice to the operator of the property treated (or the operator's designated employee), within 24 hours of completion of the pesticide application. The operator's designated employee must, at minimum, have the authority and ability to reschedule or stop activities involving field workers performing cultural practices (e.g., irrigating, thinning, tree–limb propping, weeding, harvesting). This notice shall include the following information:
- (1) The location of the property, including the site identification number, and acreage treated;
 - (2) The pesticide(s) applied;
 - (3) The date and hour the application was completed; and
- (4) The applicable reentry and pre-harvest intervals, unless a copy of a written recommendation made by a licensed agricultural pest control

- adviser, properly completed, was given to the operator of the property treated.
- (b) If the operator of the property (or the operator's designated employee) will not be available to receive the notice within the 24-hour period, the operator shall identify in writing, the method by which the agricultural pest control business may provide notification. The method may be, but is not limited to, any of the following:
- (1) Post or leave the notice in a designated location on the operator's property;
 - (2) Record the notification on a phone recorder; or
 - (3) Send the notice over a facsimile machine.
- (c) The operator of the property treated shall maintain a record of the application completion notice(s) he or she receives by site, and a copy of the written notification method provided to each agricultural pest control business, if one is required.
- (d) The agricultural pest control business shall retain a copy of the written notification method received from the operator of the property, if the business received one. The business shall also maintain a written record which documents the following:
 - (1) The name of the operator of the property treated;
- (2) The location of the property, including the site identification number:
 - (3) The date and time the notice was given; and
- (4) The method of notification, including the name of the person notified, if a person was notified.
- (e) The records and written notification method required pursuant to this section shall be retained for two years and made promptly available to the director or commissioner upon request.

NOTE: Authority cited: Sections 11456, 12976 and 12981, Food and Agricultural Code. Reference: Sections 11501 and 12981, Food and Agricultural Code.

HISTORY

- 1. New section filed 12–22–89; operative 1–1–90 (Register 90, No. 1).
- Change without regulatory effect amending Note filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6620. Vector Control Exemption.

- (a) Sections 6616 (Consent to Apply) and 6618 (Notice) shall not apply to a public agency or its contractor operating under a cooperative agreement with the Department of Health Services pursuant to Section 2426 of the Health and Safety
- (b) Section 6614(b)(1) (Protection of Persons, Animals and Property) shall not apply to persons or agencies specified in this section when the pesticide used is registered for use in residential areas for purposes of vector control and is used in accordance with that registered labeling.
- (c) These exemptions are not intended to affect liability for damage as a result of an application made pursuant to this section.

NOTE: Authority cited: Sections 11456, 12976 and 12981, Food and Agricultural Code. Reference: Sections 11501 ad 12981, Food and Agricultural Code.

HISTORY

- 1. Amendment of subsection (b) filed 5–24–85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 22).
- Change without regulatory effect amending NOTE filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).
- Change without regulatory effect amending subsection (b) filed 3-19-2008 pursuant to section 100, title 1, California Code of Regulations (Register 2008, No. 12).

§ 6622. Operator Identification Numbers.

- (a) A person performing pest control for hire is exempt from the requirements of this section.
- (b) This subsection applies to the production of an agricultural commodity. Prior to the purchase and use of pesticide(s) for the production of an agricultural commodity, the operator of the property (or the operator's authorized representative) shall obtain an operator identification number from the commissioner of each county where pest control work will be performed. The operator shall provide each pest control business applying pesticides to such property with his or her operator identification number.
- (c) This subsection applies to the pesticides listed below, when they are not used for the production of an agricultural commodity (e.g., uses

on cemeteries, golf courses, parks, right-of-way, post-harvest agricultural commodities, and certain nonagricultural sites). Prior to the purchase and use of pesticides listed below, each operator of the property (or the operator's authorized representative), shall obtain an operator identification number from the commissioner of each county in which the operator intends to perform pest control. The operator of the property is not required to obtain an operator identification number when a person performing pest control for hire purchases and applies these pesticides.

- (1) Any pesticide for agricultural use, as defined in Food and Agricultural Code section 11408, excluding those for use only on livestock, as defined in Food and Agricultural Code section 18663;
 - (2) Any pesticide listed in section 6400;
- (3) Any pesticide for industrial use as a post–harvest commodity treatment; and
- (4) Any pesticide listed in section 6800(b) for any outdoor institutional or outdoor industrial use.
 - (d) This subsection applies to both subsection (b) and (c).
- (1) Each operator of the property to be treated who is required to obtain a number shall provide the commissioner with a list of the counties in which pest control will be performed and all valid operator identification number(s) issued by other commissioners. The number(s) provided by the operator of the property shall be recorded by the commissioner on the operator's restricted materials permit or on a form approved by the director.
- (2) The operator of the property to be treated shall be issued an operator identification number from the commissioner of each county in which the operator intends to perform pest control. The number shall be recorded on a restricted materials permit, if the operator of the property has such a permit, or issued on a form approved by the director, and shall be valid for a specified period not to exceed 36 months.
- (3) The requirements of this section do not exempt an operator of the property to be treated from obtaining a restricted materials permit(s) or a qualified applicator certificate.

NOTE: Authority cited: Sections 12976, 13145 and 14005, Food and Agricultural Code. Reference: Sections 11501, 14006 and 14011.5, Food and Agricultural Code.

HISTORY

- 1. New section filed 12-22-89; operative 1-1-90 (Register 90, No. 1).
- Change without regulatory effect amending subsection (c)(2) and NoTE filed 8-27-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 35).
- 3. Editorial correction of subsection (c) (Register 2002, No. 22).
- Amendment of subsection (d)(2) and amendment of Note filed 12-3-2002; operative 1-2-2003 (Register 2002, No. 49).

§ 6623. Site Identification Numbers.

- (a) Prior to the use of pesticide(s) for the production of an agricultural commodity, the operator of the property shall obtain site identification number(s) from the commissioner for each site where pest control work will be performed. The site identification number(s) shall be valid for the same, concurrent, period of time as the operator identification number.
- (b) The site identification number(s) shall be recorded by the commissioner on a restricted materials permit, if the operator of the property has such a permit, or on a form approved by the director. The information on the permit or form shall include:
 - (1) The name and address of the operator of the property;
 - (2) The operator identification number;
- (3) The location, description, or map of the site(s) where the pest control will be performed;
- (4) A site identification number for each site where the pest control will be performed; and
 - (5) The date of issuance of the site identification number(s).
- (c) The operator of the property shall retain a copy of each restricted material permit or form for two years and make them promptly available to the director or commissioner upon request.

NOTE: Authority cited: Sections 11456, 12976, 13145 and 14005, Food and Agricultural Code. Reference: Sections 12981, 14006 and 14011.5, Food and Agricultural Code.

HISTORY

- 1. New section filed 12-22-89; operative 1-1-90 (Register 90, No. 1).
- 2. Change without regulatory effect amending NoTE filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6624. Pesticide Use Records.

- (a) The following persons shall maintain records of pesticide use:
- (1) Any person who uses a pesticide for an agricultural use as defined in Food and Agricultural Code section 11408, other than use on livestock as defined in Food and Agricultural Code section 18663;
 - (2) Any person who uses a pesticide listed in section 6400;
 - (3) Any person engaged for hire in the business of pest control;
- (4) Any person who uses a pesticide for industrial post–harvest commodity treatment; and
- (5) Any person who uses a pesticide listed in section 6800(b) for any outdoor institution or outdoor industrial use.
- (b) The records shall include the following information for each pest control operation:
 - (1) Date of application;
 - (2) Name of the operator of the property treated;
 - (3) Location of property treated;
 - (4) Crop commodity, or site treated;
 - (5) Total acreage or units treated at the site; and
- (6) Pesticide, including the U.S. Environmental Protection Agency (U.S. EPA) or State registration number which is on the pesticide label, and amount used.
- (c) In addition to the information required in subsection (b), the operator of the property which is producing an agricultural commodity, and an agricultural pest control business applying pesticides to such property, shall include in the records the following information for each pest control operation:
- (1) Location of the property treated, by county, section, township, range, base and meridian;
 - (2) Hour the treatment was completed;
- (3) The operator identification number issued to the operator of the property treated;
- (4) The site identification number issued to the operator of the property treated:
 - (5) Total acreage (planted) or units at the site; and
- (6) Name or identity of the person(s) who made and supervised the application, if the pesticide application was made by an agricultural pest control business.
- (d) The operator of the property which is producing an agricultural commodity shall maintain records of pesticides applied by an agricultural pest control business to such property, by site.
- (e) In addition to the information required in (b), effective January 1, 2002, persons engaged for hire in the business of pest control at a school site [defined in Education Code section 17609(e)] shall include in the records the following information for each pest control operation:
 - (1) Time application was completed;
 - (2) Name and address of the school site; and
- (3) Application location at the school site. For purposes of this subsection, location includes, but is not limited to, classrooms, playgrounds, cafeteria, vehicles, and athletic fields.
- (f) In addition to the information required in subsections (b) and (c), persons who use methyl bromide, 1,3–Dichloropropene, chloropicrin, metam–sodium, N–methyl dithiocarbamate (metam–potassium), dazomet, or sodium tetrathiocarbonate field fumigants within the Sacramento Metro, San Joaquin Valley, South Coast, Southeast Desert, or Ventura ozone nonattainment areas shall include in the records a description of the method of application pursuant to sections 6447.3, 6448.1, 6449.1, 6450.1, 6450.2, 6451.1, or 6452.
- (g) The records required pursuant to this section shall be retained for two years and made promptly available to the director or commissioner upon request.

NOTE: Authority cited: Sections 12976, 13145, 13188 and 14005, Food and Agricultural Code. Reference: Sections 11501, 11708, 11733, 13186, 14006 and 14011.5, Food and Agricultural Code.

§ 6625

HISTORY

- 1. New section filed 12-22-89; operative 1-1-90 (Register 90, No. 1).
- Change without regulatory effect amending subsection (a)(2) and Note filed 8-27-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 35).
- Amendment of subsections (b)(6), (c) and (c)(4), new subsections (e)–(e)(3), subsection relettering and amendment of Note filed 10–11–2001; operative 11–10–2001 (Register 2001, No. 41).
- New subsection (f) and subsection relettering filed 1–25–2008; operative 1–25–2008 pursuant to Government Code section 11343.4 (Register 2008, No. 4).

§ 6625. Pesticide Use Report for School Sites.

- (a) In addition to the reporting requirements of section 6627, persons engaged for hire in the business of pest control at a school site and required to maintain pesticide use records pursuant to section 6624 shall report the use of pesticides to the Director. The report shall be submitted, at least annually, by the 30th day following the end of the calendar year.
- (b) The report shall be on a Department form, School Site Pesticide Use Reporting (PR–ENF–117 Rev. 1/07), hereby incorporated by reference, or in a format approved by the Director. The report shall include the following:
- (1) The name and address of the person who, or business/organization which, applied the pesticide(s);
 - (2) County where the pest control was performed;
 - (3) Date and time of pesticide use;
- (4) Name and address of school site or school site identification number:
 - (5) Location of application;
- (6) Pesticide, including the U.S. Environmental Protection Agency or State registration number which is on the pesticide label, and the amount used.

NOTE: Authority cited: Sections 11456, 11502, 12976, 13145, 13188 and 14005, Food and Agricultural Code. Reference: Sections 11501, 11708, 11733, 13186, 14006 and 14011.5, Food and Agricultural Code.

HISTORY

- 1. New section filed 10–11–2001; operative 11–10–2001 (Register 2001, No. 41).
- Change without regulatory effect amending subsections (a) and (b) filed 1-5-2007 pursuant to section 100, title 1. California Code of Regulations (Register 2007, No. 1).

§ 6626. Pesticide Use Reports for Production Agriculture.

- (a) The operator of the property which is producing an agricultural commodity shall report the use of pesticides applied to the crop, commodity, or site to the commissioner of the county in which the pest control was performed. This report shall be hand—delivered or mailed, by the 10th day of the month following the month in which the work was performed. This report is not required if the pesticide use is reported to the commissioner by an agricultural pest control business as specified in subsection (b), however, the operator of the property treated shall retain a copy of the business' report by site for two years.
- (b) An agricultural pest control business shall report the use of pesticides applied by it for the production of an agricultural commodity to the commissioner of the county in which the pest control was performed, by hand-delivery or by mail, within seven days of completion of the pesticide application. A copy of the report shall be sent by the business to the operator of the property where the pest control was done, within 30 days of completion of the pesticide application.
- (c) Except as provided in (d), each report of pesticide use pursuant to this section shall be on a Department form or in a format approved by the director. Acceptable Department forms include form 38–017 for an operator of the property to report pursuant to subsection (a), and 39–025 for an agricultural pest control business to report pursuant to subsection (b). The information to be reported shall include the information specified in section 6624 and the name and address of the agricultural pest control business which made the application, if such a business made the application.
- (d) A copy of the use report required by (a) or (b) for the application of a field soil fumigant in the Sacramento Metro, San Joaquin Valley, South Coast, Southeast Desert, and Ventura ozone nonattainment areas

- must be submitted to the Department with the field fumigation method as specified in section 6624(f) appended to the report. The report must be delivered to the Department according to the date specified in (a) or (b), whichever is applicable. This subsection shall remain in effect only until December 31, 2008.
- (e) Effective January 1, 2009, a use report required by (a) or (b) for the application of a field soil fumigants in the Sacramento Metro, San Joaquin Valley, South Coast. Southeast Desert, and Ventura ozone nonattainment areas shall include the information specified in 6624(f) in addition to that required by this section.
 - (f) If the report is mailed, the postmark shall be the date of delivery.
- (g) If the county in which work was performed has no commissioner, the report shall be made to the director.

NOTE: Authority cited: Sections 11456, 11502, 12976, 13145 and 14005, Food and Agricultural Code. Reference: Sections 11501, 11708, 11733, 12981, 14006 and 14011.5, Food and Agricultural Code.

HISTORY

- 1. New section filed 12–22–89; operative 1–1–90 (Register 90, No. 1).
- 2. Editorial correction of printing error in subsection (a) (Register 91, No. 33).
- 3. Change without regulatory effect amending NoTE filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).
- Amendment of subsection (c), new subsections (d) and (e) and subsection relettering filed 1–25–2008; operative 1–25–2008 pursuant to Government Code section 11343.4 (Register 2008, No. 4).

§ 6627. Monthly Summary Pesticide Use Reports.

- (a) Except as provided in Section 6626, persons required to maintain pesticide use records pursuant to Section 6624 shall report a summary of the monthly use of pesticides to the commissioner of the county in which the work was performed. The report shall be provided to the commissioner by the 10th day of the month following the month in which the work was performed. If the report is mailed, the postmark shall be the date of delivery.
- (b) The report shall be on a Department form as specified in Section 6627.1 or in a format approved by the director. The report shall include the following:
- (1) The name and address of the person who or business/organization which applied the pesticide(s);
 - (2) County where the pest control was performed;
 - (3) Month and year of pesticide use;
- (4) Crop, commodity or site treated, except when using a designated use code, as specified on the Monthly Summary Pesticide Use Report form:
- (5) Pesticide, including Environmental Protection Agency or State registration number which is on the pesticide label, and the amount used;
- (6) Number of applications made with each pesticide and the total number of applications made during the month; and
- (7) Total acres or units treated with each pesticide, except when using a designated use code, as specified on Summary Pesticide Use Report form
- (c) If the county in which the work was performed has no commissioner, the report shall be made to the director.

NOTE: Authority cited: Sections 11456, 11502, 12976, 13145 and 14005, Food and Agricultural Code. Reference: Sections 11501, 11708, 11733, 12981, 14006 and 14011.5, Food and Agricultural Code.

HISTORY

- 1. New section filed 12–22–89; operative 1–1–90 (Register 90, No. 1).
- Change without regulatory effect amending Note filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6627.1. Monthly Summary Pesticide Use Report Form.

HISTORY

- 1. New section filed 12-22-89; operative 1-1-90 (Register 90, No. 1).,
- 2. Repealer filed 8–1–96; operative 8–31–96 (Register 96, No. 31).

§ 6628. Negative Pesticide Use Reports.

(a) When during any month a licensed agricultural pest control business performs no pest control work in a county where the business is registered with the commissioner pursuant to Food and Agricultural Code Section 11732, it shall submit a report stating this fact to the commissioner, or to the director in any county where there is no commissioner, by the 10th day of the following month.

- (b) When during any month a licensed structural pest control operator performs no pest control work in a county in which he provided notice of business operation to the commissioner pursuant to Section 15204 of the Food and Agricultural Code, he shall submit a report stating this fact to the commissioner, or to the director in any county where there is no commissioner, by the 10th day of the following month.
- (c) If the report is mailed, the postmark shall be the date of delivery. NOTE: Authority cited: Sections 11456, 11502, 12976, 13145 and 14005, Food and Agricultural Code. Reference: Sections 11501, 11708, 11733, 12981, 14006 and 14011.5, Food and Agricultural Code.

- 1. New section filed 12–22–89; operative 1–1–90 (Register 90, No. 1).
- 2. Change without regulatory effect amending NOTE filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

Article 2. Pest Control Business **Operations**

§ 6630. Equipment Identification.

Each person engaged for hire in the business of pest control shall keep each ground rig, service rig, and similar equipment used for mixing or applying pesticides conspicuously and legibly marked with either the business' name, or with "Licensed Pest Control Operator," "Fumigation Division," "Licensed Fumigator" or substantially similar wording and the pest control operator license number of the person or firm. The markings shall be large enough to be readable at a distance of 25 feet.

NOTE: Authority cited: Sections 11456, 11502 and 12976, Food and Agricultural Code. Reference: Section 11501, Food and Agricultural Code.

HISTORY

1. Change without regulatory effect amending NOTE filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6632. Recommendation and Use Permit.

Each person engaged for hire in the business of pest control shall have available a copy of both the written recommendation and the use permit covering each agricultural use application of a pesticide that requires a permit.

NOTE: Authority cited: Sections 11456, 11502 and 12976, Food and Agricultural Code. Reference: Sections 11501, 12003 and 14007, Food and Agricultural Code. HISTORY

1. Change without regulatory effect amending NOTE filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6634. Accident Reports.

Each person engaged for hire in the business of pest control shall report to the commissioner as soon as practicable, by the most expedient method, any forced landing, or emergency or accidental release of pesticides. Such report shall include the location, the pesticide and estimated

NOTE: Authority cited: Sections 11456, 11502 and 12976, Food and Agricultural Code. Reference: Section 11501, Food and Agricultural Code.

HISTORY

1. Change without regulatory effect amending NOTE filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6636. Pest Control Records and Reports.

NOTE: Authority cited: Sections 407, 11502 and 12976, Food and Agricultural Code. Reference: Sections 11501, 11708 and 11733, Food and Agricultural Code. HISTORY

- 1. Amendment filed 5-24-85; effective upon filing pursuant to Government Code section 11346.2(d) (Register 85, No. 22).

 2. Repealer filed 12–22–89; operative 1–1–90 (Register 90, No. 1).
- 3. Editorial correction deleting text previously repealed (Register 91, No. 33).

Article 3. Protection of Bees

§ 6650. Pesticides Toxic to Bees.

(a) Pesticides toxic to bees are those that include the words "toxic to bees" on the labeling of the pesticide, regardless of modifying words on the label that state "highly" or "moderately."

- (b) Bees are considered to be inactive from one hour after sunset to two hours before sunrise or when the temperature is below 55 degrees Fahrenheit. The sunset and sunrise times will be those indicated in the local newspaper.
- (c) Residual toxicity (RT) time is that period of time after completing a pesticide application until there is minimal toxic effect to bees. The RT time is specified on product labeling and is based upon Residual Toxicity₂₅ (RT₂₅) studies. RT₂₅ studies determine 25 percent bee mortality based on the test bee population exposed to the formulated pesticide product applied to foliage.

NOTE: Authority cited: Section 29102, Food and Agricultural Code. Reference: Sections 29100 and 29102, Food and Agricultural Code.

HISTORY

- 1. Amendment of subsection (a) and NOTE filed 12-7-89; operative 1-6-90 (Register 89, No. 49).
- 2. Repealer and new section filed 12-26-2001; operative 1-25-2002 (Register 2001, No. 52).

§ 6651. Vector Control Exemption.

Pesticides diluted in one half gallon of water or more per acre applied by local vector control agencies or their contractors pursuant to a cooperative agreement with the Department of Health Services are exempt from the requirements of this article.

NOTE: Authority cited: Section 29102, Food and Agricultural Code. Reference: Sections 29100 and 29102, Food and Agricultural Code.

HISTORY

1. Amendment of NOTE filed 12-7-89; operative 1-6-90 (Register 89, No. 49).

§ 6652. Availability for Notification.

- (a) Each beekeeper who desires advance notice of applications of pesticides shall inform the commissioner of a two-hour period between 6 a.m. and 8 p.m. each day, during which time the beekeeper shall be available for contact, at the beekeeper's expense, to receive advance notice from persons intending to apply pesticide(s). This request for notification shall expire on December 31 of each year.
- (b) This section shall apply statewide. However, from March 15 through May 15 in a citrus/bee protection area, if there are conflicts between the provisions of this section and those of section 6656, section 6656 shall prevail.

NOTE: Authority cited: Sections 11456 and 29102, Food and Agricultural Code. Reference: Section 29102, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 5-24-85; effective upon filing pursuant to Government Code section 11346.2(d) (Register 85, No. 22).

 Amendment filed 12–7–89; operative 1–6–90 (Register 89, No. 49).

- Editorial correction of printing error in subsection (a) (Register 91, No. 33).
 Amendment of subsection (a) filed 9-27-91; operative 1-1-92 pursuant to Government Code section 11346.2(c) (Register 91, No. 52).
 Change without regulatory effect amending Note filed 6-20-2001 pursuant to contain 100 filed Colifornia Contains (April 2015) 100 files Colifornia Colifornia (April 2015) 100 files Colifornia (April 2015) 100 files (April 2015) 100 f
- section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6654. Notification to Beekeepers.

- (a) Each person intending to apply any pesticide toxic to bees to a blossoming plant shall, prior to the application, inquire of the commissioner, or of a notification service designated by the commissioner, whether any beekeeper with apiaries within one mile of the application site has requested notice of such application.
- (b) If the person performing pest control is advised of a request for notification, he or she shall notify the beekeeper, at least 48 hours in advance of the application, of the time and place the application is to be made, the crop and acreage to be treated, the method of application, the identity and dosage rate of the pesticide to be applied and how the person performing pest control may be contacted by the beekeeper. This time may be increased or decreased by the commissioner, or by a agreement of both the beekeeper and the person performing the pest control work.
- (c) This section shall apply statewide. However, from March 15 through May 15 in a citrus/bee protection area, if there are conflicts between the provisions of this section and those of section 6656, section 6656 shall prevail.

NOTE: Authority cited: Section 29102, Food and Agricultural Code. Reference: Section 29102, Food and Agricultural Code.

HISTORY

1. Amendment filed 4-18-85 as an emergency; effective upon filing (Register 85, No. 16).

- Order of Repeal of 4–18–85 emergency filed 4–18–85 by OAL pursuant to Government Code Section 11349.6 (Register 85, No. 16).
- Amendment of subsection (c) filed 4-29-85 as an emergency; effective upon filing (Register 85, No. 18). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 8-27-85.
 Certificate of Compliance including amendment transmitted to OAL 8-27-85

and filed 9-27-85 (Register 85, No. 39).

- Amendment of subsection (c) and new subsection (d) filed 3–29–89 as an emergency; operative 3–29–89 (Register 89, No. 13). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 7–27–89.
- Amendment filed 12–7–89; operative 1–6–90 (Register 89, No. 49)
- 7. Amendment of subsection (a) filed 12–26–2001; operative 1–25–2002 (Register 2001, No. 52).

§ 6655. Notification Region for Butte, Glenn and Tehama Counties.

- (a) The counties of Butte, Glenn and Tehama are established as a region for the notification of apiary owners of pesticide applications by pest control operators who are registered with the commissioners of any of these counties pursuant to Section 11732 of the Food and Agricultural Code and who are required to give notification to beekeepers pursuant to Section 6654.
- (b) The agricultural commissioner of Glenn County shall be the coordinator for the region.
- (c) Pest control operators specified in (a) shall pay an annual fee of \$75.00 to the coordinator. The fee shall be paid at the same time the operator registers with any of the commissioners in the region as specified in (a).
- (d) Beekeepers who have filed a request with any of the agricultural commissioners of the region for notification of pesticide usage pursuant to Section 29101 of the Food and Agricultural Code, shall pay an annual fee to the coordinator in accordance with the following schedule:

Beehives	Annual Fe
1 to 100	\$10.00
101 to 500	\$25.00
501 to 2,000	\$50.00
over 2.000	\$100.00

The fee shall be paid at the same time the beekeeper files a request for notification of pesticide applications with any of the commissioners of the region.

NOTE: Authority cited: Sections 11456, 29080, 29081 and 29082, Food and Agricultural Code. Reference: Sections 29080, 29081, 29082, and 29101, Food and Agricultural Code.

HISTORY

1. New section filed 7-20-89; operative 8-19-89 (Register 89, No. 31).

2. Change without regulatory effect amending NOTE filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6656. Citrus/Bee Protection Area.

- (a) The area within one mile of any citrus planting of one acre or more in Fresno, Kern or Tulare county is designated as a citrus/bee protection area.
- (b) The citrus bloom period, in any citrus grove, for purposes of declaring bloom and label interpretation, shall be from when 10 percent of the total citrus blossoms are open until 75 percent of the blossom petals on the north side of the trees have fallen.

The commissioner shall give public notice of the official beginning and ending dates of each citrus bloom period for each citrus growing district in the county, at least three days before establishing such dates.

- (c) Pesticide applications may be made 48 hours or more after the official end of citrus bloom without advance notification to beekeepers until March 15 of the following year pursuant to section 6654(c). Growers/pesticide applicators wishing to make pesticide applications prior to 48 hours after the official end of bloom shall follow the inquiry and notification procedures specified in subsections (a) and (b) of section 6654.
- (d) Each person who owns or operates any apiary within a citrus/bee protection area from March 15 through May 31, shall file a written notice of apiary location with the commissioner before March 15 and shall update such notice, including notice of departure from the citrus/bee protection area.
- (e) Within a citrus/bee protection area, each beekeeper who desires notification of applications of pesticides shall be available for telephone contact at the beekeeper's expense between 4:00 p.m. and 7:00 p.m., Monday through Saturday from March 15 through May 31, to receive advance notice from persons intending to apply pesticide(s).
- (f) Any person intending to apply a pesticide toxic to bees to citrus during a citrus bloom period, except as otherwise provided in this subsection, shall file a notice of intent with the commissioner as provided in section 6434(b) at least 48 hours prior to the intended application. This subsection shall not apply to pesticides listed in section 6656(g) applied when bees are inactive.
- (g) Notwithstanding section 6654(b), the following pesticide applications may be made within a citrus/bee protection area during the citrus bloom period when bees are inactive without notification to beekeepers:
 - (1) Methomyl (Lannate);
 - (2) formetanate (Carzol);
 - (3) Chlorpyrifos (Lorsban);

[The next page is 417.]

- (4) Any pesticide applied so that the RT period shown on the labeling will expire before the next period of bee activity.
- (h) Except for applications of pesticides listed in subsection (g), and applications of pesticides that are not toxic to bees, within a citrus/bee protection area during the citrus bloom period, an application delay of 48 hours or more requires that the person intending to apply the pesticide recontact beekeepers and inform them of the change in scheduling.
- (i) The following applications to citrus are prohibited within a citrus/bee protection area:
 - (1) Carbaryl (Sevin) from first bloom until complete petal fall.
- (2) Any pesticide toxic to bees, except those exempted in subsection (g) during a citrus bloom period, unless the need for control of lepidoptera larvae or citrus thrips (*Scirtothrips citri*) has been established by written recommendation of a representative of the University of California, Agricultural Extension Service, or a licensed agricultural pest control adviser. The recommendation shall state either that the citrus planting does not meet the citrus bloom period criteria, or why alternatives less hazardous to bees would not be effective.

For azinphosmethyl (Guthion), this requirement shall remain in effect until complete petal fall.

NOTE: Authority cited: Sections 11456 and 29102, Food and Agricultural Code. Reference: Sections 29100, 29101 and 29102, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 4–18–85 as an emergency; effective upon filing (Register 85, No. 16).
- Order of Repeal of 4–18–85 emergency filed 4–18–85 by OAL pursuant to Government Code section 11349.6 (Register 85, No. 16).
- 3. Amendment of subsection (b) filed 4–29–85 as an emergency; effective upon filing (Register 85, No. 18). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 8–27–85.
- Certificate of Compliance including amendment transmitted to OAL 8-27-85 and filed 9-27-85 (Register 85, No. 39).
- Amendment filed 3-29-89 as an emergency; operative 3-29-89 (Register 89, No. 13). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 7-27-89.
- 6. Amendment of subsection (b) filed 4-27-89 as an emergency; operative 4-27-89 (Register 89, No. 18). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 8-25-89.
- 7. Amendment filed 12–7–89; operative 1–6–90 (Register 89, No. 49). 8. Editorial correction of printing errors in subsections (b) and (c) (Register 91, No.
- 33).

 9. Change without regulatory effect amending NOTE filed 6–20–2001 pursuant to
- section 100, title 1, California Code of Regulations (Register 2001, No. 25). 10. Amendment of subsections (c), (f)–(h) and (i)(2) filed 12–26–2001; operative 1–25–2002 (Register 2001, No. 52).

Article 4. Storage, Transportation and Disposal

§ 6670. Container Control.

Pesticides, emptied containers or parts thereof, or equipment that holds or has held a pesticide, shall not be stored, handled, emptied, disposed of, or left unattended in such a manner or at any place where they may present a hazard to persons, animals (including bees), food, feed, crops or property. The commissioner may take possession of such unattended pesticides or emptied containers to abate such hazard.

NOTE: Authority cited: Sections 11456, 12976 and 12981, Food and Agricultural Code. Reference: Sections 11501, 12981 and 14102, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 3135 to Section 6670(a), and renumbering of former Section 3136(a) to Section 6670(b) filed 7–18–85; effective thirtieth day thereafter (Register 85, No. 29).
- 2. Amendment of section heading and repealer of subsection (a) and subsection (b) designator filed 8–1–96; operative 8–31–96 (Register 96, No. 31).
- 3. Change without regulatory effect amending NoTE filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6672. Delivery of Pesticide Containers.

(a) No person shall deliver a container which holds or has held a pesticide to a property unless he stores it in an enclosure or closure complying with the requirements of this section or delivers it to a person in charge of the property or his agent, or a pest control operator or his employee.

The person receiving the container shall control access to it in accordance with this section.

- (b) Each person who controls the use of any property or premises is responsible for all containers or equipment on the property which hold or have held a pesticide. Unless all such containers are under his personal control so as to avoid contact by unauthorized persons, he shall:
- (1) Provide a person responsible to him to maintain such control over the containers at all times, or
- (2) Store all such containers in a locked enclosure, or in the case of liquid pesticides in a container larger than 55 gallons capacity, the container shall have a locked closure. Either shall be adequate to prevent unauthorized persons from gaining access to any of the material.

NOTE: Authority cited: Sections 11456, 12976 and 12981, Food and Agricultural Code. Reference: Sections 11501, 12981 and 14102, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering and amendment of former Section 3137 to Section 6672(a), and renumbering of former Section 3136(b) to Section 6672(b) filed 7–18–85; effective thirtieth day thereafter (Register 85, No. 29).
- 2. Change without regulatory effect amending NOTE filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6674. Posting of Pesticide Storage Areas.

Signs visible from any direction of probable approach shall be posted around all storage areas where containers which hold or have held pesticides required to be labeled with the signal words "warning" or "danger" are stored. Each sign shall be of such size that it is readable at a distance of 25 feet and be substantially as follows:

DANGER POISON STORAGE AREA ALL UNAUTHORIZED PERSONS KEEP OUT KEEP DOOR LOCKED WHEN NOT IN USE

The notice shall be repeated in an appropriate language other than English when it may reasonably be anticipated that persons who do not understand the English language will come to the enclosure.

NOTE: Authority cited: Sections 11456, 12976 and 12981, Food and Agricultural Code. Reference: Sections 11501, 12981 and 14102, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering of former Section 3138 to Section 6674 filed 7–18–85; effective thirtieth day thereafter (Register 85, No. 29). For prior history of Section 3138, see Register 78, No. 49.
- Change without regulatory effect amending NoTE filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6676. Container Requirements.

Except as provided in the Food and Agricultural Code pertaining to service containers, any container which holds or has held any pesticide, when stored or transported, shall carry the registrant's label. All lids or closures shall be securely tightened except when the procedure described in Section 6684 has been followed. This section shall not apply to measuring devices that are not used to store or transport a pesticide.

NOTE: Authority cited: Sections 11456, 12976 and 12981, Food and Agricultural Code. Reference: Sections 11501, 12981 and 14102, Food and Agricultural Code.

- 1. Editorial renumbering and amendment of former Section 3140 to Section 6676 filed 7–18–85; effective thirtieth day thereafter (Register 85, No. 29).
- Change without regulatory effect amending NoTE filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6678. Service Container Labeling.

Service containers, other than those used by a person engaged in the business of farming when the containers are used on the property the person is farming, shall be labeled with:

- (a) the name and address of the person or firm responsible for the container:
 - (b) the identity of the pesticide in the container; and
- (c) the word "Danger," "Warning," or "Caution" in accordance with the label on the original container.

NOTE: Authority cited: Sections 11456, 11502, 12781 and 12859, Food and Agricultural Code. Reference: Sections 11501 and 12859, Food and Agricultural Code.

HISTORY

1. New section filed 5–25–90; operative 6–24–90 (Register 90, No. 28).

- 2. Change without regulatory effect amending subsection (b) and NOTE filed 3–27–97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).
- 3. Change without regulatory effect amending NOTE filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6680. Prohibited Containers for Pesticides.

In no case shall a pesticide be placed or kept in any container of a type commonly used for food, drink or household products.

NOTE: Authority cited: Sections 11456, 12976 and 12981, Food and Agricultural Code. Reference: Sections 11501, 12981 and 14102, Food and Agricultural Code. HISTORY

- 1. Editorial renumbering of former Section 3139 to Section 6680 filed 7-18-85;
- effective thirtieth day thereafter (Register 85, No. 29).

 2. Change without regulatory effect amending Note filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6682. Transportation.

- (a) Pesticides shall not be transported in the same compartment with persons, food or feed.
- (b) Pesticide containers shall be secured to vehicles during transportation in a manner that will prevent spillage onto the vehicle or off the vehicle. Paper, cardboard, and similar containers shall be covered when necessary to protect them from moisture.

NOTE: Authority cited: Sections 11456, 12976 and 12981, Food and Agricultural Code. Reference: Sections 11501, 12981 and 14102, Food and Agricultural Code.

- 1. Editorial renumbering of former section 3140.1 to section 6682 filed 7-18-85; effective thirtieth day thereafter (Register 85, No. 29).
- Editorial correction of printing error in subsection (a) (Register 91, No. 33).
- 3. Change without regulatory effect amending NOTE filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6684. Rinse and Drain Procedures.

- (a) Except for containers to be returned to the registrant, each emptied container which has held less than 28 gallons of a liquid pesticide that is diluted for use shall be rinsed and drained by the user at time of use as
- (b)(1) Use the following amount of water or other designated spray carrier for each rinse.

Amount of rinse medium Size of container Less than 5 gallons 1/4 container volume 5 gallons or over 1/5 container volume

- (2) Place required minimum amount of rinse medium in the container, replace closure securely, and agitate.
- (3) Drain rinse solution from container into tank mix. Allow container to drain 30 seconds after normal emptying.
- (4) Repeat (2) and (3) above a minimum of two times so as to provide a total of three rinses; or
- (c)(1) Invert the emptied container over a nozzle located in the opening of the mix tank which is capable of rinsing all inner surfaces of the con-
- (2) Activate the rinse nozzle allowing the rinse solution to drain into the tank. The rinse shall continue until the rinse solution appears clear and a minimum of one-half of the container volume of rinse medium has been used. A minimum of 15 pounds pressure per square inch shall be used for rinsing; or
- (d) Other rinse methods, at least equal in effectiveness to the above, approved by the director.

NOTE: Authority cited: Sections 11456, 12976 and 12981, Food and Agricultural Code. Reference: Sections 11501, 12981 and 14102, Food and Agricultural Code. HISTORY

- 1. Editorial renumbering of former Section 3141 to Section 6684 filed 7–18–85;
- effective thirtieth day thereafter (Register 85, No. 29).

 2. Designation and amendment of subsection (a) and subsection relettering filed -31-95; operative 6-30-95 (Register 95, No. 22)
- 3. Change without regulatory effect amending NOTE filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6686. Exemptions.

(a) Sections 6672, 6674, 6682, and 6684 shall not apply to containers which hold or have held pesticides packaged, labeled, and used for home use when in the possession of a householder on his property.

- (b) Sections 6670 and 6672(b) shall not apply to exempt materials specified in section 6402 except where the commissioner, or the director in any county where there is no commissioner, determines that a hazard to public health and safety exists requiring the control specified in sections 6670 and 6672(b).
- (c) Section 6684 shall not apply to outer shipping containers that are not contaminated with a pesticide.
- (d) This article shall not apply to sanitizers, disinfectants, or medical

NOTE: Authority cited: Sections 12976 and 12981, Food and Agricultural Code. Reference: Sections 11501, 12981 and 14102, Food and Agricultural Code.

HISTORY

- 1. Editorial renumbering and amendment of former Section 3141 to Section 6684 filed 7–18–85; effective thirtieth day thereafter (Register 85, No. 29)
- 2. New subsection (e) filed 3–9–95; operative 4–10–95 (Register 95, No. 10). Change without regulatory effect amending section filed 2–28–97 pursuant to
- section 100, title 1, California Code of Regulations (Register 97, No. 9).
- 4. Change without regulatory effect amending subsections (a)–(c) filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

Subchapter 3. Pesticide Worker Safety

Article 1. General Scope and Purpose

§ 6700. Scope.

This group specifies work practices for:

- (a) employees who mix, load, apply, store, transport, or otherwise handle pesticides for any use, except for manufacturing, formulating or repackaging of pesticides; and
- (b) for employees who are exposed to residues of pesticides after application to fields.

The requirements of this group do not allow a lower standard of protection when pesticide labeling statements require a higher standard of pro-

The requirements of this group do not apply to storage and transportation of pesticides in the manufacturer's sealed or closed container. In general, the work practices and safety requirements stated in this group are designed to reduce risk of exposure and to ensure availability of medical services for employees who handle pesticides, and to provide safe working conditions for field and other workers.

NOTE: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

- $1.\,Renumbering\, and\, amendment\, of\, former\, Chapter\, 4, Subchapter\, 1, Group\, 2\, (Sec-large energy of the control of the con$ tions 2475, 2477–2487) to Chapter 6, Subchapter 3, Group 3 (Sections 6700–6778, not consecutive) filed 10–25–85; effective thirtieth day thereafter (Register 85, No. 43). For prior history of Sections 2475, 2477-2487, see Registers 83, No. 41; 79, No. 29; and 79, No. 1.
- Amendment filed 9–26–88; operative 10–26–88 (Register 88, No. 41).
- 3. Amendment filed 8–13–90; operative 8–13–90 (Register 90, No. 41).
 4. Editorial correction restoring inadvertently omitted HISTORIES 1 and 2 (Register
- 5. Change without regulatory effect amending NOTE filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6701. Interpretation Consistent with Federal Standards.

Whenever the context will allow, the requirements of this subchapter should be interpreted at least as strict as, and consistent, with the Worker Protection Standards in Title 40 Code of Federal Regulations, Part 170. It is intended that these regulations, rather than those in Title 40 Code of Federal Regulations, Part 170, be enforced by the Department of Pesticide Regulation and county agricultural commissioners within the State of California. Any references to Part 170, Code of Federal Regulations on pesticide product labeling shall be considered a reference to Title 3, Division 6, California Code of Regulations when use occurs within California.

NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 11501, 12973, 12980 and 12981, Food and Agricultural Code.

1. New section filed 12-31-96; operative 1-1-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 1).

§ 6702. Employer-Employee Responsibilities.

- (a) The employer shall comply with each regulation in this subchapter which is applicable to the employer's action or conduct.
 - (b) The employer:
- (1) is responsible for knowing about applicable safe use requirements specified in regulations and on the pesticide product labeling:
- (2) shall inform the employee, in a language the employee understands, of the specific pesticide being used, pesticide safety hazards, the personal protective equipment and other equipment to be used, work procedures to be followed, and pesticide safety regulations applicable to all activities they may perform;
- (3) shall supervise employees to assure that safe work practices, including all applicable regulations and pesticide product labeling requirements, are complied with;
- (4) has the duty to provide a safe work place for employees and require employees to follow safe work practices; and
- (5) shall take all reasonable measures to assure that employees handle and use pesticides in accordance with the requirements of law, regulations, and pesticide product labeling requirements.
- (c) Employees shall utilize the personal protective equipment and other safety equipment required by pesticide product labeling or specified in this subchapter that has been provided by the employer at the work site in a condition that will provide the safety or protection intended by the equipment.

NOTE: Authority cited: Sections 12976 and 12981, Food and Agricultural Code. Reference: Sections 12973, 12980 and 12981, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 8-1-86; effective thirtieth day thereafter (Register 86, No. 31).
- 2. Amendment of section and Note filed 12–31–96; operative 1–1–97 pursuant to Government Code section 11343.4(d) (Register 97, No. 1).
- 3. Change without regulatory effect amending Note filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6704. Application of Labor Code.

In order to insure that rights granted to California employees by Chapter 1 of Division 5 of the California Labor Code are adequately provided to agricultural employees, including employee rights (1) to file confidential complaints alleging unsafe work conditions, (2) to have complaints promptly investigated, (3) to talk to inspectors or compliance officers, and to point out hazards during the inspection process, (4) to be notified of any relevant job hazard, and (5) to not be subject to any retaliation or discrimination because such employee has filed any complaint regarding an unsafe work condition, the director, commissioners, and the Department of Industrial Relations shall cooperate in fully implementing any master agreements entered into between these parties which are designed to insure enforcement of employees' rights as well as any inspection protocols adopted pursuant to such master agreements.

NOTE: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

1. Change without regulatory effect amending Note filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6706. Hazardous Areas.

When there is a reasonable suspicion by the Director or commissioner that a specific workplace has been or may be unsafe for workers due to exposure to active or inert ingredients in pesticide products, or breakdown products of these ingredients, the director or commissioner may require the employer to prohibit entry of employees into that workplace. The director or commissioner may require the employer to provide medical supervision for the period of time necessary for the director to determine the safety of the workplace to protect employees who have been working in or will enter that workplace. This medical supervision may include biological monitoring of persons for possible over—exposure to pesticide product ingredients or breakdown products of these ingredients. The director or commissioner may also specify exposure time limits and protective clothing and equipment to be worn by employees under these circumstances.

NOTE: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 9-26-88; operative 10-26-88 (Register 88, No. 41).
- Change without regulatory effect amending NoTE filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6708. Inspection Authority.

NOTE: Authority cited: Sections 407 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

1. Renumbering and amendment of Section 6708 to Section 6140 filed 9–26–88; operative 10–26–88 (Register 88, No. 41).

§ 6710. Pesticide Exposure Studies Involving Human Participants.

- (a) No person shall conduct any pesticide exposure study in California, which involves human participants, unless the Director has given written authorization to the study director to conduct the pesticide exposure study according to an approved protocol.
- (b) The study director shall submit the protocol to the Director for review and provisionary determination of acceptability.
- (c) The Director shall forward a copy of the protocol and review documentation to the Office of Environmental Health Hazard Assessment for concurrent review.
- (d) The Director shall provide comments to the study director on the basis of Department of Pesticide Regulation review and any comments from the Office of Environmental Health Hazard Assessment. The study director shall make any changes deemed necessary by the Director. Upon receipt of the Director's provisionary determination of acceptability, the study director shall obtain a review and approval from an Institutional Review Board (IRB). The IRB must conduct its review in compliance with Title 40 Code of Federal Regulations (Protection of Environment), Part 26 (Protection of Human Subjects).
- (e) The study director shall submit to the Director the IRB's approval of the protocol and all documentation exchanged between the IRB and the study director related to the review.
- (f) The Director shall make the final decision regarding approval or denial of the protocol based on the information required in subsection (e), other relevant available information available to the Director shall notify the study director in writing of the decision and the basis for the decision.
- (g) The Director shall establish an expiration date for the approved protocol. In no instances shall the expiration date exceed that established by the IRB. If a pesticide exposure study is not completed by the expiration date established by the Director, the study director shall not continue the pesticide exposure study until the Director has approved the renewal of the protocol in writing as required in subsection (i).
- (h) Protocol Amendment. The study director shall not make an amendment to the approved protocol that may impact the health of the human participants without approval from the Director. For amendments where participant health is potentially impacted, the study director shall make the request in writing. The proposed amendment, justification, potential impact on study participants, and any measures proposed to mitigate potential impacts shall accompany the request. The Director shall forward a copy of the proposed amendment and any accompanying documentation to the Office of Environmental Health Hazard Assessment for concurrent review. The Director shall provide comments to the study director on the basis of Department of Pesticide Regulation review and any comments from the Office of Environmental Health Hazard Assessment. The study director shall make any changes deemed necessary by the Director. Upon receipt of the Director's provisionary determination of acceptability, the study director shall obtain a review and approval of the proposed amendment from an IRB as required in subsection (d). The study director shall submit to the Director the protocol and all documentation exchanged between the IRB and the study director. The Director shall notify the study director of the decision and the basis for the decision. If approved by the Director, the pesticide exposure study shall be conducted in accordance with the approved amended protocol. In the

event that the potential impact on human participants is uncertain, the study director shall consult with the Director.

- (i) Renewal of Protocol. The study director shall obtain approval of renewal from an IRB as described in subsection (d) prior to requesting the Director's approval to renew the protocol. The study director shall submit, to the Director, the protocol and all documentation exchanged between the IRB and the study director regarding the renewal. After reviewing the documentation, if the Director approves the request for protocol renewal, the Director shall establish a revised expiration date. The revised expiration shall not exceed that date established in the IRB's renewal recommendation.
- (j) In the event of any complications or adverse health effects identified during the conduct of the study, the study director shall take immediate action to ensure the health and safety of the human participants. The study director shall immediately notify the Director of such complications or adverse health effects and the immediate actions taken.
- (k) The study director shall submit the following information to the Director by the expiration date:
- (1) A statement regarding the status of the study including information as to whether the study was completed, postponed, or cancelled.
- (2) A report and explanation of any complications or adverse health effects involving the human participants and what actions were taken.
- (*l*) The Director or agricultural commissioner of the county where the study is taking place may inspect the pesticide exposure study activities to evaluate compliance with the protocol. The Director or commissioner may order the study director or human participants to cease immediately any human pesticide exposure activity conducted during the study to protect the safety of the human participants. The Director may cancel the authorization to conduct the pesticide exposure study whenever it is deemed necessary to protect participant safety, public safety, or the environment.

NOTE: Authority cited: Sections 12976 and 12981, Food and Agricultural Code. Reference: Sections 12980, 12981, 12987 and 12988, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 9-26-88; operative 10-26-88 (Register 88, No. 41)
- 2. Amendment of section and Note filed 5–26–95; operative 6–26–95 (Register 95, No. 21).
- 3. Repealer and new section heading and section filed 7-18-2002 as an emergency; operative 7-18-2002 (Register 2002, No. 29). A Certificate of Compliance must be transmitted to OAL by 11-15-2002 or emergency language will be repealed by operation of law on the following day.
- 4. Repealer and new section heading and section refiled 11–7–2002 as an emergency; operative 11–15–2002 (Register 2002, No. 45). A Certificate of Compliance must be transmitted to OAL by 3–17–2003 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 11–17–2002 order, including further amendment of section, transmitted to OAL 3–17–2003 and filed 4–24–2003 (Register 2003, No. 17).

§ 6712. Public Agencies.

NOTE: Authority cited: Sections 407 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

1. Renumbering and amendment of Section 6712 to Section 6760(c) filed 9-26-88; operative 10-26-88 (Register 88, No. 41).

§ 6714. Exemptions.

NOTE: Authority cited: Sections 407 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

1. Repealer filed 9-26-88; operative 10-26-88 (Register 88, No. 41).

§ 6716. Sunset Review of Regulations.

NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

- 1. New section filed 5-10-99; operative 6-9-99 (Register 99, No. 20).
- 2. Repealer filed 1-20-2000; operative 2-19-2000 (Register 2000, No. 3).

Article 2. General Safety Requirements

§ 6720. Safety of Employed Persons.

- (a) The requirements of this article shall be complied with by the employer for the safety of employees handling pesticides.
- (b) When only vertebrate pest control baits, solid fumigants (including aluminum phosphide, magnesium phosphide, and smoke cartridges), insect monitoring traps or non–insecticidal lures are handled, the employer is exempt from the requirements of sections 6730 (Working Alone), 6732 (Change Area), and 6736 (Coveralls).
- (c) When antimicrobial agents, used only as sanitizers, disinfectants, or medical sterilants, or pool and spa chemicals are handled, the employer is exempt from complying with the provisions of Title 3, California Code of Regulations sections specified below, provided the employer instead complies with any applicable requirements in the following corresponding provisions of Title 8, California Code of Regulations.

Title 3, CCR	Title 8, CCR
6700	3200 and 3202
6702	3200 and 3203
6720	As indicated in this Subsection
6723	3203, 3204, and 5194
6724	3203 and 5194
6726	3400
6732	3367
6734	3363 and 3366
6736	3383
6738	3380 through 3385
6739	5144
6740	3317
6742	5141
6744	3203 and 5194

- (d) The provisions of sections 6734 and 6768 (Decontamination), 6726 and 6766 (Emergency Medical Care), 6736 (Coveralls), 6738(b)–(h) (Personal Protective Equipment), 6739 (Respiratory Protection), and 6770 (Field Reentry) do not apply to licensed agricultural pest control advisers and registered professional foresters, or employees under their direct supervision, while performing, after the application is completed, crop adviser tasks, including field–checking or scouting, making observations of the well–being of the plants, or taking samples provided:
- (1) They have been trained equivalent to the requirements of section 6724 (licensed agricultural pest control advisers are considered trained for the purposes of this exception); and
- (2) The licensed agricultural pest control adviser or registered professional forester responsible for the direct supervision has:
- (A) Made specific determinations regarding appropriate personal protective equipment, needed decontamination facilities, and how to safely conduct crop adviser tasks;
- (B) Informed each employee under his or her direct supervision of the pesticide product and active ingredient(s) applied, method and time of application, the restricted entry interval, and determinations made pursuant to (A) above; and
- (C) Instructed each employee under his or her direct supervision regarding which tasks to perform and how to contact him or her if the need arises.
- (e) The provisions of this subchapter do not apply to employees handling consumer products packaged for distribution to, and use by, the general public, provided that employee use of the product is not significantly greater than the typical consumer use of the product.

NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 11501, 12973, 12980 and 12981, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 8-1-86; effective thirtieth day thereafter (Register 86, No. 31).
- Amendment of subsection (a) and new subsections (b) and (c) filed 9-26-88; operative 10-26-88 (Register 88, No. 41).
- 3. Amendment of subsection (b) and NOTE filed 7–6–93; operative 8–5–93 (Register 93, No. 28).

- 4. Repealer and new subsection (c) filed 3–9–95; operative 4–10–95 (Register 95, No. 10).
- 5. New subsections (d)–(e) and amendment of Note filed 12–31–96; operative 1–1–97 pursuant to Government Code section 11343.4(d) (Register 97, No. 1).
- Amendment of subsections (b) and (e) filed 5–10–99; operative 6–9–99 (Register 99, No. 20).
- Amendment of subsections (b)-(d) filed 6-13-2007; operative 1-1-2008 (Register 2007, No. 24).

§ 6722. Age.

NOTE: Authority cited: Sections 407 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

 Renumbering and amendment of Section 6722 to Section 6612 filed 9-26-88; operative 10-26-88 (Register 88, No. 41).

§ 6723. Hazard Communication for Pesticide Handlers.

- (a) Before employees are allowed to handle pesticides, the employer shall display a copy of a completed Written Hazard Communication Information for Employees Handling Pesticides in Agricultural Settings (Pesticide Safety Information Series leaflet A–8) or Hazard Communication Information for Employees Handling Pesticides in Noncrop Settings (Pesticide Safety Information Series leaflet N–8), as applicable, at a central location at the workplace. Upon request, the employer shall read to the requesting employee, in a language understandable to that employee, Pesticide Safety Information Series leaflet A–8/N–8. Pesticide Safety Information Series Leaflet A–8/N–8 shall be written by the Department of Pesticide Regulation in English and Spanish. Pesticide Safety Information Series leaflets are available from the Department.
- (b) The employer shall maintain, at a central location at the workplace accessible to employees who handle pesticides, the following:
- (1) pesticide use records as specified in Section 6624(b), (c) and (e) for pesticides that have been handled by his or her employees;
- (2) copies of available Pesticide Safety Information Series leaflets which are applicable to the pesticides and handling activities listed in the pesticide use records referred to in subsection (b)(1); and
- (3) a Material Safety Data Sheet (MSDS), as specified by Title 8 California Code of Regulations, section 5194, for each pesticide listed in the pesticide use records referred to in subsection (b)(1). If the MSDS is not provided by the registrant of a pesticide, the employer shall:
- (A) within seven working days of a request for a MSDS from an employee, employee representative or employee's physician, make written inquiry to the registrant of the pesticide, asking that a MSDS be sent to the employer. If the employer has made written inquiry within the last twelve months as to whether the pesticide is subject to the requirement for a MSDS or the employer has made a written inquiry within the last six months requesting new, revised or later information on the MSDS, the employer need not make additional written inquiry. A copy of the written inquiry shall immediately be sent to the person requesting the MSDS;
- (B) notify the requester of the availability of the MSDS or provide a copy of the MSDS to the requester within fifteen days of receipt of the MSDS from the registrant; and
- (C) if a response has not been received from the registrant within twenty–five working days of the date the inquiry was made, send the Department a copy of the inquiry with a notation that no response has been received. The employer is not precluded from obtaining and providing the MSDS utilizing other more expedient methods in lieu of those provided in this subsection.
- (c) The employer shall inform employees, before they are allowed to handle pesticides and at least annually thereafter, of the location and availability of the records and other documents listed in this section or relating to employee training, monitoring, and potential exposure. If the location of the records and other documents changes, an employer shall promptly inform his or her employees of the new location.
- (d) The employer shall provide, upon request of his or her employee, employee representative, or employee's physician, access to any records or other documents required to be maintained pursuant to this chapter.

Access shall be granted as soon as possible and not to exceed forty-eight hours from the date of the request.

INFORMATIONAL NOTE: Other requirements relating to hazard communication can be found in Sections 6602, 6618, 6619, 6724, 6726, 6738, 6744, 6764, 6766, 6770, and 6776.

NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code; and 29 Code of Federal Regulations, Part 1910.1200.

HISTORY

- 1. New section filed 12-6-91; operative 1-1-92 (Register 92, No. 13).
- 2. Amendment of subsections (a), (b)(2), (b)(3), (c) and (d) and amendment of Note filed 12–31–96; operative 1–1–97 pursuant to Government Code section 11343,4(d) (Register 97, No. 1).
- Change without regulatory effect amending subsection (a) filed 11–4–99 pursuant to section 100, title 1, California Code of Regulations (Register 99, No. 45)

§ 6723.1. Application–Specific Information for Handlers.

- (a) The operator of property used for the commercial or research production of an agricultural plant commodity shall display, at a central location, the following application–specific information while employees are employed to handle pesticides:
 - (1) Identification of the treated area;
 - (2) Time and date of the application;
 - (3) Restricted entry interval; and
 - (4) Product name, EPA registration number, and active ingredients.
- (b) The information shall be displayed within 24 hours of the completion of an application and include all applications that have been made to any treated field on the agricultural establishment within 1/4 mile of where employees will be working. Once displayed, the information shall remain displayed until the area no longer meets the definition of a treated field or handler employees will no longer be on the establishment, whichever occurs earlier.
- (c) The original or copies of documents otherwise required to be maintained by this chapter may be used to meet the requirements of this section provided they contain the information required by this section.

NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 11501, 12973, 12980 and 12981, Food and Agricultural Code.

HISTORY

1. New section filed 12–31–96; operative 1–1–97 pursuant to Government Code section 11343.4(d) (Register 97, No. 1).

§ 6724. Handler Training.

The employer shall assure that employees who handle pesticides have been trained pursuant to the requirements of this section and that all other provisions of this section have been complied with for employees who handle pesticides.

- (a) The employer shall have a written training program. The training program shall describe the materials (e.g., study guides, pamphlets, pesticide product labeling, Pesticide Safety Information Series leaflets, Material Safety Data Sheets, slides, video tapes) and information that will be provided and used to train his or her employees and identify the person or firm that will provide the training. The training program shall address each of the subjects specified in subsection (b) that is applicable to the specific pesticide handling situation. The employer shall maintain a copy of the training program while in use and for two years after use, at a central location at the workplace.
- (b) The training shall cover, for each pesticide or chemically similar group of pesticides, to be used:
- (1) Format and meaning of information, such as precautionary statements about human health hazards, contained in pesticide product labeling;
- (2) Hazards of pesticides, including acute and chronic effects, delayed effects, and sensitization, as identified in pesticide product labeling, Material Safety Data Sheets, or Pesticide Safety Information Series leaflets;
 - (3) Routes by which pesticides can enter the body;
 - (4) Signs and symptoms of overexposure;
 - (5) Emergency first aid for pesticide overexposure;
 - (6) How to obtain emergency medical care;

- (7) Routine and emergency decontamination procedures, including spill clean up and the need to thoroughly shower with soap and warm water after the exposure period;
- (8) Need for, limitations, appropriate use, and sanitation, of, any required personal protective equipment;
 - (9) Prevention, recognition, and first aid for heat related illness;
- (10) Safety requirements and procedures, including engineering controls (such as closed systems and enclosed cabs) for handling, transporting, storing, and disposing of pesticides;
- Environmental concerns such as drift, runoff, and wildlife hazards;
 - (12) Warnings about taking pesticides or pesticide containers home;
- (13) Requirements of this chapter and chapter 4 relating to pesticide safety, Material Safety Data Sheets, and Pesticide Safety Information Series leaflets:
- (14) The purposes and requirements for medical supervision if organophosphate or carbamate pesticides with the signal word "DAN-GER" or "WARNING" on the labeling are mixed, loaded, or applied for the commercial or research production of an agricultural plant commodity:
- (15) The location of the written Hazard Communication Information For Employees Handling Pesticides (Pesticide Safety Information Series leaflet A–8), other Pesticide Safety Information Series leaflets, and Material Safety Data Sheets;
 - (16) The employee's rights, including the right;
- (A) To personally receive information about pesticides to which he or she may be exposed;
- (B) For his or her physician or employee representative to receive information about pesticides to which he or she may be exposed; and
- (C) To be protected against retaliatory action due to the exercise of any of his or her rights.
- (c) The training shall be in a manner the employee can understand, be conducted pursuant to the written training program, and include response to questions.
- (d) Training shall be completed before the employee is allowed to handle pesticides, continually updated to cover any new pesticides that will be handled, and repeated at least annually thereafter. Initial training may be waived if the employee submits a record showing that training meeting the requirements of this section and covering the pesticides and use situations applicable to the new employment situation was received within the last year. A certified applicator is considered trained for the purposes of this section.
- (e) The date and extent of initial and annually required training given to the employee and the job to be assigned shall be recorded. This record shall be verified by the employee's signature and retained by the employer for two years at a central location at the workplace accessible to employees.
- (f) The person conducting the training for employees who will be handling pesticides for the commercial or research production of an agricultural plant commodity shall be qualified as one of the following:
 - (1) A California certified commercial application;
 - (2) A California certified private applicator;
- (3) A person holding a valid County Biologist License in Pesticide Regulation or Investigation and Environmental Monitoring issued by the Department of Food and Agriculture;
- (4) A farm advisor employed by the University of California Extension Office;
- (5) A person who has completed an "instructor trainer" program presented by one of the following:
- (A) the University of California, Integrated Pest Management Program after January 1, 1993; or
 - (B) other instructor training program approved by the Director;
 - (6) A California licensed Agricultural Pest Control Adviser;
 - (7) A California Registered Professional Forester; or
 - (8) Other trainer qualification approved by the Director.

NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 8-1-86; effective thirtieth day thereafter (Register 86, No. 31)
- 2. Amendment of subsection (a) filed 9–26–90; operative 10–26–88 (Register 88, No. 41).
- 3. New subsections (a) and (c) and renumbering and amendment of subsection (b) filed 8–13–90; operative 8–13–90 (Register 90, No. 41).
- 4. Amendment filed 12-6-91; operative 1-1-92 (Register 92, No. 13).
- 5. Repealer and new section filed 12–31–96; operative 1–1–97 pursuant to Government Code section 11343.4(d) (Register 97, No. 1).

§ 6726. Emergency Medical Care.

- (a) Emergency medical care for employees handling pesticides shall be planned for in advance. The employer shall locate a facility where emergency medical care is available for employees who will be handling pesticides.
- (b) Employees shall be informed of the name and location of a facility where emergency medical care is available. The employer shall post in a prominent place at the work site, or work vehicle if there is no designated work site, the name, address and telephone number of a facility able to provide emergency medical care whenever employees will be handling pesticides and, if the identified facility is not reasonably accessible from that work location, procedures to be followed to obtain emergency medical care.
- (c) When there is reasonable grounds to suspect that an employee has a pesticide illness or when an exposure to a pesticide has occurred that might reasonably be expected to lead to an employee's illness, the employer shall ensure that the employee is taken to a physician immediately. NOTE: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

- 1. Relettering and amendment of subsections (a) and (b) to subsections (b) and (c) and new subsection (a) filed 9–26–88; operative 10–26–88 (Register 88, No. 41).
- Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6728. Medical Supervision.

- (a) Whenever an employee mixes, loads, or applies a pesticide with the signal word "DANGER" or "WARNING" that contains an organophosphate or carbamate, for the commercial or research production of an agricultural plant commodity, the employer shall maintain use records that identify the employee, name of the pesticide and the date of use. The original or copies of documents otherwise required to be maintained by this chapter may be used to meet the requirements of this section provided they contain the information required by this section.
- (b) Each employer who has an employee that regularly handles pesticides specified in (a) shall have a written agreement signed by a physician, that includes the names and addresses of both the physician providing the medical supervision and the employer responsible for the employees, stating that the physician has agreed to provide medical supervision and that the physician possesses a copy of, and is aware of the contents of the document "Medical Supervision of Pesticide Workers—Guidelines for Physicians" (available from the Department of Health Services). A copy of this agreement shall be given to the commissioner by the employer no later than when an employee begins to regularly handle pesticides specified in (a).
- (c) The employer's responsibilities for medical supervision for employees regularly handling pesticides specified in (a) shall include the following:
- (1) All covered employees shall have baseline red cell and plasma cholinesterase determinations. Baseline values shall be verified every two years. For new employees, the medical supervisor may accept previously established baseline values if they are obtained in accordance with these regulations by the same laboratory methodology and are acceptable to the laboratory which will analyze the new employee's blood samples.
- (2) (A) The employer shall ensure that each employee, not previously under medical supervision associated with that employer, has red cell and

plasma cholinesterase determinations within three working days after the conclusion of each 30-day period in which pesticides specified in (a) are regularly handled.

- (B) After three tests at 30–day intervals, further periodic monitoring shall be at intervals specified in writing by the medical supervisor except for verification of baseline as specified in (1).
- (C) Where the medical supervisor has made no written recommendation for continued periodic monitoring, the testing interval shall be 60 days.
- (3) The employer shall keep a record of the agreement to provide medical supervision, use records, all recommendations received from the medical supervisor and all results of cholinesterase tests required to be made on his employees by this section or by the medical supervisor. Records required by this section shall be maintained for three years and shall be available for inspection by the employee, the director, commissioner, county health official, or state health official.
- (4) The employer shall follow the recommendations of the medical supervisor concerning matters of occupational health.
- (5) The employer shall post the name, address, and telephone number of the medical supervisor in a prominent place at the locale where the employee usually starts the workday or, if there is no locale where the employee usually starts the workday, at each worksite or in each work vehicle.
- (d) The employer shall investigate the work practices of any employee whose red cell or plasma cholinesterase levels fall below 80% of the baseline. The investigation of work practices shall include a review of the safety equipment used and its condition; and the employee's work practices which included employee sanitation, pesticide handling procedures, and equipment usage. The employer shall maintain a written record of the findings, any changes in equipment or procedures and any recommendations made to the employee.
- (e) The employer shall remove an employee from exposure to organophosphate or carbamate pesticides if the employee's plasma cholinesterase level falls to 60% or less of baseline, or if red cell cholinesterase falls to 70% or less of baseline. The employee shall be removed from further exposure until cholinesterase values return to 80% or more of their respective baseline values. The employer shall maintain written records of the dates of removal and the dates when employees are returned to exposure.
- (f) To meet the requirements of these regulations, acetylcholinesterase (also known as red blood cell cholinesterase) and butyrylcholinesterase (also known as plasma or serum cholinesterase or pseudocholinesterase) tests ordered by a medical supervisor for occupational health surveillance shall be performed by a clinical laboratory currently approved by the State Department of Health Services to perform these tests. By January 1, 2000, tests shall be performed according to the procedures outlined below. If tests cannot be performed according to the following procedures, the conversion procedure outlined in 6728(f)(8) shall be performed.
- (1) Using personnel and procedures acceptable to the Department of Health Services (Business and Professions Code sections 1242, 1243, 1246, 1269, 2070; Health and Safety Code sections 120580, 1607), blood collection and storage shall be done according to the following conditions:
- (A) Blood samples shall be kept in ice or at a temperature of 4° C until time of assay. If the sample is centrifuged to remove the erythrocytes from the plasma, the plasma shall be stored frozen at a temperature of \leq minus 20° C until the assay is performed. If possible, the assay shall be performed within 24 hours after blood collection. Time of sample collection, analysis, and storage conditions shall be specified on the report.
- (B) Ethylenediaminetetraacetic acid (EDTA) or heparin shall be used as an anticoagulant in a standard vacutainer tube.
- (2) The reagents and equipment shall conform to the following conditions:
- (A) A spectrophotometer at a wavelength between 405 and 425 nanometers shall be used.

- (B) The assay shall be performed at the temperature of 25° C.
- (C) The following conditions regarding the buffer/chromogen shall apply:
- 1. A sodium phosphate buffer shall be used at a concentration of 0.1 M adjusted to a pH of 8.0 with a pH meter calibrated at both 7.0 and 10.0.
- 2. Dithiobisnitrobenzoic acid (DTNB) at a stock concentration of 9.7 mM in 0.1 M sodium phosphate buffer pH 7.0 shall be used.
- (D) The substrate acetylthiocholine iodide shall be used at a stock concentration of 10.1 mM in 0.1 M sodium phosphate buffer pH 8.0.
- (E) The butyrylcholinesterase inhibitor quinidine hydrochloride monohydrate shall be used at a stock concentration of 6 mM in distilled deionized water.
- (3) The acetylcholinesterase enzyme assay shall be performed within 15 minutes of preparation and the procedure for performing the assay shall be as follows:
- (A) Measure 0.2 mL whole blood and add into a 1.8 mL solution of deionized distilled water; mix thoroughly and keep the solution on ice.
- (B) To 2.5 mL of the sodium phosphate buffer, add 0.02 mL of the blood solution, 0.1 mL of DTNB (0.32 mM final concentration) and 0.1 mL of quinidine (0.2 mM final concentration); mix thoroughly and allow to sit for 5 minutes.
- (C) Add 0.3 mL acetylthiocholine iodide (1.0 mM final concentration) into the buffer/sample solution and mix thoroughly.
- (D) Measure absorbance over the linear portion of the enzyme activity curve in the spectrophotometer.
- (4) The procedure for performing butyrylcholinesterase enzyme assay determination shall be as follows:
 - (A) Physical separation of plasma or serum shall be performed.
- (B) If samples are frozen, they shall be thawed at room temperature to assure homogeneity of the sample.
- (C) To 2.6 mL of the sodium phosphate buffer, add 0.02 mL of the plasma or serum and 0.1 mL of DTNB (0.32 mM final concentration), mix thoroughly and allow to sit for 5 minutes.
- (D) Add 0.3 mL acetylthiocholine iodide (1.0 mM final concentration) into the buffer/sample solution and mix thoroughly.
- (E) Measure absorbance over the linear portion of the enzyme activity curve in the spectrophotometer.
- (5) A Buffer Blank containing 2.6 mL of sodium phosphate buffer, 0.3 mL of acetylthiocholine (1.0 mM final concentration), and 0.1 mL of DTNB (0.32 mM final concentration) and 0.02 mL of distilled deionized water shall be run with every batch of assays.
- (6) Reporting units shall be in International Units per milliliter of sample (IU/mL).
- (7) Baseline and follow up assays specified in 6728(c)(2)(A) shall be conducted by the same laboratory method.
- (8) If an assay different from that described above is used, the method shall be shown comparable with the foregoing conditions and a conversion equation prepared. Results shall be reported in International Units per mL on both the original and the converted scale. The conditions to establish comparability shall be as described below.
- (A) Using personnel and procedures acceptable to the Department of Health Services (Business and Professions Code sections 1242, 1243, 1246, 1269, 2070; Health and Safety Code sections 120580, 1607), blood samples shall be collected from at least ten subjects.
- (B) Blood from each subject shall be tested by serial dilution as specified in "Comparison and Acetylcholinesterase Assays Run under Conditions Specified by the Standard Ellman Method and Conditions Specified by a Commercial Cholinesterase Reagent Kit." HS–1752, July 30, 1998, Department of Pesticide Regulation, Worker Health and Safety Branch.
 - (C) Test dilutions shall be made at 100% and 50% of enzyme activity.
- (D) Triplicate samples shall be run by both the reference and the alternative methods.
- (E) Pearson product-moment correlation coefficient squared (r²) shall be at least 0.9 between results of the alternative and reference methods. NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 9-26-88; operative 10-26-88 (Register 88, No. 41).
- 2. Editorial correction of subsection (a) (Register 95, No. 8)
- 3. Amendment of subsection (a) and NOTE filed 12–31–96; operative 1–1–97 pursuant to Government Code section 11343.4(d) (Register 97, No. 1).
- Amendment of subsection (f) and new subsections (f)(1)–(9) filed 4–29–99; operative 5–29–99 (Register 99, No. 18).
- Repealer of subsection (f)(9) filed 1–20–2000; operative 2–19–2000 (Register 2000, No. 3).

§ 6730. Working Alone.

- (a) An employee mixing, loading or applying a pesticide in toxicity category one for production of an agricultural commodity may not work alone during daylight hours unless personal, radio, or telephone contact is made to a responsible adult at intervals not exceeding two hour.
- (b) An employee mixing, loading or applying a pesticide in toxicity category one for production of an agricultural commodity may not work alone during nighttime hours unless personal, radio, or telephone contact is made to a responsible adult at intervals not exceeding one hour.
- (c) A pilot, mixer-loader, and/or flagger team shall be considered as working together. In the case of two ground applicators working in the same field, no additional person is necessary if they can see each other or each other's application vehicles.

NOTE: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 9-26-88; operative 10-26-88 (Register 88, No. 41).
- Change without regulatory effect amending Note filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6732. Change Area.

For any employee who regularly handles pesticides with the signal word "DANGER" or "WARNING", and for all employees who handle any pesticides for the commercial or research production of an agricultural plant commodity, the employer shall assure that there is, at the place where employees end their exposure period and remove their personal protective equipment, an area where employees may change clothes and wash themselves. Clean towels, soap, and sufficient water shall be available to allow for thorough washing. The employer shall provide a clean, pesticide–free place where employees may store any personal clothing not in use while at work handling pesticides.

NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 8-1-86; effective thirtieth day thereafter (Register 86, No. 31).
- 2. Amendment filed 9-26-88; operative 10-26-88 (Register 88, No. 41).
- Amendment of section and Note filed 12–31–96; operative 1–1–97 pursuant to Government Code section 11343.4(d) (Register 97, No. 1).

§ 6734. Handler Decontamination Facilities.

- (a) The employer shall assure that sufficient water, soap and single use towels for routine washing of hands and face and for emergency eye flushing and washing of the entire body are available for employees as specified in this section.
- (1) This water shall be of a quality and temperature that will not cause illness or injury when it contacts the skin or eyes or if it is swallowed, and shall be stored separate from that used for mixing with pesticides unless the tank holding water for mixing with pesticides is equipped with appropriate valves to prevent back flow of pesticides into the water.
- (2) One clean change of coveralls shall be available at each decontamination site.
- (b) The decontamination site for employees handling pesticides for the commercial or research production of an agricultural plant commodity shall be at the mixing/loading site and not more than 1/4 mile (or at the nearest point of vehicular access) from other handlers, except that the decontamination site for pilots may be at the loading site regardless of distance from where the pilot is working. The decontamination site shall not be in an area being treated or under a restricted entry interval unless:

- (1) The handlers for whom the site is provided are working in that area being treated or under a restricted entry interval;
- (2) The soap, towels, and extra change of coveralls are in an enclosed container: and
 - (3) The water is running tap water or enclosed in a container.
- (c) One pint of water for emergency eye flushing shall be immediately available (carried by the handler or on the vehicle or aircraft the handler is using) to each employee handling pesticides for the commercial or research production of an agricultural plant commodity if the pesticide product labeling requires protective eyewear.
- (d) The decontamination site for employees handling pesticides for uses other than the commercial or research production of an agricultural plant commodity shall be within 100 feet of the mixing/loading site when they are handling pesticides with the signal word "DANGER" or "WARNING" on the label.

NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

1. Amendment of section heading, section and NOTE filed 12–31–96; operative 1–1–97 pursuant to Government Code section 11343.4(d) (Register 97, No. 1).

§ 6736. Coveralls.

- (a) The employer shall provide coveralls for each employee who handles any pesticide with the signal word "DANGER" or "WARNING" on the label except as provided in 6738(i).
 - (b) The employer shall assure that:
- (1) Employees start each work day wearing coveralls whenever they handle pesticides with the signal word "DANGER" or "WARNING";
- (2) Employees wear coveralls whenever they handle pesticides with the signal word "DANGER" or "WARNING" except as provided in 6738(i):
- (3) Employees change out of their coveralls and wash at the end of the work day:
- (4) Potentially contaminated coveralls removed at the worksite or headquarters are not taken home by employees; and
- (5) Employees whose work day does not involve return to the employer's headquarters, remove and store potentially contaminated coveralls in a sealable container outside of their own living quarters for later return to the employer.
- (c) This section does not apply to employees using fumigants unless the pesticide product labeling expressly requires the use of coveralls. NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 9-26-88; operative 10-26-88 (Register 88, No. 41).
- 2. Editorial correction of printing error in subsection (b)(3) (Register 91, No. 33).
- 3. Amendment of section heading, section and NoTE filed 12–31–96; operative 1–1–97 pursuant to Government Code section 11343.4(d) (Register 97, No. 1).

§ 6738. Personal Protective Equipment.

- (a) The employer shall:
- (1) Provide all required personal protective equipment, provide for its daily inspection and cleaning (according to pesticide labeling instructions or, absent any instructions, washed in detergent and hot water), and repair or replace any worn, damaged, or heavily contaminated personal protective equipment. Leather gloves previously used to apply only aluminum phosphide or magnesium phosphide pesticides and which have been aerated for 12 hours or more shall be considered cleaned;
- (2) Assure that all clean personal protective equipment, when not in use, is kept separate from personal clothing and in a pesticide free, specifically designated place;
- (3) Assure that appropriate measures are taken to prevent heat related illness when necessary;
- (4) Assure that personal protective equipment is used correctly for its intended purpose:
- (5) Discard any absorbent materials that have been drenched or heavily contaminated with a pesticide with the signal word "DANGER" or "WARNING";

- (6) Keep and wash potentially contaminated personal protective equipment separately from other clothing or laundry;
- (7) Assure that all clean personal protective equipment is either dried thoroughly before stored or is put in a well ventilated place to dry;
- (8) Assure that personal protective equipment remains the property of the employer and that pesticide handlers are not allowed or directed to take potentially contaminated personal protective equipment into their homes;
- (9) Assure that any person or firm assigned or hired to clean or repair potentially contaminated personal protective equipment is protected and informed in accordance with the requirements of section 6744 (Equipment Maintenance).
 - (b) The employer shall assure that:
- (1) Employees wear protective eyewear when required by pesticide product labeling (except as expressly provided in this section) or when employees are engaged in:
 - (A) Mixing or loading except as provided in 6738(i);
- (B) Adjusting, cleaning, or repairing, mixing, loading, or application equipment that contains pesticide in hoppers, tanks, or lines;
- (C) Application by hand or using hand held equipment, except when:
- 1. Applying vertebrate pest control baits that are placed without being propelled from application equipment;
- 2. Applying solid furnigants (including aluminum phosphide, magnesium phosphide, and smoke cartridges) to vertebrate burrows;
 - 3. Baiting insect monitoring traps; or
 - 4. Applying non-insecticidal lures.
- (D) Ground application using vehicle mounted or towed equipment except when:
 - 1. Injecting or incorporating pesticides into soil;
- 2. Spray nozzles are located below the employee and the nozzles are directed downward; or
 - 3. Working in an enclosed cab; or
 - (E) Flagging, except when the flagger is in an enclosed cab.
- (2) Whenever protective eyewear is required, one of the following types of eyewear is worn:
- (A) Safety glasses that provide front, and supplemental brow and temple protection (Common eyeglasses, including sunglasses, do not meet this requirement);
 - (B) Goggles;
 - (C) Face shield;
 - (D) Full face mask used in conjunction with respiratory protection; or
 - (E) Visor (for aircraft operation only).
 - (c) The employer shall assure that:
- (1) Gloves are worn when required by the pesticide product labeling (except as expressly provided in this section) or (unless the pesticide product labeling specifies that gloves must not be worn), when employees are engaged in:
 - (A) Mixing or loading, except as provided in 6738(i);
- (B) Adjusting, cleaning or repairing contaminated mixing, loading, or application equipment; and
- (C) Application by hand or using hand-held equipment except when applying vertebrate pest control baits using long handled implements that avoid actual hand contact with the bait or potentially contaminated areas on equipment.
- (2) If a specific type of glove is not specified on product labeling for the pesticide being handled, gloves made of rubber, neoprene, or other chemical resistant material that provides equivalent or better protection are used. Gloves or glove linings of leather, cotton, or other absorbent materials shall not be worn unless expressly permitted by pesticide product labeling. If chemical resistant gloves with sufficient durability and suppleness are not available, leather gloves may be worn over chemical resistant gloves liners. Once leather gloves have been used for this purpose, they shall not be worn in any other situation.
 - (d) The employer shall assure that:
- (1) When chemical resistant footwear is specified by the pesticide product labeling, one of the following types of footwear is worn:

- (A) Chemical resistant shoes;
- (B) Chemical resistant boots; or,
- (C) Chemical resistant coverings worn over boots or shoes.
- (2) For aircraft operation, chemical resistant footwear need not be worn.
- (e) The employer shall assure that when chemical resistant headgear is specified by the pesticide product labeling, either a chemical resistant hood or a chemical resistant hat with a wide brim is worn. For aircraft operation, a helmet may be substituted for chemical resistant headgear.
- (f) The employer shall assure that when a chemical resistant apron is specified by the pesticide product labeling, a garment that covers the front of the body from mid-chest to the knees is worn.
 - (g) The employer shall assure that:
- (1) When pesticide product labeling or regulations specify a chemical resistant suit, waterproof or impervious pants and coat or a rain suit, a chemical resistant suit that covers the torso, head, arms, and legs is worn.
- (2) If the ambient temperature exceeds 80°F during daylight hours or 85°F during nighttime hours (sunset to sunrise), pesticides requiring a chemical resistant suit are not handled by employees unless they are handled pursuant to exceptions and substitutions permitted in (h) or employees use cooled chemical resistant suits or other control methods to maintain an effective working environment at or below 80°F during daylight hours or 85°F during nighttime hours (sunset to sunrise).
- (h) The following exceptions and substitutions to personal protective equipment required by pesticide product labeling or regulations are permitted:
- (1) Persons using a closed system to handle pesticide products with the signal word "DANGER" or "WARNING" may substitute coveralls, chemical resistant gloves, and a chemical resistant apron for personal protective equipment required by pesticide product labeling;
- (2) Persons using a closed system to handle pesticide products with the signal word "CAUTION" may substitute work clothing for personal protective equipment required by pesticide product labeling;
- (3) Persons using a closed system that operates under positive pressure shall wear protective eyewear in addition to the personal protective equipment listed in (1) or (2). Persons using any closed system shall have all personal protective equipment required by pesticide product labeling immediately available for use in an emergency;
- (4) Persons properly mixing pesticides packaged in water soluble packets are considered to be using a closed (mixing) system for the purposes of this subsection;
- (5) Persons occupying an enclosed cab (including cockpit) may substitute work clothing for personal protective equipment required by pesticide product labeling. If respiratory protection is required it must be worn, except in an enclosed cockpit;
- (6) Persons occupying an enclosed cab acceptable for respiratory protection may substitute work clothing for personal protective equipment required by pesticide product labeling;
- (7) Persons working in an enclosed cab, as specified in (5) and (6), other than an aircraft, shall have all personal protective equipment required by pesticide product labeling immediately available and stored in a chemical resistant container, such as a plastic bag. Labeling-required personal protective equipment shall be worn if it is necessary to work outside the cab and contact pesticide treated surfaces in the treated area. Once personal protective equipment is worn in the treated area, it shall be removed and stored in a chemical resistant container, such as a plastic bag, before reentering the cab;
- (8) A chemical resistant suit may be substituted for coveralls and/or a chemical resistant apron; and
- (9) Pest control aircraft pilots are not required to wear gloves during operation but gloves shall be worn by any person entering or exiting an aircraft contaminated with pesticide residues. While in the cockpit, gloves shall be carried in a chemical resistant container, such as a plastic bag

NOTE: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 8–1–86; effective thirtieth day thereafter (Register 86, No. 31).
- 2. Amendment filed 9-26-88; operative 10-26-88 (Register 88, No. 41).
- 3. Amendment of subsections (a), (b), (c) and (d) filed 8-13-90; operative 8-13-90 (Register 90, No. 41).
- 4. Editorial correction of printing error in subsection (d) (Register 91, No. 33).
- 5. Amendment of subsections (b)(1)(C)4, (c)(3)(C) and NOTE filed 7–6–93; operative 8–5–93 (Register 93, No. 28).
- Amendment of section heading and section filed 12–31–96; operative 1–1–97
 pursuant to Government Code section 11343.4(d) (Register 97, No. 1).
- 7. Amendment filed 5-10-99; operative 6-9-99 (Register 99, No. 20).
- Amendment of subsection (g)(2), repealer of subsections (h)–(h)(8), subsection relettering and repealer of INFORMATIONAL NOTE filed 6–13–2007; operative 1–1–2008 (Register 2007, No. 24).

§ 6739. Respiratory Protection.

- (a) General Requirements.
- (1) The employer shall assure that:
- (A) Employees use approved respiratory equipment in compliance with this regulation when handling pesticides where respirators are required by label, restricted material permit condition, or regulation.
- (2) In any workplace where respirators are required by label, restricted material permit condition, regulation, or employer, the employer shall establish a written respiratory protection program with work site–specific procedures. The program shall be updated as necessary to reflect those changes in workplace conditions that affect respirator use. The employer shall include in the program the following provisions, as applicable:
 - (A) Procedures for selecting respirators for use in the workplace;
 - (B) Medical evaluations of employees required to use respirators;
 - (C) Fit testing procedures for tight-fitting respirators;
- (D) Procedures for proper use of respirators in routine and reasonably foreseeable emergency situations;
- (E) Procedures and schedules for cleaning, disinfecting, storing, inspecting, repairing, discarding, and otherwise maintaining respirators;
- (F) Procedures to ensure adequate air quality, quantity, and flow of breathing air for atmosphere–supplying respirators;
- (G) Training of employees in the respiratory hazards to which they are potentially exposed during routine and emergency situations, including Immediately Dangerous to Life or Health (IDLH) atmospheres, if appropriate:
- (H) Training of employees in the proper use of respirators, including putting on and removing them, any limitations on their use, and their maintenance; and
- (I) Procedures for evaluating the effectiveness of the program pursuant to subsections (n)(1) and (2).
- 1. The respirator program administrator shall administer the respiratory protection program in compliance with this section.
- 2. The employer shall provide respirators, training, and medical evaluations at no cost to the employee.
 - (b) Voluntary Respirator Provision.
- (1) An employer may provide respirators at the request of employees or permit employees to use their own respirators for use on a voluntary basis, if the employer determines that such respirator use will not in itself create a hazard.
- (2) If the employer determines that any voluntary respirator use is permissible, the employer shall provide the respirator users with the information contained in subsection (r) and display this information alongside the display of either the Hazard Communication Information for Employees Handling Pesticides in Agricultural Settings (Pesticide Safety Information Series leaflet A–8), or Hazard Communication Information for Employees Handling Pesticides in Noncrop Settings (Pesticide Safety Information Series leaflet N–8), at a central location in the workplace.
- (3) Under the employer–supplied voluntary respirator provision, the employer shall establish and implement the provisions of a written respiratory protection program necessary to ensure that any employee using a respirator voluntarily is medically able to use that respirator, and that

- the respirator is cleaned, stored, and maintained so that its use does not present a health hazard to the user. Employers are not required to include a written respiratory protection program for those employees whose only use of respirators involves the voluntary use of filtering facepieces (dust masks).
- (A) The employer shall provide respirators, training, and medical evaluations at no cost to the employee.
- (c) Selection of Respirators. The employer shall select and provide an appropriate respirator certified by the National Institute for Occupational Safety and Health (NIOSH) based on the respiratory hazard(s) and relevant workplace and user factors to which the worker is exposed; and the appropriate pesticide label, restricted materials permit condition, regulation, or employer requirements, whichever is most protective.
- (1) The employer shall select respirators from a sufficient number of respirator models and sizes so that the respirator is acceptable to, and correctly fits, the user.
- (2) Fumigant–confining structures shall be considered IDLH atmosphere unless proven not to be by appropriate measuring devices as to that chemical. The employer shall provide the following respirators for employee use in IDLH atmospheres:
- (A) A full facepiece pressure demand self-contained breathing apparatus (SCBA) certified by NIOSH for a minimum service life of thirty minutes, or
- (B) A combination full facepiece pressure demand supplied—air respirator (SAR) with auxiliary self—contained air supply.
- (C) Respirators provided only for escape from IDLH atmospheres shall be NIOSH-certified for escape from the atmosphere in which they will be used.
- (d) Medical Evaluation. The employer shall ensure a medical evaluation is conducted to determine the employee's ability to use a respirator before the employee is fit tested or required to use the respirator in the workplace. The employer may discontinue an employee's medical evaluations when the employee is no longer required to use a respirator.
 - (1) Medical Evaluation Procedures.
- (A) The employer shall identify a physician or other licensed health care professional (PLHCP) to perform medical evaluations using the medical questionnaire in subsection (q) or an equivalent form or an initial medical examination that obtains the same information as the medical questionnaire.
- (B) The medical evaluation shall obtain the information requested by the questionnaire in subsection (q), sections 1 and 2.
 - (2) Follow-up Medical Examination.
- (A) The employer shall ensure that a follow-up medical examination is provided when a PLHCP determines that there is a need for a follow-up medical examination.
- (B) The follow-up medical examination shall include any medical tests, consultations, or diagnostic procedures that the PLHCP deems necessary to make a final determination.
 - (3) Administration of the Medical Questionnaire and Examinations.
- (A) The medical questionnaire and examinations shall be administered confidentially during the employee's normal working hours or at a time and place convenient to the employee. The medical questionnaire shall be administered in a manner that ensures that the employee understands its content.
- (B) The employer shall provide the employee with an opportunity to discuss the questionnaire and examination results with the PLHCP.
 - (4) Supplemental Information for the PLHCP.
- (A) The employer shall provide the following information to the PLHCP before the PLHCP makes a recommendation concerning an employee's ability to use a respirator:
 - 1. The type and weight of the respirator to be used by the employee;
- 2. The duration and frequency of respirator use (including use for rescue and escape);
 - 3. The expected physical work effort;
 - 4. Additional protective clothing and equipment to be worn; and
 - 5. Temperature and humidity extremes that may be encountered.

- (B) The employer shall not be required to provide any supplemental information provided previously to the PLHCP regarding an employee for a subsequent medical evaluation if the information and the PLHCP remain the same. When the employer replaces a PLHCP, the employer shall ensure that the new PLHCP obtains the information specified in (4)(A)1–5 by having the documents transferred from the former PLHCP to the new PLHCP. Employers are not required to have employees medically reevaluated solely because a new PLHCP has been selected.
- (C) The employer shall provide the PLHCP with a copy of the written respiratory protection program and a copy of this section.
 - (5) Medical Determination.
- (A) The employer shall obtain a written medical recommendation from the PLHCP regarding the employee's ability to use the respirator. The written medical recommendation shall be provided on the form in subsection (s) or provide substantially the same information as follows:
- 1. Any limitations on respirator use related to the medical condition of the employee, or relating to the workplace conditions in which the respirator will be used, including whether or not the employee is medically able to use the respirator;
 - 2. The need, if any, for follow-up medical evaluations; and
- 3. A statement that the PLHCP has provided the employee with a copy of the PLHCP's written medical recommendation.
- (B) If a negative pressure respirator is to be used and the PLHCP finds a medical condition that may place the employee's health at increased risk, the employer shall either provide a powered air purifying respirator (PAPR) provided the PLHCP's medical evaluation finds that the employee can use such a respirator or make changes in the workplace such that respiratory protection is not required. If a subsequent medical evaluation finds that the employee is medically able to use a negative pressure respirator, then the employer shall no longer be required to provide a PAPR.
- (6) Additional Medical Evaluations. The employer shall provide additional medical evaluations that comply with the requirements of this section if:
- (A) An employee reports medical signs or symptoms that are related to their ability to use a respirator;
- (B) A PLHCP, supervisor, or the respirator program administrator informs the employer that an employee needs to be reevaluated;
- (C) Information from the respiratory protection program administrator, including observations made during fit testing and program evaluation, indicates a need for employee reevaluation; or
- (D) A change occurs in workplace conditions including, but not limited to, physical work effort, protective clothing, or temperature, that may result in a substantial increase in the physiological burden placed on an employee.
- (e) Fit Testing. The employer shall assure that employees using a tight-fitting facepiece respirator pass an appropriate qualitative fit test (QLFT) or quantitative fit test (QNFT).
- (1) The employer shall ensure that an employee using a tight-fitting facepiece respirator is fit tested prior to initial use of the respirator whenever a different respirator facepiece (size, style, model or make) is used, and at least annually thereafter.
- (2) The employer shall conduct an additional fit test whenever the employee reports, or the employer, PLHCP, supervisor, or respirator program administrator makes visual observations of changes in the employee's physical condition that could affect respirator fit. Such conditions include, but are not limited to, facial scarring, dental changes, cosmetic surgery, or an obvious change in body weight.
- (3) If after passing a QLFT or QNFT, the employee subsequently notifies the employer, PLHCP, supervisor, or respirator program administrator that the fit of the respirator is unacceptable, the employee shall be given a reasonable opportunity to select a different respirator facepiece and to be retested.
- (4) The fit test shall be administered using either the Cal/OSHA-accepted QLFT or QNFT protocols (Title 8, California Code of Regulations, section 5144, Appendix A), or as recommended by the manufac-

- turer of the respirator, if such recommendations are in accordance with Title 8 CCR section 5144, Appendix A, Part II. QLFT is acceptable for all negative–pressure tight–fitting half or full facepiece respirators used in the application of pesticides.
- (5) If the fit factor, as determined through a Cal/OSHA-accepted QNFT protocol (Title 8, California Code of Regulations, section 5144, Appendix A), is equal to or greater than 100 for tight-fitting half face-pieces, or equal to or greater than 500 for tight-fitting full facepieces, the QNFT has been passed with that respirator.
- (6) Fit testing of tight–fitting atmosphere–supplying respirators and tight–fitting powered air–purifying respirators shall be accomplished by performing quantitative or qualitative fit testing in the negative pressure mode, regardless of the mode of operation (negative or positive pressure) that is used for respiratory protection.
- (A) Qualitative fit testing of these respirators shall be accomplished by temporarily converting the respirator user's actual facepiece into a negative pressure respirator with appropriate filters, or by using an identical negative pressure air–purifying respirator facepiece with the same sealing surfaces as a surrogate for the atmosphere–supplying or powered air–purifying respirator facepiece.
- (B) Quantitative fit testing of these respirators shall be accomplished by modifying the facepiece to allow sampling inside the facepiece in the breathing zone of the user, midway between the nose and mouth. This requirement shall be accomplished by installing a permanent sampling probe onto a surrogate facepiece, or by using a sampling adapter designed to temporarily provide a means of sampling air from inside the facepiece.
- (C) Any modifications to the respirator facepiece for fit testing shall be completely removed, and the facepiece restored to NIOSH–approved configuration, before that facepiece can be used in the workplace.
- (f) Facepiece Seal Protection. A respirator that requires a tight face-to-facepiece seal shall not have any interference with the establishment of this seal. The employer shall ensure that:
- (1) Employees shall not wear a respirator with a tight-fitting facepiece if:
- (A) Facial hair comes between the sealing surface of the facepiece and the face or interferes with valve function; or
- (B) Any physical or mental condition interferes with the face-to-facepiece seal or valve function.
- (2) Corrective glasses or goggles or other personal protective equipment worn by an employee do not interfere with the face—to—facepiece seal.
- (3) Employees perform a user seal check each time they put on the respirator using the Cal/OSHA procedures (Title 8, California Code of Regulations, section 5144, Appendix B–1) or procedures recommended by the respirator manufacturer that the employer demonstrates are as effective as those in the Cal/OSHA procedures when using tight–fitting respirators.
- (4) Appropriate surveillance shall be maintained of work area conditions and degree of employee exposure or stress. When there is a change in work area conditions or degree of employee exposure or stress that may affect respirator effectiveness, the employer shall reevaluate the continued effectiveness of the respirator.
 - (5) Employees shall leave the contaminated area:
- (A) To wash their faces and respirator facepieces as necessary to prevent eye or skin irritation associated with respirator use;
- (B) If they detect vapor or gas breakthrough, changes in breathing resistance, or leakage of the facepiece; or
- (C) To replace or adjust the respirator or the filter, cartridge, or canister elements.
- (6) If the employee detects vapor or gas breakthrough, changes in breathing resistance, or leakage of the facepiece, the employer shall replace or repair the respirator before allowing the employee to return to the work area.
- (g) Procedures for Immediately Dangerous to Life or Health (IDLH) Atmospheres. Fumigant-confining structures shall be considered IDLH

atmosphere unless proven not to be by appropriate measuring devices. For all IDLH atmospheres, the employer shall assure that:

- (1) One employee, or when needed pursuant to (2), more than one employee is located outside the IDLH atmosphere;
- (2) Visual, voice, or signal line communication is maintained between the employee(s) in the IDLH atmosphere and the employee(s) located outside the IDLH atmosphere;
- (3) The employee(s) located outside the IDLH atmosphere is trained and equipped to provide effective emergency rescue;
- (4) The employee(s) located outside the IDLH atmosphere notifies the employer or designee, and/or calls 9–1–1 before entering the IDLH atmosphere to provide emergency rescue. Once notified, the employer or designee authorized to do so by the employer, shall provide necessary assistance appropriate to the situation; and
- (5) Employee(s) located outside the IDLH atmospheres is equipped with:
- (A) Pressure demand or other positive pressure self-contained breathing apparatus (SCBA), or a pressure demand or other positive pressure supplied-air respirator with auxiliary SCBA; and if necessary,
- (B) Appropriate retrieval equipment for removing the employee(s) who enter(s) these hazardous atmospheres where retrieval equipment would contribute to the rescue of the employee(s) and would not increase the overall risk resulting from entry.
- (h) Cleaning and Disinfecting. The employer shall provide each respirator user with a respirator that is clean, sanitary, and in good working order. The employer shall ensure that respirators are cleaned and disinfected using the procedures recommended by the respirator manufacturer. If the manufacturer requires a cleaning agent that does not contain a disinfectant, the respirator components shall be disinfected with a registered disinfectant approved for such use. The employer shall assure that:
- (1) Respirators issued for the exclusive use of an employee shall be cleaned and disinfected as often as necessary to be maintained in a sanitary condition.
- (2) Respirators maintained for emergency use shall be cleaned and disinfected after each use.
- (3) Respirators that are collected and reissued for use of any employee shall be cleaned and disinfected before reissued.
- (4) Respirators are stored to protect them from damage, contamination, dust, sunlight, extreme temperatures, excessive moisture, and damaging chemicals. Respirators shall be packed or stored to prevent deformation of the facepiece and exhalation valve.
 - (i) Storage of Emergency Respirators. Emergency respirators shall be:
 - (1) Stored immediately accessible to the work area.
- (2) Stored in compartments or in covers that are clearly marked as containing emergency respirators.
- (3) Stored in accordance with any applicable manufacturer instruc-
- (4) Stored in such a location as to be safely accessible for use if conditions develop requiring utilization of emergency respiratory protection.
 - (j) Inspection and Repair.
- (1) The employer shall ensure that all respirators are inspected before each use and during cleaning, and that:
 - (A) Routine-use respirator inspections include the following:
- 1. A check of respirator function, tightness of connections, and the condition of the various parts including, but not limited to, the facepiece, head straps, valves, connecting tube, and cartridges, canisters or filters;
- 2. A check of elastomeric parts for pliability and signs of deterioration; and
- 3. SCBA air cylinders are checked to ensure that they are recharged when the pressure falls to 80 percent of the manufacturer's recommended pressure level by the end of any workday.
- (B) Emergency-use respirators are also inspected at least monthly according to the routine-use inspection criteria, and in accordance with the manufacturer's recommendations. For escape-only respirators, also conduct inspection before being brought into the workplace for use. For

both emergency use and escape-only respirators, inspections shall include the following:

- 1. A check for proper function before and after each use;
- 2. Certify by documenting the date the inspection was performed, the name (or signature) of the person who made the inspection, the findings, required remedial action, and a serial number or other means of identifying the inspected respirator; and that this information is included on a tag or label that is attached to the storage compartment for the respirator or is kept with the respirator. This information shall be maintained until replaced following a subsequent certification;
- 3. A check for properly functioning SCBA regulator and warning devices: and
- 4. SCBA air cylinders are checked to ensure that they are maintained at 100 percent manufacturer's recommended capacity.
- (2) The employer shall ensure that respirators that fail an inspection or are otherwise found to be defective shall be removed from service, and discarded, repaired, or adjusted in accordance with the following procedures:
- (A) Repairs or adjustments to respirators shall be made only by persons appropriately trained to perform such operations and shall use only the respirator manufacturer's NIOSH-approved parts designed for the respirator;
- (B) Repairs shall be made according to the manufacturer's recommendations and specifications for the type and extent of repairs to be performed; and
- (C) Reducing and admission valves, regulators, and alarms shall be adjusted or repaired only by the manufacturer or a technician trained by the manufacturer.
 - (k) Breathing Air Quality and Use. The employer shall ensure:
- (1) Compressed breathing air suppliers meet at least the requirements for Grade D breathing air described by the Compressed Gas Association (CGA) Commodity Specification for Air, G-7.1-1997 and certify such with a Certificate of Analysis (original or copy) from the supplier.
- (2) Cylinders shall be tested and maintained as prescribed in the Shipping Container Specification Regulations of the Department of Transportation (49 Code of Federal Regulation part 173 and part 178).
- (3) Compressors used to supply breathing air to respirators are constructed and situated so as to conform to Title 8, California Code of Regulations, section 5144.
- (1) Identification of Filters, Cartridges, and Canisters. The employer shall ensure that all filters, cartridges and canisters used in the workplace are labeled and color-coded with the NIOSH approval label. The label shall remain legible and not be removed.
- (m) Training and Information. In addition to the training requirements specified in section 6724, the employer shall ensure that:
- (1) Each employee can demonstrate knowledge of at least the following:
- (A) Why the respirator is necessary and how improper fit, usage, or maintenance can compromise the protective effect of the respirator;
 - (B) What the limitations and capabilities of the respirator are;
- (C) How to use the respirator effectively in emergency situations, including situations in which the respirator malfunctions;
- (D) How to inspect, put on and remove, use, and check the seals of the respirator;
- (E) What the procedures are for maintenance and storage of the respirators
- (F) How to recognize medical signs and symptoms that may limit or prevent the effective use of respirators; and
- (G) The general requirements of this section.
- (2) Training shall be conducted in a manner that is understandable to the employee.
- (3) Training is provided prior to requiring the employee to use a respirator in the workplace.
- (4) A new employee who has received training within the last 12 months that addresses the elements specified in subsection (m)(1)(A)

- through (G) is not required to repeat such training provided that, as required by subsection (m)(1), the employee can demonstrate knowledge of those element(s). Previous training not repeated initially by the employer must be provided no later than 12 months from the date of the previous training.
- (5) Retraining shall be administered annually, and when the following situations occur:
- (A) Changes in the workplace or the type of respirator render previous training obsolete;
- (B) Inadequacies in the employee's knowledge or use of the respirator indicate that the employee has not retained the requisite understanding or skill: or
- (C) Any other situation arises in which retraining appears necessary to ensure safe respirator use.
- (6) The basic advisory information on respirators specified in (r) is provided in any written or oral format to employees who wear respirators when such use is not required by label, restricted materials permit condition, regulation, or by the employer.
 - (n) Program Evaluation.
- (1) The employer shall conduct evaluations of the workplace as necessary to ensure that the provisions of the current written program are being effectively implemented and that it continues to be effective as required by this section.
- (2) The employer shall annually consult employees required to use respirators to assess the employees' views on program effectiveness and to identify any problems. Any problems that are identified during this assessment shall be corrected. Factors to be assessed include, but are not limited to:
- (A) Respirator fit (including the ability to use the respirator without interfering with effective workplace performance);
- (B) Appropriate respirator selection for the pesticides to which the employee is exposed;
- (C) Proper respirator use under the workplace conditions the employee encounters; and
 - (D) Proper respirator maintenance.
- (3) A written record of these evaluations and consultations shall be documented and at least contain:
 - (A) Name of workers consulted.
 - (B) Date of evaluation/consultation.
- (C) Description of any finding from the evaluation or consultation requiring modification of written respiratory protection program or a declaration of no findings.
- (4) Any findings from either the employer evaluation or the employee consultation that necessitate the modification to the written respiratory protection program shall be implemented within 30 days from the date of the evaluation/consultation.
- (o) End-of-Service Life. When air-purifying respirators are required for protection against pesticides, the employer shall ensure that air-purifying elements (or entire respirator, if disposable type) shall be replaced according to the following hierarchically arranged criteria:
- (1) At the first indication of odor, taste, or irritation while in use, the respirator wearer leaves the contaminated area, adjusts the mask for fit and on returning still encounters odor, taste, or irritation. This criterion item supercedes any of the criteria listed in (2)–(6).
- (2) When any End-of-Service-Life-Indicator (ESLI) indicates that the respirator has reached its end of service;
- (3) All disposable filtering facepiece respirators shall be discarded at the end of the workday;
- (4) According to pesticide–specific label directions/recommendations;
- (5) According to pesticide-specific directions from the respirator manufacturer;
- (6) Absent any pesticide-specific directions/recommendations, at the end of the day's work period;

- (p) Recordkeeping. The employer shall retain written information regarding medical recommendations, fit testing, and the respirator program.
- (1) Records required by this section shall be maintained while the employee is required to use respiratory protection and for three years after the end of employment conditions requiring respiratory protection and shall be available for inspection by the employee, the Director, or commissioner.
 - (2) Fit testing.
- (A) The employer shall establish a record of the qualitative and quantitative fit tests administered to an employee including:
 - 1. The name or identification of the employee tested;
 - 2. Type of fit test performed;
 - 3. Specific make, model, style, and size of respirator tested;
 - 4. Date of test; and
- 5. The pass/fail results for qualitative fit testing or the fit factor and strip chart recording or other recording of the test results for QNFTs.
- (3) A written copy of the current respirator program shall be retained by the employer. Previous versions of the written respirator protection program shall be retained for three years.
- (4) Written information required to be retained under this subsection shall be made available upon request to employees falling under the respiratory protection program and to the commissioner or persons designated by the Director for review and copying.
- (q) Medical Evaluation Questionnaire. The completion of this form, or a form that obtains the same information as the medical questionnaire to the DEPARTMENT OF PESTICIDE REGULATION, by each respirator wearing employee; and the review of the completed form by a physician or licensed health care provider, is mandatory for all employees whose work activities require the wearing of respiratory protection.

The medical evaluation questionnaire shall be administered in a manner that ensures that the employee understands the document and its content. The person administering the questionnaire shall offer to read or explain any part of the questionnaire to the employee in a language and manner the employee understands. After giving the employee the questionnaire, the person administering the questionnaire shall ask the following question of the employee: "Can you read and complete this questionnaire?" If the answer is affirmative, the employee shall be allowed to confidentially complete the questionnaire. If the answer is negative, the employer must provide either a copy of the questionnaire in a language understood by the employee or a confidential reader, in the primarily understood language of the employee.

To the employee:

Can you read (circle): Yes/No (This question to be asked orally by employer. If yes, employee may continue with answering form. If no, employer must provide a confidential reader, in the primarily understood language of the employee.)

Your employer must allow you to answer this questionnaire during normal working hours, or at a time and place that is convenient to you. To maintain your confidentiality, your employer or supervisor must not look at or review your answers, and your employer must tell you how to deliver or send this questionnaire to the health care professional who will review it.

Section 1. (Mandatory, no variance in this format allowed) Every employee who has been selected to use any type of respirator must provide the following information (please print):

1. Today's date://	
2. Your name:	
3. Your age:	
4. Sex (circle one): Male/Female	
5. Your height: ft. in.	
6. Your weight: lbs.	
7. Your job title:	

- 8. How can you be reached by the health care professional who reviews this questionnaire?
- 10. Has your employer told you how to contact the health care professional who will review this questionnaire (circle one): Yes/No
- 11. Check the type of respirator you will use (you can check more than one category):
- a. N, R, or P disposable respirator (filter-mask, noncartridge type only).
 - b. Half-face respirator (particulate or vapor filtering or both)
 - c. Full-face respirator (particulate or vapor filtering or both)
 - d. Powered air purifying respirator (PAPR)
 - e. Self contained breathing apparatus (SCBA)
 - f. Supplied air respirator (SAR)
 - g. Other
 - 12. Have you worn a respirator (circle one): Yes/No
 - If "yes," what type(s):
- a. N, R, or P disposable respirator (filter-mask, noncartridge type only).
 - b. Half-face respirator (particulate or vapor filtering or both)
 - c. Full-face respirator (particulate or vapor filtering or both)
 - d. Powered air purifying respirator (PAPR)
 - e. Self contained breathing apparatus (SCBA)
 - f. Supplied air respirator (SAR)
 - g. Other
- Section 2. (Mandatory) Every employee who has been selected to use any type of respirator must answer questions 1 through 8 below (please circle "yes" or "no").
- 1. Do you currently smoke tobacco or have you smoked tobacco in the last month: Yes/No
 - 2. Have you ever had any of the following conditions?
 - a. Seizures (fits): Yes/No
 - b. Allergic reactions that interfere with your breathing: Yes/No
 - c. Claustrophobia (fear of closed-in places): Yes/No
 - d. Trouble smelling odors: Yes/No/Do not know
 - e. Diabetes (sugar disease): Yes/No/Do not know
- 3. Have you ever had any of the following pulmonary or lung problems?
 - a. Asbestosis: Yes/No
 - b. Asthma: Yes/No
 - c. Chronic bronchitis: Yes/No
 - d. Emphysema: Yes/No
 - e. Pneumonia: Yes/No
 - f. Tuberculosis: Yes/No
 - g. Silicosis: Yes/No
 - h. Pneumothorax (collapsed lung): Yes/No
 - i. Lung cancer: Yes/No
 - i. Broken ribs: Yes/No
 - k. Any chest injuries or surgeries: Yes/No
 - l. Any other lung problem that you have been told about: Yes/No
- 4. Do you currently have any of the following symptoms of pulmonary or lung illness?
 - a. Shortness of breath: Yes/No
- b. Shortness of breath when walking fast on level ground or walking up a slight hill or incline: Yes/No
- c. Shortness of breath when walking with other people at an ordinary pace on level ground: Yes/No
- d. Have to stop for breath when walking at your own pace on level ground: Yes/No
 - e. Shortness of breath when washing or dressing yourself: Yes/No
 - f. Shortness of breath that interferes with your job: Yes/No $\,$
 - g. Coughing that produces phlegm (thick sputum): Yes/No
 - h. Coughing that wakes you early in the morning: Yes/No
 - i. Coughing that occurs mostly when you are lying down: Yes/No

- j. Coughing up blood in the last month: Yes/No
- k. Wheezing: Yes/No
- l. Wheezing that interferes with your job: Yes/No
- m. Chest pain when you breathe deeply: Yes/No
- n. Any other symptoms that you think may be related to lung problems: Yes/No
- 5. Have you ever had any of the following cardiovascular or heart problems?
 - a. Heart attack: Yes/No
 - b. Stroke: Yes/No
 - c. Angina (pain in chest): Yes/No
 - d. Heart failure: Yes/No
 - e. Swelling in your legs or feet (not caused by walking): Yes/No
 - f. Irregular heart beat (an arrhythmia): Yes/No/Do not know.
 - g. High blood pressure: Yes/No/Do not know
 - h. Any other heart problem that you have been told about: Yes/No
- 6. Have you ever had any of the following cardiovascular or heart symptoms?
 - a. Frequent pain or tightness in your chest: Yes/No
 - b. Pain or tightness in your chest during physical activity: Yes/No
 - c. Pain or tightness in your chest that interferes with your job: Yes/No
- d. In the past two years, have you noticed your heart skipping or missing a beat: Yes/No
 - e. Heartburn or indigestion that is not related to eating: Yes/No
- f. Any other symptoms that you think may be related to heart or circulation problems: Yes/No
- 7. Do you currently take medication for any of the following prob
 - a. Breathing or lung problems: Yes/No
 - b. Heart trouble: Yes/No
 - c. Blood pressure: Yes/No
 - d. Seizures (fits): Yes/No
- 8. If you have used a respirator, have you ever had any of the following problems?
- (If you have never used a respirator, check the following space and go to question 9:)
 - a. Eye irritation: Yes/No
 - b. Skin allergies or rashes: Yes/No
 - c. Anxiety: Yes/No
 - d. General weakness or fatigue: Yes/No
 - e. Breathing difficulty: Yes/No
- f. Any other problem that interferes with your use of a respirator: Yes/
- 9. Would you like to talk to the health care professional who will review this questionnaire about your answers to this questionnaire: Yes/No

Questions 10–15 must be answered by every employee who has been selected to use either a fullfacepiece respirator or a self-contained breathing apparatus (SCBA). For employees who have been selected to use other types of respirators, answering these questions is voluntary.

- 10. Have you ever lost vision in either eye (temporarily or permanently): Yes/No
 - 11. Do you currently have any of the following vision problems?
 - a. Wear contact lenses: Yes/No
 - b. Wear glasses: Yes/No
 - c. Color blind: Yes/No
 - d. Any other eye or vision problem: Yes/No
- 12. Have you ever had an injury to your ears, including a broken ear drum: Yes/No
 - 13. Do you currently have any of the following hearing problems?
 - a. Difficulty hearing: Yes/No
 - b. Wear a hearing aid: Yes/No
 - c. Any other hearing or ear problem: Yes/No
 - 14. Have you ever had a back injury: Yes/No
- 15. Do you currently have any of the following musculoskeletal problems?
 - a. Weakness in any of your arms, hands, legs, or feet: Yes/No

Date

- b. Back pain: Yes/No
- c. Difficulty fully moving your arms and legs: Yes/No
- d. Pain and stiffness when you lean forward or backward at the waist: Yes/No
 - e. Difficulty fully moving your head up or down: Yes/No
 - f. Difficulty fully moving your head side to side: Yes/No
 - g. Difficulty bending at your knees: Yes/No
 - h. Difficulty squatting to the ground: Yes/No
- i. Difficulty climbing a flight of stairs or a ladder carrying more than 25 lbs: Yes/No
- j. Any other muscle or skeletal problem that interferes with using a respirator: Yes/No

At the discretion of the PLHCP, if further information is required to ascertain the employee's health status and suitability for wearing respiratory protection, the PLHPC may include and require the questionnaire found in Title 8, California Code of Regulations, section 5144, Appendix C, Part B, Questions 1–19.

(r) Voluntary Respirator Provision Information. The employer shall ensure that the following information is provided to employees who voluntarily wear a respirator when not required to do so by label, restricted materials permit condition, regulation, or employer.

Information for Employees Using Respirators When Not Required By Label or Restricted Material Permit Conditions or Regulation.

Respirators are an effective method of protection against designated hazards when properly selected and worn. Respirator use, even when exposures are below the exposure limit, may provide an additional level of comfort and perceived protection for workers. However, if a respirator is used improperly or not kept clean, the respirator itself can become a hazard to the worker. Sometimes, workers may wear respirators to avoid exposures to hazards, even if the amount of hazardous substance does not exceed the limits set by OSHA standards or Department of Pesticide Regulation guidelines. If your employer provides respirators for your voluntary use, or if you provide your own respirator, you need to take certain precautions to be sure that the respirator itself does not present a hazard.

You should do the following:

- 1. Read and follow all instructions provided by the manufacturer on use, maintenance, cleaning and care, and warnings regarding the respirators limitations.
- 2. Choose respirators certified for use to protect against the contaminant of concern. NIOSH, the National Institute for Occupational Safety and Health of the U.S. Department of Health and Human Services, certifies respirators. A label or statement of certification should appear on the respirator or respirator packaging. It will tell you what the respirator is designed for and how much it will protect you.
- 3. Do not wear your respirator into atmospheres containing contaminants for which your respirator is not designed to protect against. For example, a respirator designed to filter dust particles will not protect you against gases, vapors, or very small solid particles of fumes or smoke.
- 4. Keep track of your respirator so that you do not mistakenly use someone else's respirator.
- 5. Air filtering respirators DO NOT supply oxygen. Do not use in situations where the oxygen levels are questionable or unknown.

(s) Medical Recommendation Form. A physician or other licensed health care professional's report of evaluation and approval for respirator use must be on file with the employer before work requiring respirator use is allowed. The following or substantially similar statement from a physician is acceptable:

, I evaluated

Date	Patient's name
At this time there (are)/(are no	ot) medical contraindications to the em-
	spirator while working in potential pes-
•	he patient (does)/(does not) require fur-
	time. Any restrictions to wearing a atory protection are given below.
I have provided the above–na	med patient with a copy of this form.

Physician

INFORMATIONAL NOTE for section 6739: Employers requiring employees to enter oxygen–deficient atmospheres shall conform to respiratory protection requirements in Title 8, California Code of Regulations, section 5144. Oxygen–deficient atmospheres contain less than 19.5 percent oxygen by volume.

NOTE: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

1. New section filed 6-13-2007; operative 1-1-2008 (Register 2007, No. 24).

§ 6740. Adequate Light.

Whenever natural light in mixing/loading area is not adequate to allow an employee to read the label and work in a safe manner, artificial light shall be provided in such areas which is sufficient to perform these activities.

NOTE: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

1. Change without regulatory effect amending NOTE filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6742. Safe Equipment.

- (a) The employer shall assure that equipment used for mixing, loading, transferring, or applying pesticides is inspected before each day of use and equipment with any safety defect is repaired or altered to remove the hazard before further use.
- (b)(1) All openings on tanks used for mixing or applying pesticides shall be equipped with covers that will prevent splashes and spills.
- (2) Flexible hoses carrying liquid pesticides in toxicity categories one or two under pressure shall not pass unshielded through the cockpit of an airplane or helicopter.
- (3) Shut-off devices shall be installed on the exit end of all hoses carrying liquid pesticides in toxicity categories one or two from mixing tanks that are adequate to prevent splashes onto the employee doing the loading when filling operations are stopped and the filler hose is removed from

[The next page is 424.3.]

• · the inlet to the tank of the application vehicle. As an alternative, a reversing action pump or a similar system may be used that will empty the hose and will eliminate dripping of liquid from the end of the hose when the filling operation is stopped.

- (4) Each tank with a capacity of more than 49 gallons that is used to mix or apply any liquid mixture derived from a pesticide in toxicity categories one or two, shall have either,
- (A) a properly functioning means to indicate externally the internal liquid level in the tank such as a sight gauge; or
- (B) the tank or the filler hose nozzle shall have a device that will automatically stop the filling operation before the pesticide liquid mixture spills over the top.

NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

- 1. Amendment of subsection (b)(1) filed 8–1–86; effective thirtieth day thereafter (Register 86, No. 31).
- 2. Editorial correction of printing error in subsection (b) (Register 91, No. 33).
- Amendment of subsection (a) and NoTE filed 12–31–96; operative 1–1–97 pursuant to Government Code section 11343.4(d) (Register 97, No. 1).

§ 6744. Equipment Maintenance.

Persons who own or operate pesticide mixing, loading, or application equipment shall inform each employee under their control who may be involved in the cleaning, servicing or repair of that equipment of the hazards of the pesticides that person may encounter and the methods of protecting against personal injury. If such cleaning, servicing or repairing is to be performed by persons not under the control of the owner or operator of the equipment, he shall so notify the person in charge of performing these services. Employees who clean, service, or repair mixing and application equipment shall be provided with any necessary protective equipment or clothing by their employer, and shall be instructed and supervised in the maintenance operation in a manner that will reduce work hazards.

NOTE: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

 Change without regulatory effect amending Note filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6746. Closed Systems.

- (a) Employers shall provide closed systems for employees that mix or load liquid pesticides in toxicity category one, or load diluted liquid mixes derived from dry pesticides in toxicity category one, for the production of an agricultural commodity. No employee shall be permitted to transfer, mix, or load these pesticides except through a closed system. The system's design and construction shall meet the director's closed system criteria.
 - (b) The requirements of this section do not apply to:
- (1) employees who handle a total of one gallon or less of pesticides in toxicity category one per day exclusively in original containers of one gallon or less; or
- (2) regulatory personnel collecting samples of pesticides according to official sampling procedures.

NOTE: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

- Amendment filed 8-1-86; effective thirtieth day thereafter (Register 86, No. 31).
- 2. Amendment filed 9–26–88; operative 10–26–88 (Register 88, No. 41).
- Change without regulatory effect amending NoTE filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

Article 3. Field Worker Safety

§ 6760. Employer Responsibility and Exceptions.

(a) Employers shall comply with the requirements of this article to protect employees who may enter treated fields.

- (b) If only granular baits or attractants or repellents in traps have been applied in a field, the employer is exempt from the requirements of Sections 6762 (Field Work During Application), 6764 (Fieldworker Training), 6766(a) and (b) (Emergency Medical Care), 6768 (Decontamination Facilities), 6770 (Entry After Pesticide Application), 6771 (Requirements for Early Entry Fieldworkers), 6772 (Restricted Entry Intervals), 6774 (Reentry Interval Adjustments), and 6776 (Field Posting).
- (c) Pesticide applications for areawide public pest control programs sponsored by governmental agencies, such as for fruit fly eradication, and those made by vector control agencies operating under cooperative agreements with the State Department of Health Services pursuant to Section 116180 of the Health and Safety Code, and contractors of those agencies, are exempt from the requirements of this article.
- (d) If only algaecides have been used to treat the irrigation system, the employer is exempt from the requirements of Sections 6762 (Field Work During Application), 6764 (Fieldworker Training), 6766(a) and (b) (Emergency Medical Care), 6768 (Decontamination Facilities), 6770 (Field Entry After Pesticide Application), 6771 (Requirements for Early Entry Fieldworkers), 6772 (Restricted Entry Intervals), 6774 (Restricted Entry Interval Adjustments) and 6776 (Field Posting).
- (e) If pesticides have been applied only by injection directly into plants the employer is exempt from the requirements of this article. Direct injection does not include "hack and squirt" methods.

NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

- 1. Amendment of subsection (a), renumbering and amendment of Section 6712 to Section 6760(c), renumbering and amendment of Section 6770(h) to Section 6760(d) and new subsection (e) filed 9–26–88; operative 10–26–88 (Register 88, No. 41).
- 2. Amendment of section heading, section and Note filed 12–31–96; operative 1–1–97 pursuant to Government Code section 11343.4(d) (Register 97, No. 1).

§ 6761. Hazard Communication for Field Workers.

- (a) Whenever employees are working as field workers in a treated field, the employer shall display at the worksite, a copy of a completed written Hazard Communication Information for Employees Working in Fields (Pesticide Safety Information Series leaflet A–9). In the event that fieldworkers gather at a central location prior to transportation to the worksite, the Pesticide Safety Information Series leaflet A–9 may instead be displayed at that central location. Pesticide Safety Information Series leaflet A–9 shall be written by the department in English and Spanish. Upon request, the employer shall read to the requesting employee, in a language understandable to that employee, Pesticide Safety Information Series leaflet A–9. Pesticide Safety Information Series leaflets are available from the Department.
- (b) The operator of the property shall maintain in a central location at the workplace accessible to employees, including the employees of labor contractors, who enter a treated field, the following:
- (1) pesticide use records specified in Section 6624 (b), (c), (d) and (e) for pesticides that have been applied to the field within the last two years;
- (2) a Material Safety Data Sheet (MSDS), as specified in Title 8, California Code of Regulations, section 5194, for each pesticide listed in the pesticide use records referred to in subsection (b)(1). If the MSDS is not provided by the registrant of a pesticide, the operator of the property shall:
- (A) within seven working days of a request for a MSDS from an employee, employee representative or employee's physician, make written inquiry to the registrant of the pesticide, asking that a MSDS be sent to the operator of the property. If the operator of the property has made a written inquiry within the last twelve months as to whether the pesticide is subject to the requirement for a MSDS or the operator of the property has made a written inquiry within the last six months requesting new, revised or later information on the MSDS, the operator of the property need not make additional written inquiry. A copy of the written inquiry shall immediately be sent to the person requesting the MSDS;

- (B) notify the requester of the availability of the MSDS or provide a copy of the MSDS to the requester within fifteen days of receipt of the MSDS from the registrant; and
- (C) if a response has not been received from the registrant within twenty—five working days of the date the inquiry was made, send the Department a copy of the inquiry with a notation that no response has been received. The operator of the property is not precluded from obtaining and providing the MSDS utilizing other more expedient methods in lieu of those provided in this subsection.
- (c) The operator of the property shall inform his or her employees, before they are allowed to enter a treated field, of the location and availability of any records and other documents required by subsections (a) and (b). If the employees are employed by a labor contractor, the operator of the property shall inform the labor contractor of the location, or changed location, of the records and other documents. The labor contractor shall provide that information to his or her employees. If the location of the records and other documents changes, the operator of the property and the labor contractor shall promptly inform his or her employees of the new location. The employer, including the labor contractor, shall also inform their employees that they, their physicians and their representatives have a right of access to the information and that the employees are protected against discharge or other discrimination due to the exercise of their rights under this section.
- (d) The operator of the property shall provide, upon request of his or her employee, an employee of a labor contractor, employee representative, or an employee's physician, access to any records, documents and information required to be maintained by this chapter. Access shall be granted as soon as possible and not to exceed forty—eight hours from the date of the request.

INFORMATIONAL NOTE: Other requirements relating to hazard communication can be found in Sections 6602, 6618, 6619, 6724, 6726, 6738, 6744, 6764, 6766, 6770, and 6776.

NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code; and 29 Code of Federal Regulations, Part 1910.1200.

HISTORY

- 1. New section filed 12-6-91; operative 1-1-92 (Register 92, No. 13).
- 2. Amendment of section and Note filed 12–31–96; operative 1–1–97 pursuant to Government Code section 11343.4(d) (Register 97, No. 1).

§ 6761.1. Application-Specific Information for Fieldworkers.

- (a) The operator of property used for the commercial or research production of an agricultural plant commodity shall display at a central location the following application–specific information, while employees are employed to work in fields:
 - (1) Identification of the treated area;
 - (2) Time and date of the application;
 - (3) Restricted entry interval; and
 - (4) Product name, EPA registration number, and active ingredients.
- (b) The information shall be displayed within 24 hours of the completion of an application and include all applications that have been made to any treated field on the agricultural establishment within 1/4 mile of where employees will be working. The information shall remain displayed until the area no longer meets the definition of a treated field or fieldworker employees will no longer be on the establishment, whichever occurs earlier.
- (c) The original or copies of documents otherwise required to be maintained by this chapter may be used to meet the requirements of this section, provided they contain the information required by this section.

NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 11501, 12973, 12980 and 12981, Food and Agricultural Code.

HISTORY

1. New section filed 12–31–96; operative 1–1–97 pursuant to Government Code section 11343.4(d) (Register 97, No. 1).

§ 6762. Field Work During Pesticide Application.

- (a) The requirements of this section are minimum requirements established by the U. S. Environmental Protection Agency and do not assure compliance with the general standard in section 6614.
- (b) No employer shall direct or allow any person, other than the persons making the application, to enter or remain in a treated area of a farm or forest during the application.
- (c) No employer shall direct or allow any person, other than the persons making the application, to enter or remain in treated nurseries or greenhouses, as specified below.
 - (1) If the pesticide is applied in a nursery:
- (A) By aircraft, in an upward direction, or at a pressure of more than 150 pounds per square inch, or is applied as a fumigant, smoke, fog, or aerosol, the prohibited area is the treatment site plus 100 feet in all directions within the confines of the property.
- (B) If the pesticide is applied downward from a height greater than 12 inches from the soil or other planting medium, as a fine spray, or using a pressure of more than 40 pounds per square inch, but not more than 150 pounds per square inch, or which requires respiratory protection on the product labeling, the prohibited area is the treatment site plus 25 feet in all directions within the confines of the property.
 - (2) If the pesticide is applied in a greenhouse:
- (A) As a space treatment (fumigant, smoke, fog, aerosol or mist) or is a pesticide for which the product labeling requires respiratory protection, the prohibited area, until ventilation criteria have been met, is the entire enclosed area plus any adjacent area that is not sealed (sufficient to prevent pesticide transfer) from the treatment site.
- (B) As a spray from a height greater than 12 inches from the soil or other planting medium, as a fine spray, or using a pressure of more than 40 pounds per square inch, the prohibited area is the treatment site plus 25 feet in all directions within the enclosed area.
- (3) Otherwise, in both nurseries and greenhouses, the prohibited area is the treatment site.

NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

1. Amendment of section and Note filed 12–31–96; operative 1–1–97 pursuant to Government Code section 11343.4(d) (Register 97, No. 1).

§ 6764. Fieldworker Training.

- (a) The employer shall assure that each employee assigned to work in a treated field has been trained within the last 5 years, in a manner the employee understands, before beginning work in the treated field.
 - (b) The training shall include the following information:
- (1) Importance of routine decontamination and washing thoroughly after the exposure period;
- (2) Restricted entry intervals and what posting means, including both California and federal field posting sign formats;
- (3) Where pesticides are encountered, including treated surfaces in the field, residues on clothing, chemigation and drift;
 - (4) Routes of exposure;
- (5) The hazards of pesticides, including acute effects, chronic and delayed effects, and sensitization effects;
 - (6) Common signs and symptoms of overexposure;
- (7) First aid including decontamination, eye flushing, and obtaining emergency medical care;
 - (8) Warnings about taking pesticides or pesticide containers home;
- (9) The hazard communication program requirements of section 6761; and
 - (10) Employee rights, including the right;
- (A) To personally receive information about pesticides to which he or she may be exposed;
- (B) For his or her physician or employee representative to receive information about pesticides to which he or she may be exposed; and
- (C) To be protected against retaliatory action due to the exercise of any of his or her rights.

- (c) An employee who holds a valid personal pesticide license or certificate issued by the department, a valid verification of training card issued under the authority of the U. S. Environmental Protection Agency, current documented pesticide handler training pursuant to section 6724, or other valid certificate of pesticide training approved by the director is considered to be trained for the purposes of this section.
- (d) The information shall be presented in a manner the employee can understand, orally from written materials or audio visually, using non-technical terms. The trainer shall respond to employee questions.
- (e) The person conducting the training shall be qualified as one of the following:
 - (1) A California certified applicator;
- (2) A person holding any other valid license or certificate of personal pesticide qualification issued by the department;
- (3) A person who has completed an "instructor training" program presented by one of the following:
- (A) the University of California, Integrated Pest Management Program, after January 1, 1993;
 - (B) other instructor training program approved by the director.
 - (4) A California Registered Professional Forester;
- (5) A person holding a valid County Biologist License in Pesticide Regulation or Investigation and Environmental Monitoring issued by the California Department of Food and Agriculture;
- (6) A farm adviser employed by the University of California Extension Office; or
- (7) Other valid trainer qualification approved by the director.

NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 9-26-88; operative 10-26-88 (Register 88, No. 41).
- Amendment of section heading, repealer and new section, and amendment of Note filed 12-31-96; operative 1-1-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 1).

§ 6766. Emergency Medical Care.

- (a) Emergency medical care for employees that enter fields that have been treated with pesticides shall be planned for in advance. The employer shall locate a facility where emergency care is available for employees who will be working in treated fields.
- (b) The employees or their supervisor in the field shall be informed of the name and location of a physician or medical facility where emergency medical care is available, and if the identified facility is not reasonably accessible from that work location, the procedures to be followed to obtain emergency medical care.
- (c) When there are reasonable grounds to suspect that an employee has a pesticide illness or when an exposure to a pesticide has occurred that might reasonably be expected to lead to an employee's illness, the employer shall ensure that the employee is taken to a physician immediately. NOTE: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 9-26-88; operative 10-26-88 (Register 88, No. 41).
- 2. Change without regulatory effect amending NoTE filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6768. Fieldworker Decontamination Facilities.

(a) The employer shall assure that sufficient water (of a quality and temperature that will not cause illness or injury when it contacts the skin or eyes or if it is swallowed), soap, and single use towels for washing of hands and face and for emergency eye flushing are reasonably accessible to all fieldworkers engaged in activities involving contact with treated surfaces in treated fields. The decontamination facilities shall be not more than 1/4 mile from the fieldworkers (or at the nearest point of vehicular access). Handwashing facilities provided in conjunction with toilet facilities pursuant to Title 8 California Code of Regulations, section 3457 (Field Sanitation), shall be considered adequate for the purposes of this section.

(b) The decontamination facilities shall not be in an area under a restricted entry interval unless the fieldworkers for whom the site is provided are performing early entry activities. The facilities shall not be in an area under treatment.

NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

1. Amendment of section heading, section and NOTE filed 12–31–96; operative 1–1–97 pursuant to Government Code section 11343.4(d) (Register 97, No. 1).

§ 6769. Greenhouse Ventilation Criteria.

When a pesticide with product labeling requiring respiratory protection for application is applied by any method, or when any pesticide is applied as a furnigant, smoke, mist, fog, or aerosol inside a greenhouse, ventilation shall continue until:

- (a) The concentration is measured and found not to exceed any pesticide product labeling standard; or
 - (b) One of the following has occurred if there is no labeling standard:
 - (1) Ten air exchanges are complete;
 - (2) Two hours of mechanical ventilation, such as with fans;
- (3) Four hours of passive ventilation, such as opening vents, windows, or doors:
 - (4) Twenty-four hours with no ventilation; or
- (5) Any combination of percentage portions of (1), (2), (3), and (4) the sum of which equals 100%.

NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

1. New section filed 12–31–96; operative 1–1–97 pursuant to Government Code section 11343.4(d) (Register 97, No. 1).

§ 6770. Field Entry After Pesticide Application.

- (a) The employer shall not allow or direct any employee to enter or remain in a treated field before the restricted entry interval stated on pesticide product labeling or listed in section 6772 has expired except as provided in this section or otherwise expressly authorized by the director pursuant to Title 40 Code of Federal Regulations, Part 170.112(d) or (e).
- (b) Employees may enter a treated field during a restricted entry interval to conduct pesticide handling activities, including soil incorporation (mechanical or watered-in), provided they are wearing the personal protective equipment specified on the pesticide product labeling for handling activities.
- (c) An employee may enter a treated field during a restricted entry interval when there will be no contact with anything that has been treated, including soil, water, air, equipment, or plant surfaces, provided that inhalation exposure does not exceed any pesticide product labeling standard or, for greenhouses, the ventilation criteria in section 6769 have been met. Operating tractors or other equipment from inside an enclosed cab or when shields or other control methods, such as operator placement, physically prevent contact of the employee with anything that has been treated is considered to be a "no contact" activity for the purposes of this section.
- (d) An employee may enter a treated field during a restricted entry interval specified on pesticide product labeling to conduct limited contact activities (including limited contact irrigation) that are necessary and unforeseen, provided that:
- (1) The restricted entry interval is not for a pesticide product with the requirement on the labeling for both oral notification of workers and the posting of treated fields (double notification);
 - (2) At least 4 hours have elapsed since the end of the application;
- (3) Inhalation exposure does not exceed the applicable pesticide product labeling standard or the ventilation criteria in section 6769 have been met:
- (4) Exposure is minimal and limited to the feet, legs (below the knees), hands, and forearms (below the elbows);
- (5) The personal protective equipment specified on pesticide product labeling for early entry or the optional personal protective equipment of coveralls, socks, chemical resistant footwear, chemical resistant gloves,

and protective eyewear (if required by the pesticide product labeling) is utilized:

- (6) The time in treated fields under a restricted entry interval does not exceed 8 hours in any 24 hour period for each employee entering under this exception; and
- (7) The employees are informed that this exception is being used and about the provisions of (2), (3), and (6) orally or by posting notice.
- (8) This exception may not be used if the supporting exception granted by the U. S. Environmental Protection Agency is not in effect.
- (e) An employee may enter a treated field during a restricted entry interval specified on pesticide product labeling to conduct other activities, not included in (b), (c), and (d) that do not involve hand labor provided that:
 - (1) At least 4 hours have elapsed since the end of the application;
- (2) Inhalation exposure does not exceed any pesticide product labeling standard or the ventilation criteria in section 6769 have been met;
- (3) The personal protective equipment specified on pesticide product labeling for early entry is used; and
- (4) Entry does not exceed 1 hour in any 24-hour period for any employee.
- (f) An employee may enter a treated field after the expiration of the restricted entry interval specified on pesticide product labeling and while a restricted entry interval specified in section 6772 is in effect as provided below:
- (1) To conduct activities, other than hand labor, provided that employees are wearing work clothing with long sleeves and legs, shoes with socks, and gloves.

NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 8–15–86; effective thirtieth day thereafter (Register 86, No. 34)
- 2. Amendment of subsections (a)–(f) and renumbering and amendment of subsection (h) to Section 6760(d) filed 9–26–88; operative 10–26–88 (Register 88, No. 41)
- Amendment of subsections (d) and (g) filed 8–13–90; operative 8–13–90 (Register 90, No. 41).
- 4. Repealer and new section filed 12–31–96; operative 1–1–97 pursuant to Government Code section 11343.4(d) (Register 97, No. 1).

§ 6771. Requirements for Early Entry Fieldworkers.

- (a) The employer shall assure that early entry fieldworkers are informed of pesticide product labeling requirements related to human hazards or precautions, first aid, symptoms of poisoning, use and care of personal protective equipment required for early entry into treated fields, the prevention, recognition, and first aid for heat—related illness, and the importance of washing thoroughly at the end of the exposure period.
- (b) The employer shall provide all required personal protective equipment and provide for its cleaning (according to pesticide labeling instructions or, absent any instructions, washed in detergent and hot water), repair and replacement when it cannot be adequately cleaned or properly repaired. All personal protective equipment shall be inspected before each day of use. The employer shall assure that all personal protective equipment is kept separate from personal clothing, in a pesticide free,

specifically designated place, when not in use. All required personal protective equipment required for fieldworker employees shall meet the applicable standards in section 6738.

- (c) The employer shall assure that personal protective equipment is used correctly for its intended purpose.
- (d) The employer shall assure that cleaned personal protective equipment is dried or stored in a well ventilated place to dry. The employer shall assure that contaminated personal protective equipment is kept and washed separately from other clothing or laundry.
- (e) Personal protective equipment shall remain the property of the employer. Early entry fieldworkers shall not be allowed or directed to take home pesticide contaminated personal protective equipment. The employer shall inform any person who cleans or launders personal protective equipment that the equipment may be contaminated, about the hazards presented, and how to properly handle and clean it.
- (f) The employer shall assure that at least one pint of eyeflush water is immediately accessible (carried by the fieldworker or on the vehicle the fieldworker is using) to each fieldworker who is performing, during any restricted entry interval specified on pesticide product labeling, early entry aclivities in a treated field for which the pesticide product labeling requires protective eyewear.
- (g) The employer shall assure that early entry fieldworkers engaged in tasks pursuant to section 6770(d) and (e) are provided, at the place where they remove personal protective equipment, sufficient water, soap, and clean towels so that they may wash thoroughly at the end of the exposure period.
- (h) The employer shall assure that a clean, pesticide—free place for storing personal clothing and putting on personal protective equipment at the start of work and taking off personal protective equipment at the end of the exposure period is provided for early entry fieldworkers
- (i) The employer shall take appropriate measures to prevent heat related illness, when necessary.

NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

1. New section filed 12–31–96; operative 1–1–97 pursuant to Government Code section 11343.4(d) (Register 97, No. 1).

§ 6772. Restricted Entry Intervals.

- (a) The restricted entry intervals specified in this section shall be applied according to the following:
- (1) Other restricted entry intervals are found on pesticide product labeling. In case of an inconsistency between the pesticide product labeling and this section, the longer restricted entry interval shall be followed:
- (2) If more than one restricted entry interval in this section is applicable to a given situation, the longer restricted entry interval shall apply, except as provided in section 6774;
- (3) When reference is made to pounds of a pesticide in a restricted entry interval, the reference means pounds of active ingredient;
- (4) A day is considered to be a 24—hour period beginning at the conclusion of the application to the identified field or portion of a field.
- (b) The restricted entry intervals in days in the following table apply to the pesticide/crop combinations listed.

Crop Pesticide	Apples	Citrus	Corn	Grapes	Peaches/Nectarines	Other Crops
Azinphos-methyl	14(B)	30		21	14(B)	14(A), (B)
Chlorpyriphos		2				
Diazinon		5		5	5	
Endosulfan	2	2	2	2	2	2
Malathion		1		1	1	
Methidathion (Supracide)		30				
Methomyl (Lannate)				7(C)		
Parathion-methyl (non-encapsulated)	14	14(D)	14(D)	14(E)	21	14(D)
Phorate (Thimet)		` '	Ì Î			, ,
Phosmet (lmidan)				5	5	
Propargite (Omite/Comite)	21	42	7	30	21	21(F)(G)
Sulfur				3(H)		• / / /

Footnotes:

- (A) This restricted entry interval for other crops applies to stone fruit, such as apricots, cherries, plums, and prunes, and pome fruit, such as pears, only. Stone fruit does not include almonds and other nut crops.
- (B) If the total Azinphos-methyl applied in the current calendar year is 1.0 pounds per acre or less, thinning may be done after 7 days.
- (C) Applications of methomyl made after August 15 have a 21 day restricted entry interval. This interval may be terminated after 10 days if leaf samples tested pursuant to section 6774(c)(4) show 0.1 micrograms per square centimeter or less of dislodgeable foliar residue of methomyl.
- (D) This restricted entry interval applies only when more than one pound per acre of non-encapsulated parathion-methyl is applied.
- (E) The restricted entry interval for non-encapsulated parathion-methyl on grapes in Monterey County is 6 days.
- (F) The restricted entry interval for strawberries and field grown roses treated with propargite is 3 days.
- (G) The restricted entry interval for cotton fields treated with propargite is 7 days. However, from the end of the restricted entry interval until the beginning of harvest, the employer shall assure that employees entering propargite treated cotton fields wear work clothing with long sleeves and legs and gloves.
- (H) This restricted entry interval for sulphur applies from May 15 through harvest in the counties of: Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare; and during March and April in Riverside County.

INFORMATIONAL NOTE FOR SECTION 6772: The inclusion of a reentry interval in this section does not imply that the use of a pesticide is currently registered. Consult the pesticide product labeling for permitted registered uses.

NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

- 1. Amendment of subsection (c) filed 5-15-86 as an emergency; effective upon filing (Register 86, No. 20). Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed 9-12-86.
- 2. Amendment of subsection (c) filed 5-22-86 as an emergency; effective upon filing (Register 86, No. 23). Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed 9-19-86.
- 3. Amendment filed 8–15–86; effective thirtieth day thereafter (Register 86, No. 34). This supersedes language from 5–15–86 emergency orders.
- Amendment filed 6–3–88 as an emergency; operative 6–3–88 (Register 88, No. 24). Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed 10–3–88.
- 5. Amendment filed 9-26-88; operative 10-26-88 (Register 88, No. 41).
- Amendment of table and new footnotes (q) and (r) filed 10–27–88 as an emergency; operative 10–27–88 (Register 88, No. 45). Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed 2–24–89.
- 7. Amendment of subsection (b) filed 2-14-89 as an emergency; operative 2-14-89 (Register 89, No. 9). Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed 6-14-89.
- 8. Change without regulatory effect of subsection(a) filed 2–27–89 (Register 89, No. 9).
- Readoption of amendment substantially equivalent to emergency amendment of 10-27-88 filed 2-24-89 as an emergency; operative 2-24-89 (Register 89, No. 13). A Certificate of Compliance must be transmitted to OAL by 6-26-89 or readoption will be repealed by operation of law effective 6-27-89 and regulation will revert to text in effect prior to 10-27-89.
- 10. Amendment of subsection (a) and footnote (j) filed 6–29–89 as an emergency; operative 6–29–89 (Register 89, No. 27). Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed 10–27–89.
- 11. Amendment of subsections (a) and (b) substantially equivalent to emergency amendments of 2–14–89 and 2–24–89 filed 8–10–89 as an emergency; operative 8–10–89 (Register 91, No. 19). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed by operation of law on 12–8–89.
- 12. Amendment of subsection (a) and footnote (j) filed 5-14-90; operative 5-14-90 (Register 90, No. 24). This supersedes language from 6-3-88 and 6-29-89 emergency order.
- 13. Amendment of subsections (a) and (b) and footnotes (q) and (r) filed 8–13–90; operative 8–13–90 (Register 90, No. 41). This supersedes language from 10–27–88, 2–14–89, and 2–24–89 emergency orders.
- 14. Editorial correction of history notes 3., 11., and 12. (Register 90, No. 41).
- 15. Editorial correction of footnotes (c), (d), (f), (g) and (j) (Register 91, No. 19).
- 16. Editorial correction adding previously missing HISTORY 11. and renumbering former HISTORYs 11., 12., and 13. to HISTORYs 12., 13., and 14. (Register 91, No. 19).
- 17. Repealer and new section filed 12–31–96; operative 1–1–97 pursuant to Government Code section 11343.4(d) (Register 97, No. 1).

- Editorial correction restoring inadvertently omitted footnotes and NOTE (Register 97, No.11).
- 19. Change without regulatory effect amending table and footnote (D) filed 10–2–97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 40).
- 20. Amendment of subsection (b) (Azinphos-methyl listing in table and footnotes (A) and (B)) filed 6-1-98 as an emergency; operative 6-1-98 (Register 98, No. 23). A Certificate of Compliance must be transmitted to OAL by 9-29-98 or emergency language will be repealed by operation of law on the following day.
- 21. Reinstatement of section as it existed prior to 6–1–98 emergency amendment by operation of Government Code section 11346.1(f) (Register 98, No. 42).
- 22. Editorial correction of Azinphos-methyl listing in table (Register 99, No. 16).
- 23. Amendment of footnote A filed 4–14–99 as an emergency; operative 4–14–99 (Register 99, No. 16). A Certificate of Compliance must be transmitted to OAL by 8–12–99 or emergency language will be repealed by operation of law on the following day.
- 24. Amendment of footnote A refiled 8–11–99 as an emergency; operative 8–11–99 (Register 99, No. 33). A Certificate of Compliance must be transmitted to OAL by 12–9–99 or emergency language will be repealed by operation of law on the following day.
- 25. Reinstatement of section as it existed prior to 4–14–99 emergency amendment by operation of Government Code section 11346.1(f) (Register 2000, No. 23).
- 26. Amendment of footnote A filed 9–29–2000; operative 10–29–2000 (Register 2000, No. 39).

§ 6774. Restricted Entry Interval Adjustments.

- (a) The adjustments in this section apply only to restricted entry intervals specified in section 6772.
- (b) Whenever a mixture of two or more organophosphate pesticides is applied, the restricted entry interval shall be lengthened by adding to the longest applicable restricted entry interval listed in 6772, 50 percent of the next longest applicable restricted entry interval.
- (c) When there is no foliage on the plant that has been treated by a pesticide and any crop or weed cover in the treated area is not over 4 inches in height, the restricted entry interval shall be reduced by 50 percent, but in no case to less than the restricted entry interval specified on the pesticide product labeling.
- (d) A restricted entry interval may be shortened to not less than the restricted entry interval specified on the pesticide product labeling upon verification by the county agricultural commissioner that one of the following has occurred:
- (1) two inches of rainfall within any seven—day period following the pesticide application;
- (2) the equivalent of two inches of rainfall has been applied evenly above all plants by sprinkler irrigation equipment within any seven-day period following the pesticide application;
- (3) for tree crops, at least 50 gallons of water has been applied at one time under pressure and evenly distributed to each tree; or
- (4) the plants have been tested by a procedure acceptable to the director and determined to have no residues or to have residue levels that the director considers not to be hazardous.
- (e) Whenever the pesticide product labeling specifies that a restricted entry interval be adjusted when outdoor applications are made in areas that receive less than 25 inches of average annual rainfall, the restricted entry interval specified for the dry areas shall apply to all outdoor applications in the State. A county agricultural commissioner, upon presentation of valid rainfall data from am official governmental source showing that an area within his or her county receives 25 inches or more of average annual rainfall, may exempt that area from this requirement.

NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

- Amendment filed 8-15-86; effective thirtieth day thereafter (Register 86, No. 34).
- 2. Amendment of section heading, section and Note filed 12–31–96; operative 1–1–97 pursuant to Government Code section 11343.4(d) (Register 97, No. 1).

§ 6776. Field Postings.

- (a) The operator of the property shall assure that signs are posted around treated fields in the following circumstances:
- (1) Whenever required by pesticide product labeling, unless access to the treated field is controlled in a manner that assures no employee (other

than the handlers making the application) will enter, work in, remain in, or walk within 1/4 mile during the application and the restricted entry interval:

- (2) All greenhouse applications, unless access is controlled in a manner that assures no employee (other that the handlers making the application) will enter, work in, remain in, or pass through the greenhouse during the application and the restricted entry interval; and
- (3) Any application that results in a restricted entry interval of greater than 7 days (after adjustment pursuant to section 6774).
- (b) The signs shall be of a size so that the wording specified in (2) and (3) is readable and the skull and crossbones symbol is clearly visible, to a person with normal vision, from a distance of 25 feet. Signs complying with the size requirements of Title 40 Code of Federal Regulations, Part 170.120 are considered to be readable at 25 feet. The signs shall contain the following:
 - (1) The skull and crossbones symbol near the center of the sign;
- (2) The words "DANGER" and "PELIGRO" and "PESTICIDES" and "PESTICIDAS" in the under portion of the sign;
- (3) The words "KEEP OUT" and "NO ENTRE" in the lower portion on the sign;
- (4) Whenever the sign is used to indicate a restricted entry interval of more than 7 days, the following information in the lower portion of the sign:
 - (A) The date of unrestricted entry;
 - (B) The name of the operator of the property; and
 - (C) The field identification, (if any); and
- (5) All letters and the symbol shall be of a color which sharply contrasts with their immediate background.
- (6) The Spanish portion of the sign may be replaced with another non– English language which is read by a majority of workers who do not read English. The replacement sign must be in the same format and meet the same size and other requirements as the original.
 - (c) The signs shall:
- (1) Be posted before the application begins but shall not be posted unless a pesticide application is scheduled within the next 24 hours;
- (2) Remain posted and clearly legible throughout the application and the restricted entry interval; and,
- (3) Be removed within 3 days after the end of the restricted entry interval and before any entry prohibited during a restricted entry interval.
- (d) The signs shall be posted so that they are visible at all usual points of entry to the treated area, including each road, footpath, walkway, or aisle that enters the treated field, and each border with any labor camp adjacent to the treated field. If there are no identified usual points of entry to the treated field, signs shall be posted at the corners of the treated field. When a treated field is adjacent to an unfenced public right—of—way, such as a road, trail, or path, additional signs shall be posted at each end of the treated field and at intervals not exceeding 600 feet along the treated field's border with the right—of—way.
- (e) When a pesticide product with the signal word "DANGER" on the label, or a minimal exposure pesticide listed in section 6790, is being applied to a field through an irrigation system, signs shall be posted in the manner specified in (d). These signs shall contain the following:
- (1) An octagon stop sign symbol at least 8 inches in diameter containing the word "STOP" in English;
- (2) The words "KEEP OUT" and "NO ENTRE" above the symbol and the words "PESTICIDES IN IRRIGATION WATER" and "PESTICIDAS EN AGUA de RIEGO" below the symbol;
 - (3) All letters shall be at least 2 1/2 inches tall; and
- (4) All letters and the symbol shall be of a color which sharply contrasts with their immediate background.
- (f) When a fumigant is applied to a field, signs shall be posted in the manner specified in (d). These signs shall contain the following information instead of the information specified in (b):
 - (1) The skull and crossbones symbol; and
 - (2) The following statements:
 - (A) "DANGER/PELIGRO";

- (B) "Area under fumigation, DO NOT ENTER/NO ENTRE";
- (C) "(Name of Fumigant) Fumigant in use";
- (D) The date and time of the fumigation; and
- (E) The name, address, and telephone number of the applicator.

NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 8–15–86; effective thirtieth day thereafter (Register 86, No. 34).
- Repealer and new section filed 12–31–96; operative 1–1–97 pursuant to Government Code section 11343.4(d) (Register 97, No. 1).
- 3. Amendment of subsection (b) and new subsection (b)(6) filed 5–10–99; operative 6–9–99 (Register 99, No. 20).

§ 6778. Records.

NOTE: Authority cited: Sections 407 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 8–15–86; effective thirtieth day thereafter (Register 86, No. 34).
- 2. Repealer filed 5-31-95; operative 6-30-95 (Register 95, No. 22).

Article 4. Fumigation

§ 6780. General Fumigation Safe-Use Requirements.

- (a) When fumigant concentrations cannot be controlled and an employee's exposure exceeds the Permissible Exposure Limit (PEL) as specified in Title 8, California Code of Regulations, Section 5155, Airborne Contaminants, or more stringent requirements by product labeling, the employer shall provide and require the employee to wear approved respiratory protective equipment.
- (b) Whenever an employee may be exposed above an exposure standard to methyl bromide, sulfuryl fluoride, or any other fumigant for which only air–supplied respirator equipment is approved, the employer shall either:
 - (1) require the use of air-supplied respirator equipment,
- (2) employ continuous monitoring to warn employees before the PEL is reached or
 - (3) operate under the provisions of (c) below.
- (c) Upon written application by an employer, the director will review and may accept a Fumigation Safety Program that described methods, work practices, devices, or processes which the director determines will ensure that employees will not be exposed to concentrations of fumigants in excess of the PEL.
- (d) The employer shall have an accident response plan at the worksite. The plan shall provide instructions to protect employees during situations such as spills, fire, and leaks. Employees shall be trained in accident management procedures based on the plan.

NOTE: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Section 12981, Food and Agricultural Code.

HISTORY

- 1. New Article 4 (Sections 6780, 6782 and 6784) filed 8–1–86; effective thirtieth day thereafter (Register 86, No. 31).
- Change without regulatory effect amending NoTE filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).
- Change without regulatory effect amending subsection (a) filed 3–8–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 10)

§ 6782. Fumigation in Enclosed Spaces.

Enclosed spaces include vaults, chambers, greenhouses, vans, box-cars, ships, planes, vehicles, and tarpaulin–covered structures and commodities. When fumigating tarpaulin–covered commodities inside buildings, and areas or things inside greenhouses, this section applies to the entire structure.

- (a) Whenever a pesticide is used for fumigation inside an enclosed space, at least two trained employees shall be present at all times when:
 - (1) The fumigant is introduced into the enclosed space;
- (A) Except, only one trained person is required to be present when solid fumigants (including aluminum phosphide, magnesium phosphide, and smoke cartridges) are introduced into the enclosed space from outside the enclosed space;

- (2) The enclosed space is entered for the purpose of facilitating aeration; and
- (3) The enclosed space is entered to determine the concentration of the fumigant and personal protective equipment is required by pesticide product labeling or regulation.
- (b) The second employee shall have immediate access to the personal protective equipment required by the pesticide product labeling for handlers in the event entry into the fumigated enclosed space becomes necessary for rescue.
- (c) Prior to the commencement of fumigation, warning signs shall be posted in plainly visible locations on or in the immediate vicinity of all entrances to the space under fumigation and shall not be removed until fumigation and ventilation have been completed, and the premises is safe for reentering. Warning signs shall be printed in red on white background and shall contain, in English and Spanish, the following statement in letters not less than two inches in height: "DANGER-FUMIGATION." They shall also depict a skull and crossbones not less than one inch in height and shall state in letters not less than one—half inch in height the name of the fumigant, the date and time the fumigant was injected, and the name, address and telephone number of the applicator performing the fumigation.
- (d) Employees shall not be allowed to enter fumigated enclosed areas, except to determine the fumigant concentration or facilitate aeration unless the concentration in the area is known to be at or below the level specified in 6780(a) above.
 - (e) The fumigant shall not be released into an occupied work area.
- (f) After completion of the fumigation, the treated area or products shall be managed so that employees entering the area or working with the treated products are not exposed to a concentration in excess of the level specified in 6780(a) above.

NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

- 1. Amendment filed 8–15–86; effective thirtieth day thereafter (Register 86, No. 31).
- Amendment of section heading, first paragraph, and subsection (a), new subsections (a)(1)–(b), subsection relettering, and amendment of newly designated subsection (c) and Note filed 12–31–96; operative 1–1–97 pursuant to Government Code section 11343.4(d) (Register 97, No. 1).

§ 6784. Field Fumigation.

- (a) Signs required to be posted in accordance with section 6776(f) shall remain in place until aeration is complete.
- (b) The provisions of this subsection pertain to field soil fumigations using methyl bromide applied pursuant to the fumigation methods described in section 6447.3.
- (1) Employer Recordkeeping. The employer shall maintain records for all employees performing fumigation—handling activities. The records shall identify the person, work activity(ies), date(s), duration of handling, the U.S. Environmental Protection Agency Registration Number, and the brand name of the methyl bromide product handled. The employer shall maintain these use records at a central location for two years.
 - (2) Employee Protection Requirements.
- (A) Employees involved primarily in shoveling shall work only at the ends of the application rows.
- (B) At least two trained employees shall be present during introduction of methyl bromide and removal of tarpaulins, if used.
- (C) When required by this section, employees shall wear National Institute for Occupational Safety and Health (NIOSH)—certified respiratory protection specifically recommended by the manufacturer for use in atmospheres containing less than five parts per million methyl bromide. Employees shall wear the required respiratory protection during the entire duration of the fumigation—handling activity. NIOSH—approved, air—supplying respiratory protection may be used in lieu of chemical cartridge respirators.
 - (3) Limited Work Hours and Workdays.

- (A) No employee may work in fumigation—handling activities more than the hours specified in Table 1—Maximum Work Hours during the injection period and during the restricted—entry interval.
- 1. An employee may perform fumigation—handling activities without the work—hour limitations specified in Table 1—Maximum Work Hours if a full—face respirator is worn during the entire duration of the activity.
- 2. Multiple–Task Employees. An employee may work in more than one work task and/or application method in a 24–hour period as long as the employee's total work hours do not exceed the lowest total hours specified in Table 1—Maximum Work Hours for any one work task or application method performed.
- (B) Notwithstanding subsection (b)(3)(A), an employee may work in fumigation-handling activities in a 24-hour period for the work hours specified in Table 2—Maximum Work Hours in a Maximum Three (3)Workdays Per Calendar Month during the injection period and during the restricted-entry interval, provided the employee's total workdays performing fumigation-handling activities do not exceed three days in a calendar month.
- 1. An employee may perform fumigation—handling activities without the work—hour limitations specified in Table 2—Maximum Work Hours in a Maximum Three (3)Workdays Per Calendar Month if a half-face respirator is worn during the entire duration of the activity.
- 2. Multiple–Task Employees. An employee may work in more than one work task and/or application method in a 24–hour period as long as the employee's total work hours do not exceed the lowest total hours specified in Table 2—Maximum Work Hours in a Maximum Three (3) Workdays Per Calendar Month for any one work task or application method performed.

Table 1. Maximum Work Hours

Fumigation Method/Activities	Maximum Application Rate (lbs. of actual methyl bromide)	Maximum Work Hours in a 24-Hour Period Wearing Half-Face Respirator During Entire Fumigation-Handling Activity
Nontarpaulin/Shallow/Bed: Tractor Equipment Driving Supervising	200 lbs.	9* 9*
Nontarpaulin/Deep/Broadcast: Tractor Equipment Driving Supervising	400 lbs.	10* no limitation ¹
Tarpaulin/Shallow/Broadcast: Tractor Equipment Driving Shoveling, Copiloting Supervising Tarpaulin Cutting Tarpaulin Removal	400 lbs.	8* 4* 4* no limitation ¹ no limitation ²
Tarpaulin/Shallow/Bed: Tractor Equipment Driving Shoveling, Copiloting Supervising Tarpaulin Cutting Tarpaulin Removal	250 lbs.	no limitation 8* 8* no limitation ¹ no limitation ²
Tarpaulin/Deep/Broadcast: Tractor Equipment Driving Shoveling, Copiloting Supervising Tarpaulin Cutting Tarpaulin Removal	400 lbs.	8* 4* 4* no limitation ¹ no limitation ²
Drip System — Hot Gas: Applicators Supervising Tarpaulin Cutting Tarpaulin Removal	225 lbs.	5* 5* no limitation ¹ no limitation ²

¹Exception: An employee may perform this activity without a half-face respirator provided the employee does not work more than one hour in a 24-hour period. The

maximum one-hour work limitation may be increased in accordance with the formula located below.

²Exception: An employee may perform this activity without a half-face respirator provided the employee does not work more than three hours in a 24-hour period. The maximum three-hour work limitation may be increased in accordance with the formula located below.

*If the actual methyl bromide application rate is less than the maximum application rate shown in Table 1 or below in Table 2 for the particular fumigation method used, the maximum work hours may be increased in accordance with the following formula:

 maximum application rate for method
 x
 work hours in a setual application rate
 revised maximum work hours in a south hours in a setual application rate

Table 2. Maximum Work Hours in a Maximum Three (3) Workdays
Per Calendar Month

E i i Malaka	Maximum Application Rate (lbs. of actual	Maximum Work Hours in a 24–Hour Period Without the Use of
Fumigation Method/Activities	methyl bromide)	Respirators
Nontarpaulin/Shallow/Bed: Tractor Equipment Driving Supervising	200 lbs.	4* 4*
Nontarpaulin/Deep/Broadcast: Tractor Equipment Driving Supervising	400 lbs.	4* 7*
Tarpaulin/Shallow/Broadcast: Tractor Equipment Driving Shoveling, Copiloting Supervising Tarpaulin Cutting Tarpaulin Removal	400 lbs.	4* 3* 3* 4 7
Tarpaulin/Shallow/Bed: Tractor Equipment Driving Shoveling, Copiloting Supervising Tarpaulin Cutting Tarpaulin Removal	250 lbs.	4* 4* 4* 4 7
Tarpaulin/Deep/Broadcast: Tractor Equipment Driving Shoveling, Copiloting Supervising Tarpaulin Cutting Tarpaulin Removal	400 lbs.	4* 3* 3* 4 7
Drip System — Hot Gas: Applicators Supervising Tarpaulin Cutting Tarpaulin Removal	225 lbs.	2* 2* 4 7

- (C) No employee shall be allowed to alternate between the workday and work–hour requirements specified in subsection (b)(3)(A) and (B) unless the employee did not perform fumigation–handling activities during the previous 30 days.
 - (4) Tarpaulin Cutting and Removal Procedures.
- (A) Tarpaulin cutting and tarpaulin removal shall be discontinued if the presence of gas is readily evident (onset of eye irritation or odor).
- (B) Tarpaulins used for broadcast fumigations shall be cut using only mechanical methods including all-terrain vehicle or a tractor with a cutting wheel. Each tarpaulin panel used for broadcast fumigations shall be cut lengthwise.
 - (5) Tarpaulin Repair.
- (A) The operator of the property shall assure that a "tarpaulin repair response plan" is provided to the commissioner. The tarpaulin repair response plan shall identify the responsibilities of the licensed pest control business and/or the permittee with regard to tarpaulin damage detection and repair activities. At a minimum, the tarpaulin repair response plan shall indicate the parties responsible for the repair and incorporate the applicable elements listed in (B) below.

- (B) The "tarpaulin repair response plan" approved by the commissioner in the work site plan must state with specificity the situations when tarpaulin repair must be conducted. The situations should be based on, but not limited to, hazard to the public, residents, or workers; proximity to occupied structures, size of the damaged area(s); timing of damage; feasibility and response time of repair; and environmental factors such as wind speed and direction.
- (C) The ambient air in the damaged areas of the tarpaulin to be repaired must be tested for methyl bromide concentration by a certified applicator of the licensed pest control business that made the application, or by a certified applicator employee of the permittee, or certified applicator permittee, using a testing device as specified by the labeling. The certified applicator must wear self-contained breathing apparatus when conducting these tests.
- (D) All repair work areas must test less than five parts per million methyl bromide before any employee without respiratory protection shall be allowed to enter and conduct tarpaulin repair. Such employee is limited to one work hour in a 24-hour period, unless respiratory protection specified in subsection (b)(2)(C) is worn.

NOTE: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Section 12981, Food and Agricultural Code.

HISTORY

- 1. New section filed 8–15–86; effective thirtieth day thereafter (Register 86, No. 31)
- Amendment of section and Note filed 12–15–2000; operative 1–14–2001 (Register 2000, No. 50).
- 3. Amendment of subsections (b)(4)(A)–(B) and (b)(6)(C)–(D) and new subsections (b)(7)–(b)(7)(B) filed 4–8–2002; operative 4–8–2002 (Register 2002, No. 15)
- 4. Repealer and new section filed 9-19-2002 as an emergency; operative 9-22-2002 (Register 2002, No. 38). A Certificate of Compliance must be transmitted to OAL by 1-21-2003 or emergency language will be repealed by operation of law on the following day.
- 5. Repealer and new section refiled 1–21–2003 as an emergency; operative 1–21–2003 (Register 2003, No. 4). A Certificate of Compliance must be transmitted to OAL by 5–21–2003 or emergency language will be repealed by operation of law on the following day.
- 6. Repealer and new section refiled 5-19-2003 as an emergency; operative 5-21-2003 (Register 2003, No. 21). A Certificate of Compliance must be transmitted to OAL by 9-18-2003 or emergency language will be repealed by operation of law on the following day.
- 7. Repealer and new section refiled 9-11-2003 as an emergency; operative 9-18-2003 (Register 2003, No. 37). A Certificate of Compliance must be transmitted to OAL by 1-16-2004 or emergency language will be repealed by operation of law on the following day.
- 8. Repealer and new section refiled 1-14-2004 as an emergency; operative 1-17-2004 (Register 2004, No. 3). A Certificate of Compliance must be transmitted to OAL by 5-17-2004 or emergency language will be repealed by operation of law on the following day.
- Repealer and new section refiled 5-17-2004 as an emergency; operative 5-18-2004 (Register 2004, No. 21). A Certificate of Compliance must be transmitted to OAL by 9-15-2004 or emergency language will be repealed by operation of law on the following day.
- 10. Repealer and new section refiled 9–9–2004 as an emergency; operative 9–15–2004 (Register 2004, No. 37). A Certificate of Compliance must be transmitted to OAL by 1–13–2005 or emergency language will be repealed by operation of law on the following day.
- 11. Certificate of Compliance as to 9–15–2004 order, including further amendment of section, transmitted to OAL 9–21–2004 and filed 11–3–2004 (Register 2004, No. 45).
- 12. Amendment of subsections (b) and (b)(2)(B) filed 1–25–2008; operative 1–25–2008 pursuant to Government Code section 11343.4 (Register 2008, No. 4).

Article 5. Minimal Exposure Pesticides

§ 6790. Minimal Exposure Pesticides.

This article applies to the following:

- (a) Bromoxynil (Buctril, Bronate)
- (b) Folpet
- (c) Oxydemeton-methyl (Metasystox-R)
- (d) Propargite (Omite, Omite CR, Comite)

NOTE: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agriculture Code.

HISTORY

- 1. New section filed 8-13-90; operative 8-13-90 (Register 90, No. 41).
- Change without regulatory effect amending NOTE filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6791. Exemptions.

The following exemptions apply to the specific minimal exposure pesticides:

- (a) Folpet, when contained in or added to paints, coatings, or caulking compounds, is exempt from the requirements of this article.
 - (b) [Reserved].

NOTE: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agriculture Code.

HISTORY

- 1. New section filed 8-13-90; operative 8-13-90 (Register 90, No. 41).
- Change without regulatory effect amending Note filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6792. Conditions of Use.

The following conditions apply to the specific minimal exposure pesticides:

- (a) Applications of oxydemeton-methyl to ornamental landscape trees and shrubs shall be made by trunk injection or soil injection methods only;
 - (b) Oxydemeton-methyl shall not be applied within a greenhouse; and
 - (c) Propargite shall not be applied within a greenhouse.

NOTE: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 23981, Food and Agriculture.

HISTORY

- 1. New section filed 8-13-90; operative 8-13-90 (Register 90, No. 41).
- Change without regulatory effect amending Note filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6793. Minimal Exposure Pesticide Safety Use Requirements.

- (a) The employer shall provide a clothing change area and instructions, as required by section 6732, for employees who handle minimal exposure pesticides for any period of time, regardless of the toxicity category of the product used.
- (b) The employer shall provide washing facilities, as specified in section 6734, where minimal exposure pesticides are mixed or loaded, regardless of the toxicity category of the product used.
- (c) The employer shall provide and maintain work clothing, as specified in section 6736, and require it to be worn, regardless of the toxicity category.
- (d) The employer shall provide a closed system, as defined in section 6000, and require its use by all employees who mix, load or transfer liquid formulations or load diluted liquid mixes derived from dry formulations of minimal exposure pesticides, regardless of the toxicity category of the product used. The requirements of this subsection do not apply to:
- (1) employees who handle a total of one gallon or less of these pesticides per day exclusively in original containers of one gallon or less; or
- (2) regulatory personnel collecting samples of these pesticides according to official sampling procedures.
- (e) The employer shall provide and require employees to wear full-body chemical-resistant protective clothing, as specified in subsections 6738(g), when handling minimal exposure pesticides. Employees working in the following situations are not required by this subsection to wear chemical-resistant full-body protective clothing, but this clothing shall be present at the work site:

- (1) employees using a closed system, or sealed water soluble packets, while mixing, loading or transferring these pesticides. These employees shall wear a chemical–resistant apron, chemical–resistant gloves and chemical–resistant boots;
 - (2) employees working as applicators in enclosed cabs;
 - (3) employees working as flaggers in enclosed vehicles;
- (4) applicators using vehicle-mounted or towed equipment to inject or incorporate these pesticides into the soil; and
- (5) applicators using equipment with vehicle mounted spray nozzles directed downward and located below the level of the employee.
- (f) The employer shall provide and require employees to wear respiratory protection, as specified in section 6739, when engaged in:
- (1) Hand application or ground application of minimal exposure pesticides, except:
 - (A) Reserved;
- (B) applicators using vehicle mounted or towed equipment to inject or incorporate these pesticides into the soil; and
- (C) applicators using equipment with vehicle mounted spray nozzles directed downward and located below the level of the employee;
- (2) Flagging during an application of a minimal exposure pesticide, except flaggers in enclosed vehicles; and
- (3) Mixing or loading dry formulations of minimal exposure pesticides, except mixers or loaders using sealed water soluble packets.
- (g) All protective clothing and equipment shall be cleaned inside and out or discarded at the end of the day's use.

NOTE: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agriculture Code.

HISTORY

- 1. New section filed 8–13–90; operative 8–13–90 (Register 90, No. 41).
- Change without regulatory effect amending NOTE filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).
- Change without regulatory effect amending subsection (d) filed 4–18–2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 16).
- 4. Amendment of subsections (e), (e)(1), (e)(4) and (f) filed 6–13–2007; operative 1–1–2008 (Register 2007, No. 24).

Article 6. Use Requirements

§ 6795. Thiophanate-Methyl.

- (a) Employers shall provide and ensure that employees who handle pesticides containing thiophanate-methyl for the treatment of potato seed pieces wear respiratory protection approved by NIOSH/MSHA for dusts.
- (b) Indoor applications of thiophanate-methyl for potato seed-piece treatment are prohibited if there are persons within the room or enclosed space where the treatment is taking place, unless the persons are protected in the manner specified in subsection (a).

NOTE: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

- 1. New section filed 4–24–91 as an emergency; operative 4–24–91 (Register 91, No. 21). A Certificate of Compliance must be transmitted to OAL by 8–22–91 or emergency language will be repealed by operation of law on the following day.
- 2. Repealed by operation of Government Code section 11346.1(g) (Register 91, No. 46)
- 3. New section filed 2–11–92; operative 2–11–92 pursuant to Government Code section 11346.2(d) (Register 92, No. 12).
- Change without regulatory effect amending Note filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

[The next page is 424.7.]

Chapter 4. Environmental Protection

Subchapter 1. Ground Water

Article 1. Pesticide Contamination Prevention

§ 6800. Groundwater Protection List.

Pesticides labeled for agricultural, outdoor institutional or outdoor industrial use that contain any of the following chemicals are designated as having the potential to pollute ground water:

- (a) The following chemicals detected in ground water or soil pursuant to section 13149 of the Food and Agricultural Code:
 - (1) Atrazine
 - (2) Simazine
 - (3) Bromacil
- (4) Diuron, except for products with less than 7% diuron that are applied to foliage
 - (5) Prometon
 - (6) Bentazon (Basagran®)
 - (7) Norflurazon
- (b) The following chemicals identified pursuant to section 13145(d) of the Food and Agricultural Code:

Acephate

Acrolein

Alachlor

Aldicarb

Azinphos-methyl

Bensulide

Butylate

Carbaryl Carbofuran

Chloropicrin

Chlorothalonil

Chlorsulfuron

Cyanazine

Cycloate

Dazomet

2,4-D, dimethylamine salt

Diazinon

Dichlobenil

Dichloran

Diethatyl-ethyl

Dimethoate

Diquat dibromide

Disulfoton

EPTC

Ethofumesate

Ethoprop

Fenamiphos Fluometuron

Fonofos

Fosetyl-Al technical

Hexazinone

Imazethapyr

Imidacloprid

Iprodione

Isoxaben Linuron

Linuton

Metalaxyl

Metaldehyde

Methiocarb

Methomyl

Methyl isothiocyanate

Metolachlor

Metribuzin

Molinate

Napropamide

Naptalam, sodium salt

Nitrapyrin

Oryzalin

Oxydemeton-methyl

Parathion

Pebulate

Phorate

Prometryn

Propyzamide

Pyrazon

Rimsulfuron

Sulfometuron-methyl

Tebuthiuron

Triallate

Triflumizole

Vernolate

Vinclozolin

NOTE: Authority cited: Sections 11456 and 13145, Food and Agricultural Code. Reference: Sections 13144, 13145 and 13149, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–4–89; operative 1–4–89 pursuant to Government Code section 11346.2(d) (Register 89, No. 5).
- 2. Amendment of subsections (a) and (b) filed 4–10–90; operative 4–10–90 pursuant to Government Code section 11346.2 (d) (Register 90, No. 16).
- 3. New subsection (a)(6) filed 12–12–91; operative 1–13–92 (Register 92, No. 13).
- 4. Amendment of subsection (b) filed 4–3–92; operative 5–4–92 (Register 92, No. 18).
- 5. Amendment of subchapter 1 heading and amendment of section and NOTE filed 4–13–99; operative 5–13–99 (Register 99, No. 16).
- 6. Amendment filed 2-21-2001; operative 3-23-2001 (Register 2001, No. 8).
- 7. Amendment of subsection (a) and NOTE filed 4–27–2004; operative 5–27–2004 (Register 2004, No. 18).

§ 6802. Pesticide Management Zones.

NOTE: Authority cited: Sections 11456, 12976 and 13145, Food and Agricultural Code. Reference: Section 13145, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–4–89; operative 1–4–89 pursuant to Government Code section 11346.2(d) (Register 89, No. 5).
- 2. Amendment of subsection (b) and new subsections (c)–(g) filed 4–10–90; operative 4–10–90 pursuant to Government Code section 11346.2(d) (Register 90, No. 16).
- 3. Amendment of subsections (b)–(f) filed 6–3–92; operative 7–3–92 (Register 92, No. 23).
- 4. Editorial correction of subsection (f) (Register 95, No. 8).
- 5. Amendment of section and Note filed 4–13–99; operative 5–13–99 (Register 99, No. 16).
- Amendment of subsection (b) and new subsection (h) filed 2-21-2001; operative 3-23-2001 (Register 2001, No. 8).
- 7. Repealer filed 4-27-2004; operative 5-27-2004 (Register 2004, No. 18).

§ 6804. Specific Numerical Values.

Specific numerical values required by Food and Agricultural Code section 13144(a) are established as follows:

- (a) Water solubility—3 ppm
- (b) Soil adsorption coefficient (Koc)—1900 cm³/gm
- (c) Hydrolysis—14 days half-life
- (d) Aerobic soil metabolism—610 days half-life
- (e) Anaerobic soil metabolism-9 days half-life

NOTE: Authority cited: Sections 11456 and 13145, Food and Agricultural Code. Reference: Sections 13144 and 13145, Food and Agricultural Code.

HISTORY

1. New section filed 1–4–89; operative 1–4–89 pursuant to Government Code section 11346.2(d) (Register 89, No. 5).

- 2. Amendment of subsections (a)–(c) and new subsection (d) filed 10–23–89; operative 11–22–89 (Register 89, No. 44).
- 3. Amendment filed 10-19-90; operative 11-18-90 (Register 90, No. 47).
- 4. Editorial correction of printing error in subsection (b) (Register 91, No. 32).
- 5. Amendment of subsection (d) and new subsection (e) filed 2–1–93; operative 3–3–93 (Register 93, No. 6).
- Change without regulatory effect amending Note filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6806. Use Reporting.

NOTE: Authority cited: Sections 407, 12976, 13145 and 14102, Food and Agricultural Code. Reference: Section 13145, Food and Agricultural Code.

HISTORY

- 1. New section filed 1–4–89; operative 1–4–89 pursuant to Government Code Section 11346.2(d) (Register 89, No. 5).
- 2. Repealer filed 12-22-89; operative 1-1-90 (Register 90, No. 1).

§ 6806.1. Groundwater Protection List Use Report Form.

HISTORY

- 1. New section filed 1–4–89; operative 1–4–89 pursuant to Government Code Section 11346.2(d) (Register 89, No. 5).
- 2. Repealer filed 12-22-89; operative 1-1-90 (Register 90, No.1).

§ 6808. Sunset Review of Regulations.

NOTE: Authority cited: Section 11456, Food and Agricultural Code. Reference: Section 11456, Food and Agricultural Code.

HISTORY

- 1. New section filed 4-13-99; operative 5-13-99 (Register 99, No. 16).
- 2. Repealer filed 1-20-2000; operative 2-19-2000 (Register 2000, No. 3).

Subchapter 2. Air

Article 1. Toxic Air Contaminants

§ 6860. Toxic Air Contaminants List.

The Director designates the following pesticides to be toxic air contaminants:

(a) The following pesticides are designated toxic air contaminants pursuant to Food and Agricultural Code section 14023:

Ethyl parathion

Methidathion

Methyl isothiocyanate (MITC) and other pesticides that generate MITC

Methyl parathion

S.S.S-tributyl phosphorotrithioate (DEF, tribufos)

Sulfuryl Fluoride

(b) The following pesticides are designated toxic air contaminants to implement Food and Agricultural Code section 14021:

Acrolein

Arsenic acid

Arsenic pentoxide

Arsenic trioxide

Captan

Carbaryl

Carbon disulfide-generating pesticides

Chlorine

Chromic acid

m-Creosol

2,4-D salts and esters

1,4-Dichlorobenzene

1,3-Dichloropropene

Dichlorovos

Ethylene oxide

Formaldehyde

Hydrochloric acid

Lindane

Mancozeb

Maneb

Methanol

Methoxychlor

Methyl bromide

Naphthalene 10 10' oxybisphenoxyarsine

Pentachloronitrobenzene

Pentachlorophenol

Phenol

Phosphorus

Phosphine and phospine-generating pesticides

Potassium permanganate

Propoxur

Propylene oxide

Sodium cyanide

Sodium dichromate

Trifluralin

Xvlene

NOTE: Authority cited: Sections 11456 and 14023, Food and Agricultural Code. Reference: Sections 14021 and 14023, Food and Agricultural Code.

HISTORY

- 1. New section filed 9-7-93; operative 10-7-93 (Register 93, No. 37).
- 2. New subsections (a) and (b) and amendment of NOTE filed 3-7-95; operative 4-6-95 (Register 95, No. 10).
- 3. Amendment of subsection (a) filed 1–31–2000; operative 3–1–2000 (Register 2000, No. 5).
- 4. Amendment of subsection (a) filed 8–30–2000; operative 9–29–2000 (Register 2000, No. 35).
- 5. Amendment filed 5-22-2003; operative 6-21-2003 (Register 2003, No. 21).
- 6. Amendment filed 5-7-2007; operative 6-6-2007 (Register 2007, No. 19).
- 7. Amendment of subsection (a) filed 3–13–2008; operative 4–12–2008 (Register 2008, No. 11).

§ 6890. Criteria for Identifying Pesticides as Toxic Air Contaminants.

A pesticide shall be identified as a toxic air contaminant if its concentrations in ambient air are greater than the following levels (for the purposes of this section, a threshold is defined as the dose of a chemical below which no adverse effect occurs):

- (a) For pesticides which have thresholds for adverse health effects, this level shall be ten-fold below the air concentration which has been determined by the Director to be adequately protective of human health.
- (b) For pesticides which do not have thresholds for adverse health effects, this level shall be equivalent to the air concentration which would result in a ten-fold lower risk than that which has been determined by the Director to be a negligible risk.

NOTE: Authority cited: Section 11456, Food and Agricultural Code. Reference: Sections 14021 and 14023, Food and Agricultural Code.

HISTORY

- 1. New section filed 1-16-91; operative 2-15-91 (Register 91, No. 8).
- 2. Change without regulatory effect amending NoTE filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

Article 2. Volatile Organic Compounds

§ 6895. Prohibition of Use of Weed Oils.

NOTE: Authority cited: Sections 407, 12781 and 12981, Food and Agricultural Code. Reference: Sections 11501 and 12824, Food and Agricultural Code.

HISTORY

- 1. New section filed 8–16–90; operative 8–16–90 (Register 90, No. 36.)
- Change without regulatory effect adding article 2 heading filed 8–28–91 pursuant to section 100, title 1, California Code of Regulations (Register 92, No. 4).
- 3. Repealer filed 8-1-96; operative 8-31-96 (Register 96, No. 31).

Page 424.8

Subchapter 3. Aquatic and Marine Environments

Article 1. Pesticide Contamination Protection

§ 6900. Antifouling Paints or Coatings Containing Tributyltin.

Antifouling paints or coatings which contain tributyltin shall have an average release rate of no more than four micrograms of organotin per square centimeter per day as determined by the Environmental Protection Agency testing procedure (ASTM Draft 6).

NOTE: Authority cited: Sections 11456, 12781, 14005 and 14102, Food and Agricultural Code. Reference: Sections 12824, 14005 and 14006, Food and Agricultural Code; and Public Law No. 100–333 (June 16, 1988) 102 Statutes 605.

HISTORY

- 1. New section filed 10-31-88; operative 11-30-88 (Register 88, No. 45).
- 2. Change without regulatory effect amending NoTE filed 6–20–2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

§ 6910. Prohibition of Use and Sale of Pesticide Products Containing Tributyltin.

- (a) No person shall possess for use or use a pesticide product containing tributyltin for the control of fouling microorganisms (such as bacteria, algae, or fungi) in cooling water systems in the counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma for the control of fouling microorganisms (such as bacteria, algae, or fungi) in cooling water systems.
- (b) No person in the counties listed in subsection (a) shall sell to users a pesticide containing tributyltin for the control of fouling microorganisms (such as bacteria, algae, or fungi) in cooling water systems.

NOTE: Authority cited: Sections 12976, 14005 and 14102, California Food and Agricultural Code. Reference: Sections 14005, 14006 and 14102, California Food and Agricultural Code.

HISTORY

- New section filed 12-11-95 as an emergency; operative 12-11-95 (Register 95, No. 50). A Certificate of Compliance must be transmitted to OAL by 4-9-96 or emergency language will be repealed by operation of law on the following day.
- New section refiled 4–9–96 as an emergency; operative 4–9–96 (Register 96, No. 15). A Certificate of Compliance must be transmitted to OAL by 8–8–96 or emergency language will be repealed by operation of law on the following day.
- Repealed by operation of Government Code section 11346.1(g) (Register 96, No. 45).
- New section filed 11–7–96; operative 11–7–96 pursuant to Government Code section 11343.4(d) (Register 96, No. 45).

§ 6920. Prohibition of Use and Sale of Pesticide Products Containing Copper.

- (a) No person shall possess for use or use a pesticide product containing copper sulfate for the control, in sewers and drains, of tree or other plant roots, or fungal slime in the counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma.
- (b) No person in the counties listed in subsection (a) shall sell to users a pesticide product containing copper sulfate for the control, in sewers and drains, of tree or other plant roots, or fungal slime.

NOTE: Authority cited: Sections 12976 and 14102, California Food and Agricultural Code. Reference: Section 14102, California Food and Agricultural Code.

HISTORY

 New section filed 12-11-95 as an emergency; operative 12-11-95 (Register 95, No. 50). A Certificate of Compliance must be transmitted to OAL by 4-9-96 or emergency language will be repealed by operation of law on the following day.

- New section refiled 4–9–96 as an emergency; operative 4–9–96 (Register 96, No. 15). A Certificate of Compliance must be transmitted to OAL by 8–8–96 or emergency language will be repealed by operation of law on the following day.
- 3. Repealed by operation of Government Code section 11346.1(g) (Register 96, No. 45)
- New section filed 11–7–96; operative 11–7–96 pursuant to Government Code section 11343.4(d) (Register 96, No. 45).

§ 6950. Clopyralid.

The provisions of this section apply to pesticide products that contain the active ingredient clopyralid and are intended for lawn and turf use as defined in Food and Agricultural Code section 13190(e).

(a) No application shall be made to lawn and turf unless the licensed or certified qualified applicator assures that the grass clippings from the treated area remain on the property. In no instances shall clopyralid–containing products be applied to residential lawns.

NOTE: Authority cited: Sections 11456, 12781, 12976 and 14102, Food and Agricultural Code. Reference: Sections 12824, 13191 and 13192, Food and Agricultural Code.

HISTORY

1. New section filed 12-28-2005; operative 1-27-2006 (Register 2005, No. 52).

Subchapter 5. Surface Water

Article 1. Pesticide Contamination Prevention

§ 6960. Dormant Insecticide Contamination Prevention.

- (a) The operator of the property shall meet at least one of the following requirements when making dormant applications:
- (1) only apply a dormant oil, or a biocontrol agent such as but not limited to spinosad or *Bacillus sp.*; or
 - (2) only apply to a hydrologically isolated site; or
- (3) divert any runoff with an on-farm recirculating system and/or contain and hold any runoff for 72 hours a before releasing into a sensitive aquatic site.
- (b) If none of the requirements in subsection (a) can be met, the following dormant insecticide application restrictions shall apply:
- (1) the operator of the property to be treated shall obtain a written recommendation from a licensed pest control adviser prior to the application; and
- (2) the application shall not be made within 100 feet of any sensitive aquatic site; and
- (3) wind speed shall be 3–10 miles per hour (mph) at the perimeter of the application site as measured by an anemometer on the upwind side.
 - (c) Aerial application of dormant insecticides shall only be allowed if:
- (1) soil conditions do not allow field entry, or approaching bloom conditions necessitate aerial application; and
 - (2) all the requirements in subsection (b) are met.
 - (d) No dormant insecticide application shall occur if:
- (1) soil moisture is at field capacity and a storm event, forecasted by the National Oceanic and Atmospheric Administration (NOAA) or National Weather Service (NWS), is to occur within 48 hours following application; or
- (2) a storm event likely to produce runoff from the treated area is forecasted by NOAA/NWS to occur within 48 hours following the application.

NOTE: Authority cited: Section 11456, Food and Agricultural Code. Reference: Sections 11456 and 11501, Food and Agricultural Code.

HISTORY

1. New subchapter 5, article 1 (section 6960) and section filed 7–18–2006; operative 8–17–2006 (Register 2006, No. 29).

* * *

Barclays Official CALIFORNIA CODE OF REGULATIONS

Title 3. Food and Agriculture

Division 7. Fairs and Expositions

Vol. 4



Division 7. Fairs and Expositions

TABLE OF CONTENTS

Page

Chapter 1.	Fair Improvement Allocation	Chapter 2.	Revenue Generating Contracts 426
	Procedures	Article 1.	Vendor Contracts
Article 1.	Fair Improvement Allocation Procedures	§ 7010.	Requirements for Vendor Contracts at District Agricultural Associations for Annual Fairs and Secondary Fair Events.
\$ 7000 \$ 7001 \$ 7002 \$ 7003 \$ 7004	Application Content and Procedure. Review of Applications. Action on Applications.	Article 2. § 7015.	Motorized Racing Contracts 426 Requirements for Motorized Racing Contracts at District Agricultural Associations.

Page i (1-28-2005)

Division 7. Fairs and Expositions

Chapter 1. Fair Improvement Allocation Procedures

Article 1. Fair Improvement Allocation Procedures

§ 7000. Definitions.

For purposes of Article 1 of these regulations, the following terms shall have the meanings described below:

- (a) "Act" means paragraph (1) of subdivision (f) of Section 19596.5 of the Code, paragraph (1) of subdivision (i) of Section 19596.6 of the Code and subdivision (b) of Section 19596.15 of the Code.
- (b) "Applicant" means the agency requesting the grant of moneys in connection with the issuance of Obligations the proceeds of which will be used for a purpose described in the Act and these regulations.
- (c) "Application" means the application required to be submitted and filed by an Applicant pursuant to subdivision (b) of Section 19596.15 of the Code and Section 7001 of these regulations.
- (d) "Code" means the Business and Professions Code of the State of California, as amended.
- (e) "Commitment Agreement" means the agreement that, in accordance with Section 7004 of these regulations, shall be entered into between the Director and a Grantee specifying the terms and conditions of each Grant.
- (f) "Department" means the Department of Food and Agriculture of the State of California.
 - (g) "Director" means the Director of the Department.
- (h) "Grant" means any allocation of funds pursuant to the Act and these regulations as evidenced by the terms of a Commitment Agreement.
 - (i) "Grantee" means any Applicant which receives a Grant.
- (j) "Obligations" means bonds, notes, debentures, certificates of participation, or other evidences of indebtedness the proceeds of which will be used for a purpose described in the Act and these regulations or to reimburse funds or refund obligations which were used for such purpose and the debt service on which will be repaid from a Grant.
- (k) "Project" means any one or more of the following, including, in each case, related improvements and appurtenances: the construction of improvements at a fair's racetrack inclosure, the construction of satellite wagering facilities at a fair, health and safety repair projects at a fair, and handicapped access compliance at a fair.
- (l) "Project Costs" means reasonable costs associated with any of the following:
 - (1) Preparing an Application and establishing eligibility.
- (2) Constructing, acquiring, and installing a Project, including, without limitation, all land, structures, real property, and personal property necessary therefor or appurtenant thereto.
- (3) Design, engineering, architectural, planning, inspection, permitting, consulting, legal, accounting and other costs and fees related to the acquisition, financing and development of a Project.

NOTE: Authority cited: Section 19596.15, Business and Professions Code. Reference: Sections 19596.5(f)(1), 19596.6(i)(1) and 19596.15, Business and Professions Code.

HISTORY

- New section filed 11–14–88 as an emergency; operative 11–14–88 (Register 88, No. 47). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 3–14–89.
- Certificate of Compliance transmitted to OAL 11-30-88 and filed 12-30-88 (Register 89, No. 2).
- 3. Amendment of division heading and new chapter 1 heading filed 12–20–2001; operative 1–19–2002 (Register 2001, No. 51).

§ 7001. Application Content and Procedure.

- (a) The Application shall be submitted in such manner as the Director or his or her designee shall prescribe, shall be signed by a person designated by the Applicant and shall contain the following information together with any supporting information which the Applicant wishes to include:
- (1) identity of the Applicant, including the name, address, and phone number of the Applicant's principal contact person;
- (2) a description of each Project for which a Grant is requested, including information about whether each Project is the construction of improvements at a fair's racetrack inclosure, the construction of satellite wagering facilities at a fair, health and safety repair projects at a fair, or handicapped access compliance at a fair;
- (3) preliminary cost estimates for the Project, and information about any other sources of funding for the Project;
- (4) information about any federal, state, and local laws and regulatory requirements known to the Applicant to which the Project will be subject and how the Applicant will comply with these;
- (5) the amount of the funds requested and the proposed terms and conditions of the Obligations the debt service on which shall be paid from the Grant, including a statement as to whether such Obligations shall be interim or permanent financing; and
 - (6) the date the Application was completed.
- (b) Applicants shall submit one (1) signed and clearly identified original and two (2) copies of the application to the California Department of Food and Agriculture, Division of Fairs and Expositions, 1010 Hurley Way, Suite 200, Sacramento, CA 95825, Attention: Director.
- (c) An amendment to an Application shall be authorized at any time. If an Application has been accepted pursuant to Section 7002 of these Regulations, an amendment shall be authorized to be submitted prior to discretionary action by the Director pursuant to Section 7003 of these Regulations; provided, however, that the Director shall be authorized to take an additional thirty (30) days to act on said Application, as amended. If an Application has been approved as set forth in Section 7003 of these Regulations, then any amendment to said Application shall be processed and acted upon by the Director within thirty (30) days from the date said amendment is accepted, such acceptance to be governed by Section 7002 of these Regulations.

NOTE: Authority cited: Section 19596.15, Business and Professions Code. Reference: Sections 19596.5(f)(1), 19596.6(i)(1) and 19596.15, Business and Professions Code.

HISTORY

- 1. New section filed 11–14–88 as an emergency; operative 11–14–88 (Register 88, No. 47). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 3–14–89.
- Certificate of Compliance including amendment transmitted to OAL 11–30–88 and filed 12–30–88 (Register 89, No. 2).

§ 7002. Review of Applications.

The Director or his or her designee shall evaluate every Application or amendment thereto submitted and determine if it is complete. If the Application or amendment thereto is determined to be complete, it shall be accepted and written notice stating the date that the Application has been accepted shall be mailed to the Applicant within forty–five (45) days after its receipt by the Department. If the Application or amendment thereto is determined not to be complete, it shall not be accepted and written notice shall be mailed to the Applicant within sixty (60) days after its receipt by the Department stating the areas in which the Application or amendment thereto needs to be supplemented.

NOTE: Authority cited: Section 19596.15, Business and Professions Code. Reference: Sections 19596.5(f)(1), 19596.6(i)(1) and 19596.15, Business and Professions Code.

HISTORY

- New section filed 11-14-88 as an emergency; operative 11-14-88 (Register 88, No. 47). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 3-14-89.
- Certificate of Compliance transmitted to OAL 11–30–88 and filed 12–30–88 (Register 89, No. 2).

§ 7003. Action on Applications.

- (a) Upon the filing of a complete Application, the Director shall be authorized to consult with any other state agency, public entity, or division within the Department in evaluating the Application for any purpose. The Director shall be authorized by agreement, to utilize the resources of any joint powers authority.
- (b) Within ninety (90) days after the acceptance of a complete Application, the Director shall either (1) approve the Application subject to the terms and conditions the Director determines to be appropriate or (2) deny the Application for any reason. If the Application is approved, the Director shall be authorized to enter into a Commitment Agreement pursuant to Section 7004 of these regulations.
- (c) With respect to commitments of funds available for allocation under Article 10 (commencing with Section 19620) of the Code to complete projects funded under the Act, such commitments shall be made in the priority prescribed by the Act and, where no priority is so prescribed, by the Director.

NOTE: Authority cited: Section 19596.15, Business and Professions Code. Reference Sections 19596.5(f)(1), 19596.6(i)(1) and 19596.15, Business and Professions Code.

HISTORY

- New section filed 11–14–88 as an emergency; operative 11–14–88 (Register 88, No. 47). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 3–14–89.
- 2. Certificate of Compliance including amendment of subsection (b) transmitted to OAL 11-30-88 and filed 12-30-88 (Register 89, No. 2).

§ 7004. Commitment Agreement.

- (a) The Director shall enter into a Commitment Agreement with each Grantee which shall set forth the terms and conditions of the Grant.
- (b) The Commitment Agreement shall include the following information:
- (1) A description of the Project or Projects to be funded from proceeds of the Grant or proceeds of Obligations to be repaid from the Grant;
- (2) If applicable, the dates on which the Grant is payable and the amount of the Grant payable on each such date;
- (3) The priority of the payment of each Grant as compared with the payment of other Grants which have been or might be made pursuant to the Act.
- (4) A statement that the Director shall not subsequently amend the priority provisions contained in the Commitment Agreement in any way which could materially adversely affect the interests of any Grantee or the holders of any Obligations without the consent of such Grantee and all such holders.
- (5) A statement that neither the faith and credit nor the taxing power of the State of California or any political subdivision thereof is pledged to the payment of the principal of or premium, if any, or interest on the Obligations.
- (6) A representation by the Grantee that it shall use the proceeds of the Grant or the proceeds of the Obligations only for Project Costs of the Project or Projects described in the Commitment Agreement.
- (7) A statement that all construction contracts entered into in connection with the Project shall comply with any applicable provisions of the California Public Contracts Code, the State Building Code as set forth in Title 24 of California Code of Regulations, and any other applicable state law.
- (8) A statement that (i) the Director shall be authorized to review at the Director's discretion, the approved Project or Projects, where the Project or Projects exceed by ten percent (10%) or \$50,000, whichever is lesser, those amounts allocated for the Project or Projects, and (ii) the Director shall take no action that materially adversely affects the owners of any Obligations issued in connection with the Project or Projects.
- (c) The Commitment Agreement shall contain such provisions regarding the right of assignment as may be agreed upon by the parties thereto. NOTE: Authority cited: Section 19596.15, Business and Professions Code. Reference: Sections 19596.5(f)(1), 19596.6(i)(1) and 19596.15, Business and Professions Code.

HISTORY

- 1. New section filed 11–14–88 as an emergency; operative 11–14–88 (Register 88, No. 47). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 3–14–89.
- Certificate of Compliance including amendment of subsection (b)(7) transmitted to OAL 11–30–88 and filed 12–30–88 (Register 89, No. 2).

Chapter 2. Revenue Generating Contracts

Article 1. Vendor Contracts

§ 7010. Requirements for Vendor Contracts at District Agricultural Associations for Annual Fairs and Secondary Fair Events.

- (a) For the purposes of Article 1 of these regulations, the following terms shall have the meanings described below:
- (1) Annual Fair is the primary annual fair event held at an Association fairgrounds.
- (2) Calendar Year means one year from the start date. For example, two Calendar Years starting June 5, 2001 would end June 4, 2003. The two Calendar Years would therefore include two Annual Fairs, even though 2001, 2002, and 2003 are included in the term.
 - (3) Association means District Agricultural Association.
- (4) Secondary Fair Event is an annual fair event produced by an Association, other than the Association's regular annual fair. Examples include, but are not limited to, a holiday fair or spring fair.
- (5) Vendor means a concessionaire (food, beverage, novelty, or other) or commercial exhibitor who promotes and sells their product at an annual fair or Secondary Fair Event.
- (b) Vendor contracts at Association fairgrounds for Annual Fairs and/ or Secondary Fair Events may be for a term of any period up to five Calendar Years.
- (1) A vendor contract prepared for a term of more than one Calendar Year shall be written for an initial one year term, and shall contain language indicating that:
- a. The contract will automatically be renewed annually up to the total term of the contract upon agreement of the vendor and satisfactory performance evaluation by the Association.
- b. The Association reserves the right to adjust the financial terms, concession/exhibit location, and any other terms and conditions each year upon renewal of the contract.
- c. The Association reserves the right to not renew the contract if legislative budget changes occur.
- (2) Prior to entering into a vendor contract that exceeds one year, an Association board shall:
- a. Establish performance measures for annual performance evaluation of vendors whose contract exceeds one year.
- b. Develop termination clause language to be included in vendor contracts that exceed one year.
- c. Develop any other contract terms or conditions that the board deems to be in the best interest of the Association when entering into vendor contracts that exceed one year.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 3965.1, 3965(d) and 4051(a), Food and Agricultural Code.

HISTORY

1. New chapter 2, article 1 (section 7010) and section filed 12–20–2001; operative 1–19–2002 (Register 2001, No. 51).

Article 2. Motorized Racing Contracts

§ 7015. Requirements for Motorized Racing Contracts at District Agricultural Associations.

- (a) For the purposes of Article 2 of these regulations, the following terms shall have the meanings described below:
 - (1) "Association" means District Agricultural Association.
 - (2) "Motorized racing" means oval track racing of motorized vehicles.

- (b) Prior to entering into any motorized racing contracts, an Association Board shall:
- (1) Establish curfew time(s) for all types of motorized racing activities at the Association;
- (2) Establish maximum decibel noise limits per vehicle and procedures for monitoring decibel noise levels for all types of motorized racing activities at the Association;
- (3) Establish penalty measures for a contractor who fails to comply with these limit requirements; and
 - (4) Develop any other contract terms or conditions that the board

deems to be in the best interest of the Association when entering into a motorized racing contract.

(c) The terms, conditions, and penalty measures set forth in §7015(b) shall be included as part of any Association motorized racing contract. NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 3965.1, 3965(d) and 4051(a), Food and Agricultural Code.

HISTORY
1. New article 2 (section 7015) and section filed 7–23–2002; operative 8–22–2002 (Register 2002, No. 30).

Barclays Official

CALIFORNIA CODE OF REGULATIONS

SUBJECT INDEX

Title 3 Food and Agriculture



Index updated through Register 2007, Number 52; December 28, 2007

© 2008 Thomson/West

Barclays and Barclays Official California Code of Regulations are Trademarks Used Herein Under License.

ACCESS TO INFORMATION

Cattle, feed lot inspection records, 3:858 Food and agriculture department, employee examination records, 3:122

Grapes, marketing licensure -Criminal records, 3:1702.1

Milk and milk products, investigations and audits, confidentiality, 3:1806

Pest control operations, reporting requirements, 3.6634

ACEPHATE

Pesticide, groundwater contaminant, 3:6800

ACROLEIN

Pesticide

-Groundwater contaminant, 3:6800

-Restrictions, 3:6400

-Toxic air contaminant, 3:6860

ACTINOBACILLOSIS

Livestock, disposal of carcasses and parts, 3:905.7

ACTINOMYCOSIS

Livestock, disposal of carcasses and parts, 3:905.7

ADDITIVES

Commercial feed

See COMMERCIAL FEED

Milk, vitamins and minerals, 3:624

ADMINISTRATIVE AGENCIES. STATE

Dairy products sales to, 3:1942

ADULTERATION

Commercial feed, 3:2734, 3:2746

-Cottonseed products, 3:2735 Grain, noxious weeds, 3:3556

Seeds, noxious weeds, 3:3557

ADVERTISING

Eggs, 3:1354

Fertilizers, guaranteed analysis, 3:2301

ADVISORY BOARDS AND COMMITTEES

Cattle health advisory task force, 3:797.5

AFLATOXINS

Commercial feed adulteration, 3:2734

-Cottonseed products, 3:2735

Grapes, marketing; license applications, 3:1701.1

AGRICULTURAL WASTES

Meat packing plants, 3:1180.28

AGRICULTURE

Agriculture Department

See FOOD AND AGRICULTURE DEPART-MENT

Animal biologics

See BIOLOGICS

Animals

See ANIMALS; LIVESTOCK; specific types of animals

Bees

See BEES

Berries, blueberry maggots, 3:3266

Cattle

See CATTLE

Cheese

See CHEESE

Commodities, pest control

-Chloropicrin, fumigation, 3:6450

-Methyl bromide, fumigation, 3:6450-3:6450.3

-Pesticide residue, tolerances, 3:6490, 3:6492 Cotton

See COTTON

Crops

-Field crop standards, 3:2835-3:2841

-Inspection services, 3:2840, 3:2841

See DAIRIES; MILK AND MILK PRODUCTS

AGRICULTURE-continued

Dairy farms

See DAIRY FARMS

See MILK AND MILK PRODUCTS

Department

Dairy products

See FOOD AND AGRICULTURE DEPART-MENT

Direct marketing

See FRUITS AND VEGETABLES, subheading: Direct marketing

Eggs

See EGGS

Export market development

-Cooperator contributions

--Authorized uses, 3:1711

-Criteria for qualifying, 3:1710

-State funds

-Authorized uses, 3:1711

--Transfer, 3:1712

Fairs and expositions

-Fair improvement allocation procedures, 3:7000-3:7004

Farmers market

See FRUITS AND VEGETABLES, subheading: Direct marketing

Feed lots

See CATTLE

Fees

-Field crop inspection services, 3:2841

-Shipping point inspections, 3:2200-3:2202

Fertilizers

See FERTILIZERS

Field crops

-Inspection services

--Federal Grain Inspection Service authority, 3:2840

-Fees, 3:2841

-Standards

--General provisions, 3:2835

--Safflower seeds, 3:2836

--Wild rice, 3:2838

Fruit

See FRUITS AND VEGETABLES

Horses

See HORSES

Inspections

See also specific subjects of inspection (e.g., CATTLE)

-Shipping point inspections, fees, 3:2200-3:2202 Livestock

See LIVESTOCK

Meat

See MEAT AND MEAT PROCESSING

Milk

See MILK AND MILK PRODUCTS

Nematode-free certification program

See PLANT NURSERIES

Organic foods, denial, suspension, or revocation of certification, 3:1391-3:1391.1

Pesticides

See PEST CONTROL OPERATIONS, AGRI-CULTURAL; PESTICIDES

Poultry

See POULTRY AND POULTRY PRODUCTS

Quarantine See QUARANTINE

Safflower seeds, crop standards, 3:2836 Seeds

See SEEDS Sheep

See SHEEP

Shipping point inspections, fees, 3:2200-3:2202 Swine

See SWINE

Vegetables

See FRUITS AND VEGETABLES Wild rice, crop standards, 3:2836

AGRICULTURE DEPARTMENT, STATE

See FOOD AND AGRICULTURE DEPART-MENT

AIR POLLUTION AND CONTROL

Toxic air contaminants, pesticides, 3:6860

AIR TRANSPORTATION

Disposal of waste from aircraft, 3:770-3:774

-Collection regulations, 3:772

-Definitions, 3:770

-Disposal methods, 3:774

-License, processing time, 3:300, 3:301

-Retention and maintenance, 3:771

-Segregation requirements, 3:773 -Transportation regulations, 3:772

-Violations, informal hearings, 3:1310-3:1310.3 Food cargo, inspection fee, 3:3560

Pilot license, pest control operations, 3:6540-3:6544

ALACHLOR

Pesticide, groundwater contaminant, 3:6800

ALDICARR

Pesticide

-Groundwater contaminant, 3:6800

-Usage restrictions, 3:6400, 3:6458

Carbofuran, pesticide usage restrictions, 3:6474 Commercial feed ingredient, 3:2773, 3:2773.1

ALLIGATORWEED

Eradication area, 3:3960

ALMOND HULL PRODUCTS

Commercial feed ingredient, 3:2773.5

ALTERNATIVE DISPUTE RESOLUTION

Grapes, marketing enforcement, 3:1703-3:1703.5

AI TRAZINE

Pesticide, use as, 3:6486.1

ALUMINUM PHOSPHIDE

Pesticide, usage restrictions, 3:6400

ANASARCA

Livestock

-Ante-mortem inspections, 3:903.7

-Disposal of carcasses and parts, 3:905.6

3:905.31

ANIMALS Biologics

See BIOLOGICS

Cattle See CATTLE

Commercial feed

See COMMERCIAL FEED

See CATTLE; DAIRY FARMS, subheading: Ani-

Livestock, disposal of carcasses and parts, 3:905.8,

mals

Dead animals

-Livestock See LIVESTOCK

Deer

See DEER

Diseases

-Brucellosis --Cattle

See CATTLE –Swine

See SWINE Fallow deer

See DEER Feed

See COMMERCIAL FEED Hogs

See SWINE Horses

See HORSES

Livestock See LIVESTOCK

Pest control operations, protection, 3:6614 Pigs

See SWINE

See POULTRY AND POULTRY PRODUCTS

Quarantine, 3:1301-3:1301.9 See also QUARANTINE

Reportable conditions, 3:797

Rodents

See RODENTS

ANIMALS-continued

Sheep See SHEEP

Slaughterers

See MEAT AND MEAT PROCESSING

Swine

See SWINE

ANTHRAX

Livestock

-Ante-mortem inspections, 3:903.6

-Disposal of carcasses and parts, 3:905.8

ANTS

Red imported fire ants

-Eradication area, 3:3591.16

-Interior quarantine, 3:3432

APPEALS

Citrus fruit transportation permits, denial, suspension, or revocation, 3:1430.3

Food and Agriculture Department, employee examinations, 3:133

Fruits and vegetables

-Direct marketing certificates, denial or suspension, 3:1392.11

-Exemption permits, revocation or suspension, 3:1390.9

Grapes, marketing licenses

-Denial, 3:1701.6

-Disciplinary actions, 3:1704.1

Grapevine loss assistance program, hearings, 3:3669

Meat inspection bureau, condemnation actions, 3:1268

Organic foods, denial, suspension, or revocation of certification, 3:1391

Poultry and poultry products, condemnation, 3:1268

Quarantine of animals, 3:1301.2

-Hearing, 3:1301.3

APPLES

Ed. Note: For additional comprehensive information on containers, labeling and packaging, inspections, and marketing, See FRUITS AND VEGETABLES.

Appreciable damage, defined, 3:1400.16

Broken skin, 3:1400.25

Bruising, 3:1400.22

Cedar-apple rust, exterior quarantine, 3:3274 Color requirements, grading standards, 3:1400.19

Commercial feed ingredient, 3:2775

Containers

-Dimensions, 3:1380.19

-Gift pack, 3:1400.35

-Numerical designations, 3:1380.19

Controlled atmosphere

-General requirements, 3:1400.41

-Out-of-state operators, 3:1400.43

-Registration, 3:1400.42

Crab apples, exemptions from requirements, 3:1400.3

Defects

See Grading, this heading

Definitions

-Appreciable damage, 3:1400.16

-Consumer package, 3:1400.33 -Fairly well formed, 3:1400.21

-Handpicked, 3:1400.20 -Overripe, 3:1400.7

-Place packed, 3:1400.31

-Properly matured, 3:1400.4 -Serious damage, 3:1400.18

-Uniform in size, 3:1400.28

-Well packed, 3:1400.30 -Wrapped, 3:1400.32

Exemptions, 3:1400.3, 3:1400.6

Fairly well formed, defined, 3:1400.21

Gift pack, 3:1400.34, 3:1400.35

-Appreciable damage, defined, 3:1400.16

-Broken skin, 3:1400.25 -Bruising, 3:1400.22

-C grade, 3:1400.17

-Defects, 3:1400.16

APPLES—continued

Grading-continued

-Extra fancy grade, 3:1400.14

--Color requirements, 3:1400.19

-Fairly well formed, 3:1400.21

-Fancy grade, 3:1400.15

--Color requirements, 3:1400.19

-Hail marks, 3:1400.26

-Handpicked, 3:1400.20

-Healed stings, insects, 3:1400.23, 3:1400.24

-Insects, 3:1400.23, 3:1400.24

-Maturity

See Maturity standards, this heading

-Serious damage, 3:1400.18 -Standard grades, 3:1400.13

-Tolerances, 3:1400.36

-USDA grades, use in lieu of California grades, 3:1400.39

Granny Smith, maturity standards, 3:1400.9.1 Gravensteins, maturity standards, 3:1400.8

Hail marks, 3:1400.26 Handpicked, defined, 3:1400.20

Healed stings, insects, 3:1400.23, 3:1400.24

Importation exemptions, 3:1400.6

Insect pests -Apple maggot

-Exterior quarantine, 3:3266

--Interior quarantine, 3:3421

-General description, 3:1400.23

-Healed stings, grading provisions, 3:1400.24 Labeling and packaging

-Containers

See Containers, this heading

-Marking requirements, 3:1400.37

-Superlative designations prohibited, 3:1400.38

-USDA grades, use in lieu of California grades, 3:1400.39

Lady apples, exemptions from requirements, 3:1400.3

Maturity standards

-Certification, release date, 3:1400.10.1

-Exemptions, 3:1400.6

-Granny Smith, 3:1400.9.1

-Gravensteins, 3:1400.8

-Properly matured, defined, 3:1400.4

-Release date

-- Certification, 3:1400.10.1

--Establishment procedure, 3:1400.10

-- Testing procedures, 3:1400.11

-Testing procedures, 3:1400.9, 3:1400.11

-Transportation, intercounty, 3:1400.12 -Varieties, 3:1400.9

Overripe, defined, 3:1400.7 Packing, 3:1400.29-3:1400.34

-Consumer package, defined, 3:1400.33

-General requirements, 3:1400.29 -Gift pack, 3:1400.34

-Place packed, defined, 3:1400.31

-Well packed, defined, 3:1400.30

-Wrapped, defined, 3:1400.32

Pests

See Insect pests, this heading

Quarantine

-Apple maggot, 3:3266, 3:3421 Cedar-apple rust, exterior quarantine, 3:3274

Serious damage, defined, 3:1400.18 Size

-Uniform in size, defined, 3:1400.28

-Minimum size requirements, 3:1400.27

-Tolerances, 3:1400.36

Standards

-Grading See Grading, this heading

-Maturity

See Maturity standards, this heading

Storage, controlled atmosphere, 3:1400.41-3:1400.43

-Granny Smith, maturity standards, 3:1400.9.1

-Maturity standards, 3:1400.9

-Release date, 3:1400.11

Transportation, intercounty, 3:1400.12 USDA grades, use in lieu of California grades,

3:1400.39

APPLES-continued

Varieties, listed, 3:1400.9

APPRENTICES

Pilots, agricultural pest control operations, 3:6540

APRICOTS

Ed. Note: For additional comprehensive information on containers, labeling and packaging, inspections, and marketing, See FRUITS AND VEGETABLES.

Containers

-Dimensions, 3:1380.19

-Labeling and packaging
See Labeling and packaging, this heading

-Marking requirements, 3:1402.7

-Numerical designations, 3:1380.19, 3:1402.12 Defects

See Standards, this heading

Insect damage, standards, 3:1402.3

Labeling and packaging

-Containers

See Containers, this heading

-Marking requirements, 3:1402.7

-Row count, marking requirements, 3:1402.9

-Weights and measures, 3:1402.8

Maturity standards, 3:1402.2

Size

-Row count, marking requirements, 3:1402.9

-Variations, 3:1402.11

-Weights and measures, 3:1402.8 Standards

-General requirements, 3:1402.3

-Insect damage, 3:1402.3

-Maturity, 3:1402.2 -Pit-burn, 3:1402.5

-Serious damage, 3:1402.4

-Tolerances, 3:1402.6 Weights and measures, 3:1402.8

AQUACULTURE

Pesticide restrictions, 3:6900-3:6950 ARBITRATION

Grapes, marketing disputes, 3:1703.3, 3:1703.4

ARSENIC ACID

Pesticide, toxic air contaminant, 3:6860 ARSENIC COMPOUNDS

Pesticide, toxic air contaminant, 3:6860

ARSENIC PENTOXIDE Pesticide, toxic air contaminant, 3:6860

ARSENIC TRIOXIDE

Pesticide, toxic air contaminant, 3:6860 **ARTHRITIS**

Livestock, disposal of carcasses and parts, 3:905.5 ARTICHOKES Ed. Note: For additional comprehensive informa-

tion on containers, labeling and packaging,

inspections, and marketing, See FRUITS AND

VÉGETABLES. Containers

-Dimensions, 3:1380.19

-Numerical designations, 3:1380.19, 3:1404.5 -Standard packs, 3:1404.10

Standards

Insect damage, 3:1404 Size -Tolerances, 3:1404.12

-Variation, 3:1404.11

-General requirements, 3:1404

-Insect damage, 3:1404 -Tolerances, 3:1404.1

ASIAN LONGHORNED BEETLES Eradication area, 3:3591.18

Ed. Note: For additional comprehensive information on containers, labeling and packaging, inspections, and marketing, See FRUITS AND VEGETABLES.

Labeling and packaging

-Classifications, size, 3:1406.13 -Marking requirements, 3:1406.15

Standards

ASPARAGUS-continued

Standards-continued

- -All green, 3:1406.5 -Badly crooked, 3:1406.3
- -Descriptive terminology, 3:1406.5 -Diameter, 3:1406.12
- -Fresh asparagus, 3:1406.1
- -Long green, 3:1406.5
- -Marking requirements, 3:1406.15
- -Size
- --Classifications, 3:1406.13
- --Tolerances, 3:1406.14
- -Tall green, 3:1406.5
- -Tolerances, 3:1406.2
- -"White" asparagus, 3:1406.6, 3:1406.11
- -White stalks, 3:1406.4

ASSESSMENTS

Bee colonies, 3:2950-3:2954

Beef cattle, out-of-state processors, 3:2252

Pesticides

See PESTICIDES

Seeds, 3:3906

ATRAZINE

Pesticide, groundwater protection, 3:6487.1-3:6487.5, 3:6800

AUDITS

Milk and milk products, confidentiality, 3:1806

AVIAN INFLUENZA, 3:802

Pesticide, usage restrictions, 3:6400

AVOCADOS

Ed. Note: For additional comprehensive information on containers, labeling and packaging, inspections, and marketing, See FRUITS AND VEGETABLES

Byproducts, permit or disposal order, 3:1408 Containers

- -Certification stamp regulations, 3:1408.12
- -Consumer-type packages, 3:1408.11 -Dimensions, 3:1380.19, 3:1408.13
- -Marking requirements
- --Irregular containers, 3:1408.10
- --Standard containers, 3:1408.9
- -Numerical designations, 3:1380.19, 3:1408.13
- -Weight requirements, 3:1408.13
- --Point of packing, 3:1408.14
- ---Sampling procedure, 3:1408.17
- -- Tolerances, 3:1408.16

Defects, 3:1408.4

See also Standards, this heading

Disposal regulations

- -Byproducts, 3:1408
- -Noncomplying lots, 3:1408.1

Fees, inspections, 3:1408.19

Field packing, operational regulations, 3:1408.23 Frost damage

- -Determination standards, 3:1408.7
- -Sampling procedures, 3:1408.8

Inspections

- -Fees, 3:1408.19
- -Field pack operations, 3:1408.23
- -Hours of operation, 3:1408.20
- -Reinspection regulations, 3:1408.18
- -Voluntary requests, 3:1408.21

-Wind damaged fruit, 3:1408.22

Labeling and packaging

See Containers, this heading

Maturity standards

- -Dry matter, testing
- --Procedures, 3:1408.3 --Results, 3:1408.6.1
- -Modifications and changes, 3:1408.6.2
- -Release dates, 3:1408.6.3
- -Sampling and testing procedure, 3:1408.2
- -Varietal requirements, 3:1408.6
- -Wind damaged fruit, testing procedures, 3:1408.22

Noncomplying lots, disposal, 3:1408.1

Nursery stock, certification, 3:3030-3:3033, 3:3069

See Containers, this heading

AVOCADOS-continued

Penalties for violations, guidelines, 3:1371.2

Permits, byproducts usage, 3:1408 Reinspection regulations, 3:1408.18

Release dates, maturity, 3:1408.6.3

Standards

- -Byproducts, 3:1408
- -Defects, 3:1408.4 -Dry matter, testing
- -- Procedures, 3:1408.3
- -Results, 3:1408.6.1
- -Frost damage, 3:1408.7, 3:1408.8
- -Fruit drop, wind damage, 3:1408.22
- -Inspections

See Inspections, this heading -Maturity

- See Maturity standards, this heading
- -Noncomplying lots, 3:1408.1 -Release dates, 3:1408.6.3 -Sampling and testing procedure, 3:1408.2
- -Tolerances, 3:1408.5

Testing

- -Dry matter, 3:1408.3, 3:1408.6.1
- –Maturity

See Maturity standards, this heading Wind damage, fruit drop, 3:1408.22

AVOCADO TREES

Registration, 3:3033.1-3:3033.5, 3:3069

AZINPHOS-METHYL

Pesticide

-Groundwater contaminant, 3:6800

-Usage restrictions, 3:6400, 3:6486.7

R

BABESIOSIS

Livestock, disposal of carcasses and parts, 3:905.8

BACILLARY HEMOGLOBINURIA

Cattle, disposal of diseased or adulterated carcasses and parts, 3:905.8

BACTERIA

Milk testing

See DAIRIES

Pierce's disease control program, 3:3650-3:3669

BACTROCERA ZONATA

Interior quarantine, 3:3424

BANVEL

Pesticide, usage restrictions, 3:6400

BARLEY

Commercial feed ingredient, 3:2776

BASAGRAN

Pesticide

-Groundwater protection, 3:6487.1-3:6487.5,

-Use as, 3:6457

BEANS

Ground bean screenings, commercial feed ingredient, 3:2802

BEFS

Assessments, bee colonies

-Business address, 3:2953

-Fees, 3:2950-3:2952, 3:2954

-Penalties, 3:2952

Butte county, notice of pesticide application, 3:6655

Citrus production, pesticide protection area, 3:6656 Definition of wax-salvage plants, 3:2976

Fees, bee colony assessments, 3:2950-3:2952, 3:2954

Fresno county, pesticide protection area, 3:6656 Glenn county, notice of pesticide application, 3.6655

Honey

See HONEY

Inspections

BEES–continued

Inspections-continued

- -Abatement of disease, consent, 3:2926
- Diseased colonies, marking, 3:2925
- -Laboratory examinations, 3:2924

Kern county, pesticide protection area, 3:6656 Notice to beekeepers

-Pesticide application, 3:6652, 3:6654, 3:6655

Penalties, assessment fees, 3:2952

Pesticides, protection from, 3:6650-3:6656

-Registration of pesticide, data submission, 3:6187 Tehama county, notice of pesticide application,

3:6655 Tulare county, pesticide protection area, 3:6656

- Wax-salvage plants -Construction specifications, 3:2977
- -Definitions, 3:2976
- -Operational requirements, 3:2978

BEETLES

Asian longhorned beetles, eradication area, 3:3591.18

Cereal leaf beetles, exterior quarantine, 3:3277

- Japanese beetles -Eradication area, 3:3589
- -Exterior quarantine, 3:3280

Whitefringed beetles, eradication area, 3:3589.1

BEETS

Commercial feed ingredient, 3:2777

Leafhoppers, control assessments, 3:3601

BELL PEPPERS Damage to, 3:1410

BENSULIDE

Pesticide, groundwater contaminant, 3:6800

BENTAZON

Pesticide -Groundwater protection, 3:6487.1-3:6487.5,

-Use as, 3:6457

BERRIES

Blueberries -Maggots, exterior quarantine, 3:3266 California certified strawberry plants,

3:3049-3:3049.5, 3:3069

BIOLOGICS

- Animal biologics, 3:1305.00-3:1305.12
- -Change in product, approval, 3:1305.08 -Definitions, 3:1305.00
- -Federal regulations, 3:1305.01, 3:1305.06
- -Fees --Licensing, 3:1305.03, 3:1305.04
- --Registration of products, 3:1305.12 -Inspections, facilities, 3:1305.01, 3:1305.11
- -Licensing, production
- -- Cancellation, 3:1305.02
- --Fees
- ---Application, 3:1305.03
- ---Renewal, 3:1305.04
- --General requirements, 3:1305.01
- -- Inspection requirements, 3:1305.01 -- Processing time, 3:300, 3:301
- --Suspension, 3:1305.02 -- Transfer requirements, 3:1305.01
- -Product registration, 3:1305.06-3:1305.12 --Application, 3:1305.07
- -- Cancellation, 3:1305.09
- -- Change in product, approval, 3:1305.08 --Experimental products, 3:1305.06
- --Fees, 3:1305.12 --Separate registration of individual products

required, 3:1305.06

- --Suspension, 3:1305.09
- -Recordkeeping requirements, 3:1305.10 -Samples, serials and subserials, 3:1305.10
- -Storage, samples, 3:1305.10

BIRDS

Diseases

- -Asiatic Newcastle disease, 3:800, 3:800.1
- -Avian influenza, 3:802

Quarantine, Asiatic Newcastle disease, 3:800.1

BISON

Brucellosis, 3:752.6

-Interstate entry, 3:753.1-3:753.2

BLACKBERRIES

See generally BERRIES

BLACKLEG

Livestock, disposal of carcasses and parts, 3:905.8

BLUETONGUE

Livestock, disposal of carcasses and parts, 3:905.8

BOATS AND BOATING

Food cargo, inspection fee, 3:3560

Paint, antifouling additive regulations, 3:6488, 3:6489, 3:6900

Waste disposal, 3:770-3:774

- -License, processing time, 3:300, 3:301
- -Violations, informal hearings, 3:1310-3:1310.3

BOLERO

Pesticide, usage restrictions, 3:6400

BONDS, SECURITY

Agricultural pest control business license, 3:6524 Grapes, marketing license requirements, 3:1701.8 Milk handlers, 3:2041

-Allocation of payments to producers, 3:2042

BONE MEAL

Commercial feed ingredient, 3:2774

BORON

Toxicity

-Fertilizer ingredient, caution statement, 3:2300

BOVINE RHINOTRACHEITIS

Livestock, disposal of carcasses and parts, 3:905.8

BOVINE TRICHOMONOSIS

Control, 3:820-3:820.8

Ed. Note: For additional comprehensive information on containers, labeling and packaging, inspections, and marketing, See FRUITS AND VEGETABLES.

Damage, defined, 3:1414.1

Standards, 3:1414

Tolerances, 3:1414.2

BROMACIL

Pesticide

-Groundwater protection, 3:6487.1-3:6487.5, 3:6800

BROMOXYNII

Pesticide, use as, 3:6790-3:6793

BRUCELLOSIS

Bison, 3:752.6

Bovine

Livestock, disposal of carcasses and parts, 3:905.13 Ovine, rams, entry into state, 3:760.4

Swine

See SWINE

BRUSSELS SPROUTS

Ed. Note: For additional comprehensive information on containers, labeling and packaging, inspections, and marketing, See FRUITS AND VEGETABLES.

Defects, 3:1416

Soft or spongy heads prohibited, 3:1416.1 Tolerances, 3:1416.2

BUTTE COUNTY

Beekeepers, notice of pesticide application, 3:6655 Propanil use, 3:6462

BUTYLATE

Pesticide, groundwater contaminant, 3:6800

BUTYL MERCAPTAN

Pesticide, registration limitations, 3:6361

CABBAGE

Ed. Note: For additional comprehensive information on containers, labeling and packaging, inspections, and marketing, See FRUITS AND **VEGETABLES**

Containers, 3:1418.5

-Dimensions, 3:1380.19

-Numerical designations, 3:1380.19

Exemptions, 3:1418

Quality standards, 3:1418.3

Red cabbage, exemptions, 3:1418

Salad products usage, exemptions, 3:1418 U.S. military, sales exemptions, 3:1418

CALAVERAS COUNTY

Hydrilla eradication area, 3:3962

CALCIUM CYANIDE

Pesticide, usage restrictions, 3:6400

CALIFORNIA LABOR CODE

Pesticide workers, safety regulations, 3:6704

CALIFORNIA PURE FOODS ACT, 3:1269

Pesticides, groundwater protection, 3:6487.2

CANNED POULTRY AND POULTRY PROD-UCTS, 3:1262

CANTALOUPES

Ed. Note: For additional comprehensive information on containers, labeling and packaging, inspections, and marketing, See FRUITS AND VEGETABLES.

Consumers

-Definition, 3:1420.11

-Direct sales exemption, 3:1420

Containers

-Closed containers, 3:1420.9

-Dimensions, 3:1380.19

-Numerical designations, 3:1380.19, 3:1420.10

-Standard containers and packs, 3:1420.7

Defects

See Standards, this heading

Definitions

-Consumers, 3:1420.11

-Defects, 3:1420.4

-Maturity, 3:1420.1, 3:1420.4

Direct sales exemption, 3:1420

Labeling and packaging

See Containers, this heading

Maturity, defined, 3:1420.1

Size, uniformity, 3:1420.13

Soluble solids, determination procedures, 3:1420.2 Standards

-Containers

See Containers, this heading

-Count, uniformity, 3:1420.13

-Defects

--Definitions, 3:1420.4

-General provisions, 3:1420.3

-Maturity, 3:1420.1

-Size, uniformity, 3:1420.13

-Soluble solids, determination procedures, 3:1420.2

-Tolerances, 3:1420.5

CAPTAN

Pesticide, toxic air contaminant, 3:6860

CARBARYL

Pesticide

-Groundwater contaminant, 3:6800

-Toxic air contaminant, 3:6860

-Usage restrictions, 3:6400

CARBOFURAN

Pesticide

Groundwater contaminant, 3:6800

-Usage restrictions, 3:6400, 3:6474

CARBON DISULFIDE

Pesticides, toxic air contaminant, 3:6860

CARGO CARRIERS

Vessels

-Food cargo, inspection fee, 3:3560

CARIBBEAN FRUIT FLY, QUARANTINE, 3:3252 CAROTENOSIS

Livestock, disposal of carcasses and parts, 3:905.28

CASEOUS LYMPHADENITIS

Livestock, disposal of carcasses and parts, 3:905.16

CASTOR OIL

Pesticide regulations, exemptions, 3:6147

Access to information, feed lot inspection records, 3.858

Beef cattle

-Out-of-state processors

-- Assessments, 3:2252

--List, 3:2251

--Registration, 3:2250

Bovine trichomonosis, 3:820-3:820.8

Brands and branding, 3:895-3:899.2

-Cattle record brands, 3:895.1

-Ear tags, brucellosis, 3:752.2 -Fees, inspections, 3:897.4

-Inspections

--Certificate requirements

---Feed lot inspections, 3:860 -Slaughter inspections, 3:873

--Saleyards, 3:899-3:899.2

—Slaughterhouses

Additional inspections, 3:897.1 -Brand inspector contracts, 3:897.3

---Fees, 3:897.4

-Location of brands, 3:895, 3:895.1

Brucellosis, 3:752-3:754.2 -Area classification, 3:754

-Classifying animals and herds, 3:752.4

-Control areas, 3:754.1 -Critical areas, 3:754.2

-Dealers, 3:753.3

-Ear tags, 3:752.2

-Interstate entry, 3:753.1-3:753.2

-Intrastate movement, 3:753, 3:753.2

-Mexican imports, testing, 3:755.4-3:755.5

-Reactors, 3:752.5

-Tattoos, 3:752.1

-Testing, 3:752, 3:752.3 -Vaccinations, 3:752

--Interstate entry, 3:753.1

--Violations, informal hearings, 3:1310-3:1310.3

Dairy cattle

-Brucellosis See Brucellosis, this heading

-Pesticide residues, 3:401

Dealers

-Brucellosis, 3:753.3 Definitions

-Bovine tuberculosis, 3:759

-Interstate movement into state, 3:756 -Mexican cattle, import, 3:755

-Trichomonosis control, 3:820 Diseased animals, importation regulations,

3:1300-3:1300.15

Diseases -Brucellosis

See Brucellosis, this heading

-Health advisory task force, 3:797.5

-Reportable conditions, 3:797

-Scabies, 3:757 -Tuberculosis

See Tuberculosis, this heading

-Vesicular stomatitis, 3:799 Ear tag, brucellosis, 3:752.2

Feed See COMMERCIAL FEED

Feed lots -Access to information, inspection records, 3:858

-Inspections

Brands, 3:860

—Certificate requirements, 3:860

CATTLE-continued

Feed lots-continued

- -Inspections-continued
- --Commingling prohibited, 3:859
- --Point of origin inspection areas, 3:850, 3:897
- --Recordkeeping requirements
- --Access to information, 3:858
- ---Incoming stock, 3:856
- --Outgoing stock, 3:857 --Reinspection, 3:861

Fees

-Slaughterhouse brand inspection services, 3:897.4

Health advisory task force, 3:797.5

Health certificates

-Brucellosis, interstate entry, 3:753.1

Hides and carcasses

- -Identification tags, 3:885-3:891
- -Rendering plants, inspections not required, 3:898.1
- Importation
- -Beef cattle
- --Out-of-state processors
- ---Assessments, 3:2252
- ---List, 3:2251
- ---Registration, 3:2250
- -Brucellosis requirements

See generally Brucellosis, this heading

- -Diseased animals, 3:1300-3:1300.15
- -Interstate movement into state, 3:756-3:759
- -Scabies permit, 3:757 -Trichomonosis, 3:820-3:820.8
- -Vesicular stomatitis certificate, 3:799
- -Violations, informal hearings, 3:1310-3:1310.3 Inspections
- -Certificate requirements
- --Feed lots, 3:860
- --Slaughterhouses, 3:873
- -Fees, brand inspections, 3:897.4

See generally MEAT AND MEAT PROCESS-

- -Point of origin inspection areas, 3:850, 3:897
- -Saleyards
 - See Saleyards, this heading
- -Slaughterhouses

See Slaughterhouses, this heading

Interstate movement into state, 3:756-3:759

- -Definitions, 3:756
- -Entry permits, 3:756.3
- -Quarantine, 3:756.1
- -Scabies, 3:757
- -Tuberculosis, 3:758-3:758.1
- -Veterinary inspection, certificate, 3:756.2 Meat

See MEAT AND MEAT PROCESSING

Mexican cattle, import, 3:755-3:755.6

-Brucellosis tests, 3:755.4-3:755.5

- -Definitions, 3:755
- -Interstate livestock entry permits, 3:755.3
- -Official documents, 3:755.1
- -Quarantine, 3:755.1, 3:755.5
- -State entry requirements, 3:755.4
- -Tuberculosis tests, 3:755.4-3:755.5 -Veterinary inspection certificate, 3:755.2
- -Violations, 3:755.6

Pesticide residues, dairy cattle, 3:401

Recordkeeping requirements

- -Feed lot inspections, 3:856-3:858
- -Saleyards, diseased animals, 3:1300.12-3:1300.15 Registration, out-of-state beef cattle processors, 3:2250

Renderers

See MEAT AND MEAT PROCESSING

Reportable conditions, 3:797

- -Trichomonosis, positive test results, 3:820.6 Saleyards
- -Brand inspections, 3:899-3:899.2
- -Recordkeeping requirements, diseased animals, 3:1300.12-3:1300.14

Scabies, 3:757

Slaughterhouses

- -Hide and carcass identification tags
- --Distribution procedures, 3:890
- -- General requirements, 3:885

CATTLE-continued

Slaughterhouses-continued

- -Hide and carcass identification tags-continued
- -Recordkeeping requirements, 3:887
- --Removal requirements, 3:891
- -- Tagging procedures, 3:886, 3:887 -- Humane slaughter, 3:906
- -Inspections
- --Additional inspections, 3:897.1, 3:897.2
- --Brand inspection contract, 3:897.3
- --Certificate requirements, 3:873
- --Fees, 3:897.4
- -- Monitoring procedures, 3:870

Tattoos, brucellosis, 3:752.1

Testing

- -Brucellosis, 3:752, 3:752.3
- -Tuberculosis, 3:759

Transportation

-Importation

See Importation, this heading

- -Interstate entry
 -Brucellosis, 3:753.1-3:753.2
- -Intrastate, brucellosis, 3:753, 3:753.2
- -Point of origin inspection areas, 3:850, 3:897
- Trichomonosis, 3:820-3:820.8
- -Bulls, entry into state, 3:820.3
- -Definitions, 3:820
- -Disposition of infected cattle, 3:820.7
- -Interstate livestock entry permits, 3:820.4 -Positive test results, 3:820.6
- -Sale of bulls, 3:820.4
- -Testing and diagnosis approval of veterinarians and laboratories, 3:820.5
- -Veterinary inspection certificate, 3:820.1
- -Violations, 3:820.8

Tuberculosis

- -Definitions, 3:759
- -Interstate movement into state, 3:758-3:758.1
- -Testing, 3:755.4-3:755.5

Vaccinations, brucellosis

See Brucellosis, this heading

Vesicular stomatitis, 3:799

CAULIFLOWER

Ed. Note: For additional comprehensive information on containers, labeling and packaging, inspections, and marketing, See FRUITS AND VEGETABLES.

- Containers -Dimensions, 3:1380.19
- -General requirements, 3:1424.4
- -Marking requirements, 3:1424.3
- -Numerical designations, 3:1380.19, 3:1424.4
- -Packing requirements, 3:1424.9 -Standard containers, 3:1424.5
- -Wrapping requirements, 3:1424.9 Insect damage, 3:1424, 3:1424.1
- Standards
- -Curd measurement, 3:1424.7
- -Defects, 3:1424
- -Insect damage, 3:1424, 3:1424.1
- -Size
- --Curd measurements, 3:1424.7
- --Tolerances, 3:1424.10, 3:1424.11
- -Tolerances, 3:1424.2, 3:1424.10, 3:1424.11 -Trimming requirements, 3:1424.8

CEDAR-APPLE RUST DISEASE, 3:3274

CEDAR PRODUCTS Pesticide regulations, exemptions, 3:6147

Ed. Note: For additional comprehensive information on containers, labeling and packaging, inspections, and marketing, See FRUITS AND

VEGETABLES. Containers

- -Bulging tolerances, 3:1426.18 -Closed, defined, 3:1426.16
- -Consumer packages, defined, 3:1426.9 -Dimensions, 3:1380.19
- -Exceptions, standard containers, 3:1426.17 -Lidded, defined, 3:1426.16
- -Marking requirements, 3:1426.10
- -Numerical designations, 3:1380.19, 3:1426.15

CELERY-continued

Containers-continued

- -Packing and sizing requirements, 3:1426.20
- -Standard, 3:1426.15, 3:1426.17
- Definitions
- -Consumer packages, 3:1426.9 -Consumers, 3:1426.8
- -Containers, closed or lidded, 3:1426.16
- -Stalks, 3:1426.2

Diseases, western celery mosaic virus, 3:3610

General requirements, 3:1426

Insect damage, 3:1426.1

Labeling and packaging

See Containers, this heading

Serious damage, 3:1426.1 Standards

- -General requirements, 3:1426 -Insect damage, 3:1426.1
- -Serious damage, 3:1426.1

-Tolerances, 3:1426.5, 3:1426.6 Western celery mosaic virus, host-free districts, 3:3610

CEREAL LEAF BEETLE, 3:3277

CERTIFICATES AND CERTIFICATION

Avocado nursery stock, 3:3030-3:3033, 3:3069

- Cattle, veterinary inspection
- -Interstate movement into state, 3:756.2 -Mexican imports, 3:755.2

-Trichomonosis, 3:820.1 Deciduous fruit and nut trees, 3:3015-3:3015.5,

3:3069 Farmers' markets, 3:1392.6

-Fees, 3:1392.8 Garlic, certified seed garlic, 3:3044-3:3044.7 Goats, interstate movement, veterinary inspection,

Grapes

-Pierce's disease control, 3:3656 -Wine grape inspections, 3:1662

Grapevines, 3:3024-3:3024.4, 3:3069

Improved Meyer lemon trees, 3:3069 Nursery stock certificates, 3:3060.5

-Suspension or revocation, 3:3060.4 Organic foods, denial, suspension, or revocation,

3:1391-3:1391.1

Pest control, private applicators, 3:6580-3:6584

- Pierce's disease control
- -Citrus shipments, 3:3663 -Grape shipments, 3:3656

-Plant shipments, 3:3660 Pome fruit tree nursery stock, 3:3020-3:3020.5,

Rice identity preservation, 3:2850-3:2857

Seed potatoes, 3:1466.10, 3:3035 Sheep, interstate movement, veterinary inspection,

Swine, interstate and intrastate movement -Veterinary inspection certificate, 3:796.2

CHEESE

Aging periods, 3:415

Asiago old cheese, 3:415.1 Blended cheese

-Grated, 3:415.4

-Shredded, 3:415.4 Cheese food, 3:421, 3:424

Cheese spread, 3:422.6

-General requirements, 3:422 -Labeling restrictions, 3:422.9

-Low-fat, pasteurized, 3:422.5, 3:422.6

-Prohibited ingredients, 3:424 -Skim milk, pasteurized, 3:422.7, 3:422.8

Club cheese, 3:423

Cold pack cheese, 3:423 Comminuted cheese, 3:423

Cottage cheese, labeling requirements, 3:428.1 Definitions

- -Blended cheese, grated or shredded, 3:415.4 -Goat cheese, 3:415.04 -Grated American cheese food, 3:415.3
- -Grated cheese, 3:415.1
 - -Hoop cheese, 3:415.01
- -Kefir cheese, 3:415.02
- -Pasteurized process cheese, 3:416

CHEESE-continued

Definitions-continued

-Ricotta cheese, fruit added, 3:415.03

-Shredded cheese, 3:415.2

-Special varieties, 3:415

Distributors, recordkeeping requirements, 3:1831

Goat cheese, 3:415.04

Grated American cheese food, 3:415.3

Grated cheese, 3:415.1, 3:415.2, 3:415.4

Hard grating cheese, 3:415.1, 3:428

Hoop cheese, 3:415.01 Kefir cheese, 3:415.02 Labeling requirements

See also specific cheese types, this heading

-Cottage cheese, 3:428.1

-Limitations, 3:422.9

-Pasteurized process cheese, 3:427

-Varietal cheeses, 3:415 Naming of varieties, 3:415 Parmesan cheese, 3:415.1

Pasteurized process cheese

-Acidifying agents, 3:426 -Added ingredients, 3:418

-Blended cheese, 3:417

--Added ingredients, 3:420

-Cheese food, 3:421 --Prohibited ingredients, 3:424

-Cheese product, 3:416.5 -Cheese spread, 3:422 -Definition, 3:416

-Emulsifying agents, 3:425

-Labeling requirements, 3:416, 3:422.9, 3:427

-Low-fat cheese spread, 3:422.5 --Added ingredients, 3:422.6

-Pimento cheese, 3:419

-Prohibited ingredients, 3:424

-Skim-milk cheese spread, 3:422.7, 3:422.8

Preservatives, 3:415

Prohibited ingredients, 3:424

Reggiano cheese, 3:415.1

Ricotta cheese, fruit added, 3:415.03

Romano cheese, 3:415.1

Shredded cheese, 3:415.1, 3:415.2, 3:415.4 Skim-milk cheese spread, 3:422.7, 3:422.8

Varietal cheeses, 3:415

Ed. Note: For additional comprehensive information on containers, labeling and packaging, inspections, and marketing, See FRUITS AND VEGETABLES

Black, maturity, 3:1428.3

Containers

-Dimensions, 3:1380.19

-Loose cherries

-- Marking requirements, 3:1428.12

--Row size, 3:1428.13

-Marking requirements, 3:1428.8, 3:1428.13

-Numerical designations, 3:1380.19, 3:1428.17, 3:1428.18

-Packed-row size, 3:1428.10

-Standard, 3:1428.17, 3:1428.18 -Tolerances, 3:1428.15

Definition of diameter, 3:1428.14

Insects, cherry fruit fly quarantine, 3:3414

Maturity standards

-Coloration, 3:1428.3

-Immaturity, extra tolerance, 3:1428.7

See Containers, this heading

Pests, quarantine, 3:3256

Quarantine, cherry fruit fly, 3:3414

-Diameter, 3:1428.14

-Loose, 3:1428.12

-Packed-row size, 3:1428.10

-Sampling procedures, 3:1428.16

Standards

-Diameter, defined, 3:1428.14

-Doubles, tolerances, 3:1428.19

-General requirements, 3:1428.4

-Insect damage, 3:1428.4

-Quality sampling procedures, 3:1428.16

-Sampling procedures, 3:1428.16

-Tolerances

CHERRIES-continued

Standards-continued -Tolerances-continued

--General provisions, 3:1428.6

--Immaturity, extra tolerance, 3:1428.7

CHERRY FRUIT FLIES, 3:3256, 3:3414

CHESTNUT TREES

Bark disease, quarantine, 3:3251

CHILD LABOR

Pest control operations, agricultural, 3:6612

CHI ORINE

Pesticide, toxic air contaminant, 3:6860

Toxicity

-Pesticides, 3:6860

CHLOROPICRIN

Commodity fumigation, 3:6452 Field fumigation, 3:6450, 3:6784 Nursery fumigation, 3:6452

Pesticide

-Groundwater contaminant, 3:6800

-Usage restrictions, 3:6400

Structural fumigation, 3:6454

CHLOROTHALONIL

Pesticide, groundwater contaminant, 3:6800

CHLORSULFURON

Pesticide, groundwater contaminant, 3:6800

CHROMIC ACID

Pesticide, toxic air contaminant, 3:6860

CHRYSANTHEMUM WHITE RUST DISEASE

Eradication area, 3:3636

Host-free district, 3:3612

Interior quarantine, 3:3428

CINNAMON

Pesticide regulations, exemptions, 3:6147

CITRIC ACID

Pesticide regulations, exemptions, 3:6147

CITRONELLA

Pesticide regulations, exemptions, 3:6147

CITRUS FRUITS

See also specific fruit

Ed. Note: For additional comprehensive information on containers, labeling and packaging, inspections, and marketing, See FRUITS AND VEGETABLES.

Appeals of transportation permit denial, suspension, or revocation, 3:1430.3 Blending requirements, 3:1430.8

Byproducts, transportation permit, 3:1430 Citrus Tristeza virus, interior quarantine, 3:3407 Containers

-Field picking boxes, 3:1380.23-3:1380.26
-Lemons, 3:1430.14
-Mandarin oranges, 3:1430.14

-Marking requirements, 3:1430.13

-Oranges, 3:1430.14

-Packing requirements, 3:1430.12

-- Exemptions, 3:1430.15

-Uniform size requirement, 3:1430.10

Defects

See Standards, this heading

Definitions

-"Time of picking," 3:1375.21 -Volume cut method, 3:1430.9.1

Field picking boxes

-Contract basis, size requirements, 3:1380.26 -Irregular boxes, 3:1380.24 -Measurements, 3:1380.23

-Variation tolerances, 3:1380.25

Grapefruits

See GRAPEFRUITS

Insect damage, 3:1430.7

Juice extraction

-Methods approved, 3:1430.5

-Testing procedures, maturity standards, 3:1430.6

Labeling and packaging See Containers, this heading

Lemons

See LEMONS

Limes

CITRUS FRUITS-continued

Limes-continued

-Serious damage, 3:1430.33 -Tolerances, standards, 3:1430.34

Maturity standards

-Juice extraction methods, 3:1430.5

-Soluble solids to acid ratio, testing procedures, 3:1430.6

-Testing, 3:1370.16

Mixing requirements, 3:1430.8

Noncompliance notice, 3:1430.16

Oranges

See ORANGES

Packaging
See Containers, this heading Permits

-Appeals, 3:1430.4 -Byproducts, transportation, 3:1430

-Compliance, 3:1430.2

-Denial, suspension, or revocation, 3:1430.3 -Repackaging plants, transportation, 3:1430.1

Pests, quarantine, 3:3250

Pierce's disease control, 3:3662-3:3663.5

Quarantine -Citrus tristeza virus, interior quarantine, 3:3407

-Insect pests, 3:3250

Reinspection requirements, 3:1430.16 Repackaging plants, transportation permit, 3:1430.1

Standards

-General provisions, 3:1430.7 -Insect damage, 3:1430.7

-Maturity

See Maturity standards, this heading

Noncompliance notice, 3:1430.16

-Reinspection requirements, 3:1430.16 -Sampling procedures, 3:1430.9, 3:1430.9.1,

3:1430.11

-Size --Sampling procedures, average diameter, 3:1430.11

-Uniform size requirement, 3:1430.10 **Tangerines**

See TANGERINES

Testing See Maturity standards, this heading 'Time of picking," defined, 3:1375.21

Transportation

-Byproducts, permit, 3:1430.1 -Repackaging plants, permit, 3:1430.1

See CITRUS TREES Tristeza virus, interior quarantine, 3:3407

Volume cut method, defined, 3:1430.9.1

CITRUS TREES

Trees

Bees, pesticide protection area, 3:6656 Certification

-Applications, 3:3004 -Definitions, 3:3001

-Disclaimer statement, 3:3069 -Fees, 3:3004

-General provisions, 3:3002

-deficial provisions, 3:3002
-Inspections, 3:3003
-Program participation requirements, 3:3002

-Testing procedures, 3:3003 Fees, certification program, 3:3004 Improved Meyer lemon trees, certification, 3:3069

Insects, burrowing nematodes quarantine, 3:3271 Pesticide protection area, bees, 3:6656

Quarantine

-Burrowing nematodes, 3:3271

-Citrus pests, 3:3250 -Citrus tristeza virus, interior quarantine, 3:3407 Testing, certification, 3:3003

CITRUS TRISTEZA VIRUS

Interior quarantine, 3:3407 CLEANSING AGENTS

Pesticide regulation, exemption, 3:6205

CLOPYRALID Pesticide application restrictions, 3:6576 -Aquatic and marine environments, 3:6950

CLOTHING

Pesticide workers' coveralls, 3:6736

7

CLOVES

Pesticide regulations, exemptions, 3:6147

COCCIDIOIDAL GRANULOMA

Livestock, disposal of carcasses and parts, 3:905.33

COCONUTS

Commercial feed ingredient, 3:2781

COLORADO POTATO BEETLE

Exterior quarantine, 3:3264

COLUSA COUNTY

Propanil use, 3:6462

COMMERCIAL FEED

Additives

- -Adulteration, 3:2734
- -Drug additives, 3:2676
- --Guarantees, 3:2702
- --Labeling requirements, 3:2701 --Use of, 3:2700

- -Fluorine tolerances, 3:2679 -Food additives, 3:2676, 3:2702
- -"Generally Recognized as Safe" (GRAS) designation, 3:2676
- -Heavy metals, tolerances, 3:2680
- -Pesticide residues, prohibited, 3:2678
- -Poisonous substances, use prohibited, 3:2677

Adulteration

- -General provision, 3:2734 -Removal from sale, 3:2746

Advertising

- -Ingredients, 3:2688
- -Inspection and analysis report, use prohibited,
- -Misleading statements prohibited, 3:2712
- Aflatoxin controls, 3:2734
- -Cottonseed products, 3:2735

Containers

See Labeling and packaging, this heading Damaged feed, 3:2760

Definitions, 3:2675

Drugs

- -Additives, 3:2676
- -Guarantees, 3:2702
- -Labeling requirements, 3:2701
- -Use of, 3:2700

Fluorine tolerances, 3:2679 Guarantees, 3:2696

- -Drug additives, 3:2702
- -Food additives, 3:2702
- -Labeling and packaging requirements, 3:2696 Heavy metals, tolerances, 3:2680

Ingredients

- Additives
- See Additives, this heading
- -Adulteration, 3:2734
- -Advertising requirements, 3:2688 -Alfalfa products, 3:2773, 3:2773.1
- -Almond hull products, 3:2773.5
- -Animal products, 3:2774
- -Animal waste products, 3:2774.5
- -Animal waste products, -Apple products, 3:2775 -Barley products, 3:2776 -Beet products, 3:2777 -Bone meal, 3:2774

- -Brewers' and distillers' products, 3:2778
- -Buckwheat middlings, 3:2802 -Cereal food fines, 3:2802
- -Charcoal, 3:2802
- -Classifications, 3:2689
- -Cocoa beans, 3:2802
- -Coconut products, 3:2781 -Collective terms, 3:2695
- -Corn products, 3:2782
- -Cottonseed products, 3:2783 -Dehydrated garbage, 3:2802
- -Directions for use, 3:2690
- -Fats, 3:2783.5
- -Flax products, 3:2787
- -Grape products, 3:2785 -Ground bean screenings, 3:2802
- -Ground pea screenings, 3:2802
- -Guar meal, 3:2802
- -Hops, 3:2778
- -Kelp, 3:2802

COMMERCIAL FEED—continued

Ingredients-continued

- -Lignin sulfonate, 3:2803
- -Marine products, 3:2788
- -Materials of minimal nutritional value, percentage listing, 3:2706
- -Milk products, 3:2789
- -Mineral feeds, 3:2790
- -Miscellaneous products, 3:2802 -Molasses products, 3:2790.5
- -Nitrogen products, 3:2790.7
- -Nonprotein nitrogen products, 3:2707
- -Nut culls and screenings, 3:2802
- -Oat products, 3:2791
- -Oil cake, 3:2802 -Oil meal, 3:2802
- -Oils, 3:2783.5
- -Other ingredients, 3:2691
- -Peanut products, 3:2793
- -Rapeseed, 3:2802
- -Rye products, 3:2795 -Safflower products, 3:2795.5
- -Screenings, 3:2796
- -Sesame products, 3:2796.5
- -Silage, 3:2802
- -Sorghum products, 3:2797 -Soybean products, 3:2798
- -Special mixes, labeling requirements, 3:2683
- -Straw, 3:2802
- -Sunflower products, 3:2798.5
- -Synthetic fatty alcohol, 3:2802
- -Tomatoes, 3:2802
- -Tomato pomace, 3:2802 -Vitamin premixes, labeling requirements, 3:2708
- -Wheat products, 3:2800
- -Yeast products, 3:2801

Inspections

- -Inspection and analysis report, 3:2717
- -Tonnage tax, 3:2750
- Labeling and packaging
- -Additives
- See Additives, this heading
- -Collective terms, 3:2695
- -Complete label required, 3:2693 -Containers, reuse, 3:2725
- -Directions for use, 3:2690
- -Drug additives, 3:2701 -"Generally Recognized as Safe" (GRAS) designation, 3:2676
- -Guarantee statements, 3:2696
- -Ingredients, official name required, 3:2688
- -Liquid feed, 3:2698 -Materials of minimal nutritional value, percentage
- listing, 3:2706

 -Misbranding, 3:2733

 -Net weight statement, 3:2703
- -Nonprotein nitrogen products, 3:2707
- -Special mixes, 3:2683
- -Special purposes, 3:2697
- -Statements, 3:2694 -Vitamin premixes, 3:2708
- Licensing
- -Plant license, 3:2751
- -Processing times, 3:300, 3:301
- Liquid feed, labeling requirements, 3:2698
- Manufacturing plant licensing requirements, 3:2751 Medicated feed, 3:2766
- Misbranding, 3:2733
- Penalties
- -Medicated feed, 3:2766
- -Removal from sale, 3:2746
- Pesticide residues prohibited, 3:2678 Plant license, 3:2751
- Poisonous substances, use prohibited, 3:2677
- Removal from sale for violations, 3:2746 Reporting requirements
- -Inspection and analysis report, 3:2717, 3:2719 -Inspection tax, 3:2750
- Special mixes, 3:2683-3:2686

 —Ingredients, listing, 3:2683
- -Sales requirements --Bulk sale, 3:2684
- -Invoices, 3:2683 --Packaged sale, 3:2685

- **COMMERCIAL FEED**—continued
- Special mixes-continued
- -Sales requirements-continued
- -- Resale prohibited, 3:2686

-Inspection tonnage tax, 3:2750

Vitamin premixes, 3:2708

Weed pests in feed grain, prevention, 3:3556

Weights and measures, net weight statement, 3:2703

COMMON CARRIERS

Food cargo, inspection fees, 3:3560

CONCESSIONAIRES

Fairs and expositions, 3:7000-3:7004

-Vendor contracts, 3:7010

CONFIDENTIAL INFORMATION

Food and Agriculture Department, employee exam-

ination records, 3:122 Grapes, marketing records, 3:1700.3

Milk and milk products, investigations and audits, 3:1806

CONFLICT OF INTEREST Food and Agriculture Department

-Code, 3:2

-Economic poisons enforcement employees, 3:1.1

Pesticide Regulation Department, 3:3

CONSTRUCTION

Garbage-fed swine, facilities construction regula-

Poultry processing plants, 3:1207, 3:1210 Wax-salvage plants, specifications, 3:2977

CONTAINERS See also LABELING AND PACKAGING; spe-

cific type of container

Commercial feed, 3:2725 Dairies, 3:493, 3:562

Dairy farms, 3:481

Fruits See FRUITS AND VEGETABLES; specific fruit

Honey

See HONEY Livestock renderers, waste containers, 3:1180.28

Meat and meat products

See MEAT AND MEAT PROCESSING

Milk and milk products

See MILK AND MILK PRODUCTS

Pesticides

See PESTICIDES Poultry processing plants, waste disposal, 3:1217,

3:1218

Vegetables See FRUITS AND VEGETABLES; specific vege-

table

CONTINUING EDUCATION

- Pest control operators, agricultural, 3:6511

 Approval of courses, 3:6512

-Records, 3:6513

CONTRACTS

Fair vendor contracts, 3:7010 Fruits and vegetables

-Direct marketing, contractual agreements, 3:1392.9.1

COPPER SULFATE

Grapes, marketing -Alternative dispute resolution, pursuant to,

3:1703.1 Milk purchase, bulk, 3:2050, 3:2051

Pesticides, prohibited use, 3:6920

CORN Ed. Note: For additional comprehensive information on containers, labeling and packaging, inspections, and marketing, See FRUITS AND VEGETABLES.

Commercial feed ingredient, 3:2782

Cornstalk borers, exterior quarantine, 3:3272 European corn borer, exterior quarantine, 3:3263

- Green corn -Defects, 3:1432
- -Freeze damage, 3:1432.2
- -Maturity standards, 3:1432.1

CORN-continued

Green corn-continued

-Mechanical damage, 3:1432.4

-Tolerances, standards, 3:1432.3

Quarantine

-Cornstalk borers, exterior quarantine, 3:3272

European corn borer, exterior quarantine, 3:3263

CORN GLUTEN MEAL

Pesticide regulations, exemptions, 3:6147

CORN OIL

Pesticide regulations, exemptions, 3:6147

COTTON

Boll weevils

-Eradication area, 3:3591.9

-Host-free districts, 3:3595

California Upland and California Pima cotton, 3:3804-3:3808

-Cottonseed delinting, 3:3826

-Ginning, 3:3806, 3:3823

-Lint, storage and identification, 3:3824

Colored

See Naturally colored cotton, this heading

Cottonseed

See COTTONSEED

Definitions

-San Joaquin Valley quality cotton district, 3:3800 Fees, pink bollworm control and eradication,

3:3600

Ginning -California Upland and California Pima cotton, 3:3806, 3:3823

-Naturally colored cotton, 3:3818.8

-Nonapproved cotton, 3:3823

Harvesting

-California Upland and California Pima cotton, 3.3805

-Naturally colored cotton, harvesting equipment, 3:3818.5

-Nonapproved cotton, notice, 3:3822

-Pesticide harvest aids, 3:6470

Insect pests

-Boll weevils

--Eradication area, 3:3591.9

--Host-free districts, 3:3595

-Host-free districts, 3:3595

-Pesticide harvest aids, 3:6470

-Pink bollworms

--Eradication area, 3:3590

--Fees, control and eradication, 3:3600

--Host-free districts, 3:3595

--Interior quarantine, 3:3409

Isolation

-California Upland and California Pima cotton, 3:3805

-Naturally colored cotton, 3:3818.3

Machinery, inspection

-San Joaquin Valley quality cotton district, 3:3821.1

Marketing

-California Upland and California Pima cotton, 3:3808

-Naturally colored cotton, 3:3819.3

Naturally colored cotton, 3:3817-3:3819.3

-Cottonseed delinting, 3:3819

-Ginning, 3:3818.8

-Harvesting equipment, 3:3818.5

-Isolation, 3:3818.3

-Lint, storage and identification, 3:3824

-Marketing, 3:3819.3

-Nonapproved cotton, research, 3:3817

-Notice requirements, 3:3818

Nonapproved cotton

-Agronomic research, 3:3815-3:3816

-Applications

--Denial, 3:3830

--Performance testing, 3:3820

-Breeding programs, 3:3810

-Cottonseed delinting, 3:3826

-Disposal of cottonseed, 3:3825

-Ginning, 3:3823

-Harvesting, notice, 3:3822

-Lint, storage and identification, 3:3824

-Naturally colored, research, 3:3817

COTTON-continued

Nonapproved cotton-continued

-Performance testing, 3:3811

-Planting, notice, 3:3822

-Seed

See COTTONSEED

-California Upland and California Pima cotton harvest, 3:3805

-Naturally colored cotton production, 3:3818

-Nonapproved cotton, planting or harvesting,

Pesticide harvest aids, 3:6470

See Insect pests, this heading

Planting

-California Upland and California Pima cotton,

-Nonapproved cotton, notice, 3:3822

Quarantine

-Insect pests, 3:3254

-Pink bollworms, interior quarantine, 3:3409

Research

-Authorizations, processing times, 3:300

-Naturally colored nonapproved cotton, 3:3817

-Nonapproved cotton, agronomic research, 3:3815-3:3816

San Joaquin Valley quality cotton district,

-Acala and Pima quality standards, 3:3800.1-3:3800.2

-Board review of applications, 3:3820

-California Upland and California Pima cotton, 3:3804-3:3808

-Cottonseed from outside of District, 3:3821

-Definitions, 3:3800

-Exemptions, 3:3803

-Machinery, inspection, 3:3821.1

-Naturally colored cotton, 3:3817-3:3819.3

-Nonapproved cotton

-Agronomic research, 3:3815-3:3816

-Breeding programs, 3:3810

--Cottonseed delinting, 3:3826

--Ginning, 3:3823

--Lint, storage and identification, 3:3824

-Performance testing, 3:3811

-Testing, 3:3802

-Refusal of applications, 3:3830

-Responsibilities of applicants, 3:3801

-Testing, 3:3811

COTTONSEED

Aflatoxin adulteration, 3:2735

California Upland and California Pima cotton, 3:3804-3:3805

-Delinting, 3:3807 Commercial feed ingredient, 3:2783

Machinery, inspection

-San Joaquin Valley quality cotton district,

Naturally colored cotton, delinting, 3:3819

Nonapproved cotton

-Delinting, 3:3826

-Disposal of seed, 3:3825

San Joaquin Valley quality cotton district

-Importation, 3:3821, 3:3821.1

COTTONSEED OIL

Pesticide regulations, exemptions, 3:6147

COUNTIES

Pesticide mill assessments, disbursement criteria, 3:6390-3:6396

CREOSOL

Pesticide toxic air contaminant, 3:6860

Pesticide, groundwater contaminant, 3:6800

Pesticide, groundwater contaminant, 3:6800 **CYSTICERCUS BOVIS**

Livestock, disposal of carcasses and parts -Cattle, 3:905.21

-Hogs, 3:905.22

I)

DAIRIES

See also DAIRY FARMS; MILK AND MILK **PRODUCTS**

Bacteriological examinations, 3:502

-Cream sample bottles, 3:515

-Mechanical capping, 3:618 Brand registration, 3:561, 3:562 Bulk milk dispensers, 3:621

See also MILK AND MILK PRODUCTS

Communicable disease examination, employees, 3:611-3:615

Components testing of milk and cream

See Testing, this heading

Condemnation

–Cream, 3:571

-Milk and milk products, 3:571-3:575

Containers

-Brand registration, 3:562 -Identification, 3:493

Cream -Condemnation, 3:571

-Milk separation, 3:577

-Preheated cream, 3:586

Cream testers, licensing, 3:499 Dairy inspection services, 3:598, 3:599

Dairy inspectors, 3:590

Dairy products

See MILK AND MILK PRODUCTS

Definition of third-party testing, 3:551

Delivery containers, identification, 3:493

Drainage, floors, 3:587

Drug residues

-Reporting requirements, 3:576.1 -Tankers, inspection, screening tests, 3:576.1

-Communicable disease examinations, 3:611-3:615 -- Laboratory examination, 3:613

--Physical examination, 3:612, 3:614 --Physician examiner, 3:611

--Specimen examinations, 3:615

-Hygiene, 3:623 Equipment sterilization procedures, 3:480

See DAIRY FARMS

Filters, 3:619

Floor drains, 3:587 Fruit juices, storage and handling requirements,

In-place cleaning, 3:480.5-1 Inspections

-Field examinations, market milk, 3:601

-Follow-up fees, 3:606

-Frequency, 3:602 -Laboratory examinations, market milk, 3:601

--Analysis results ---Confirmation, 3:604.1

---Notification, 3:604 --Publication, 3:605

-Services

-Market milk

--Field examinations, 3:601 -- Laboratory examinations, 3:601

-Procedural guidelines, 3:600

-Publication, laboratory examination results, 3:605-Registered dairy inspectors, 3:590

-- Certification, 3:598 --Operational requirements, 3:599

-Tankers, raw milk, 3:576.1 Labeling and packaging

-Brand registration, 3:561, 3:562 -Buttermilk, 3:607

-Condensed milk, 3:607.5

-Nonfat dry milk, grade A, 3:607.5

-Quality assurance date, 3:627

DAIRIES—continued

Licensing

- -Butter graders, 3:499.5
- -Cream testers, 3:499 -Milk testers, 3:499

- -Pasteurizers, 3:498 -Samplers, 3:500
- -Technicians, 3:501
- -Weighers, 3:500 Milk and milk products

See MILK AND MILK PRODUCTS

Milk testers, licensing, 3:499

Nonfat milk solids testing

See Testing, this heading

Pasteurization, 3:582-3:586

-Cream, preheated, 3:586

- -General requirements, 3:583
- -High-temperature, short time procedure, 3:585
- -Holding method, 3:584
- -Operators of equipment, 3:582

Pasteurizers, licensing, 3:498

Products See MILK AND MILK PRODUCTS

Quality assurance date, 3:627

Raw milk testing

See Testing, this heading

Receiving containers, identification, 3:493

Reconstitution or recombining of market milk products, 3:575

Recordkeeping requirements

-Bacteriological examinations, 3:503-3:506

-Milk and cream component test samples, 3:525

Registered dairy inspectors, 3:590

Reporting requirements, drug residue detection,

3:576.1

Samplers, licensing, 3:500

Sanitation

- -Employee hygiene, 3:623
- -In-place cleaning, 3:480.5-1
- -Sterilization procedures, 3:480
- -Toilet facilities, 3:623

Score card, sterilization, 3:488

Somatic cells in milk, testing, 3:625

Sterilization procedures, 3:480

Tankers, drug residue detection, 3:576.1

Technicians, licensing, 3:501

Temperature requirements, market milk, 3:626 Testing

- -Bacteriological examinations, 3:502-3:506
- --Bacterial counts, 3:504
- --Recordkeeping requirements, 3:503-3:506
 ---Bacterial count record sheets, 3:504
- --- Change procedures, 3:505
- --Sampling methods, 3:502 --Supervision, 3:502
- --Supervision, 3:509 --Components, milk and cream, 3:509-3:525 --Accuracy check, 3:512.2 --Equipment, 3:512, 3:512.1

- --Infrared instrumentation, 3:513
- -- Methods approved, 3:509-3:511
- --Procedures, 3:512 --Retesting, 3:512.2
- --Samples
- ---Bottles, cream samples, 3:515
- -Milk preservatives, 3:516
- ---Procedures, 3:514
- ---Recordkeeping requirements, 3:525
- ---Storage and testing, 3:517
- ---Weighing, 3:514
- -Cream testers, licensing, 3:499
- -Definition of third-party testing, 3:551
- -Milk
- --Sediment testing, 3:573
- --Testers, licensing, 3:499
- -Raw milk
- -Analysis results, 3:604.1
- -Recordkeeping requirements, milk and cream component samples, 3:525
- -Record sheets, bacterial count, 3:504
- -Samplers, licensing, 3:500
- -Somatic cells in milk, 3:625 -Technicians, licensing, 3:501
- -Third-party testing, 3:551-3:554
- -- Assignment procedures, 3:553

DAIRIES—continued

Testing-continued

- -Third-party testing-continued
- --Definitions, 3:551
- -- Exemptions, 3:552
- --Variations in analysis, 3:554
- -Weighers, licensing, 3:500 Third-party testing, 3:551-3:554

Toilet facilities, 3:623 Water supply, protection, 3:622

Weighers, licensing, 3:500

Workers

See Employees, this heading

DAIRY FARMS

See also DAIRIES

Animals

See also CATTLE

-Barns

See Milking barns, this heading

-Brucellosis

See CATTLE -Dead animals

See LIVESTOCK

-Feeds, wholesomeness, 3:400

-Food storage, 3:662

-Pesticide residues, identification methods, 3:401

-Tuberculosis

See CATTLE

Barns

See Milking barns, this heading

Brucellosis

See CATTLE

Buildings, 3:645-3:664

-General provisions, 3:645

-Milk houses

See Milk houses, this heading

-Milking barns

See Milking barns, this heading

Containers

-Milk cans, prohibited in barns, 3:481

-Tanks

See Tanks, this heading Corrals, 3:646.1

Dairy products
' See MILK AND MILK PRODUCTS

Drainage, roof, 3:661 Drug residues, prevention, 3:576

Dump tanks, 3:481.5

Filters, 3:619

Food storage for animals, 3:662 Handwash facilities, 3:663

Hygiene, handwash facilities, 3:663

Inspections

-Field examinations, market milk, 3:601

-Frequency, 3:602

See MILK AND MILK PRODUCTS

Milk cans, prohibited in barns, 3:481

Milk house

-Corrals, setback requirements, 3:646.1

-Elevations, 3:647 -Entry ramps, paving requirements, 3:646.1

-Filters, 3:619

-Painting, 3:649, 3:660

-Pipeline milking machine installations, 3:480.5 -Pouring milk, procedures, 3:481.5

-Roof drainage, 3:661

-Siting requirements, 3:646

–Sterilization

See Sterilization, this heading

-Suitability, 3:480.6 -Supply storage, 3:664

-Tanker loading ramps, 3:650 -Tanks

See Tanks, this heading

-Water supply, 3:665 Milking barns

–Corrals, setback requirements, 3:646.1

-Elevations, 3:647

-Entry ramps, paving requirements, 3:646.1

-Feed storage facilities, 3:662 -General provisions, 3:658, 3:659

-Milk cans prohibited, 3:481 –Milk room, 3:648

DAIRY FARMS-continued

Milking barns-continued

-Painting, 3:649, 3:660

-Pipeline milking machine installations, 3:480.5 -Roof drainage, 3:661

-Sanitary facilities, employees, 3:663

-Siting requirements, 3:646

-Supply storage, 3:664

-Tanker loading ramps, 3:650 -Water supply, 3:655

Milk pipes, 3:481.5 Milk room, 3:648

Painting, woodwork, 3:660

Pesticide residues, identification methods, 3:401

Pipeline milking machine installations, 3:480.5

Pouring milk, procedures, 3:481.5

See also Sterilization, this heading

Score card, sterilization, 3:482

Sterilization, 3:480-3:482

-Chemical processes, 3:480

-Milk cans, 3:481

-Milk house, 3:480.6

-Score card, official, 3:482

Surroundings, 3:646.1

Tanks

-Dump tanks, 3:481.5

-Installations, 3:480.7

-Thermometers, recording, 3:480.75

Toilet facilities, 3:663

See CATTLE Water supply, 3:665

Woodwork, paint, 3:649, 3:660

See MILK AND MILK PRODUCTS

Pesticide, groundwater contaminant, 3:6800

Interior quarantine, 3:3419

Pesticide, usage restrictions, 3:6400

Collection centers, 3:1180.23-3:1180.24

DEER

ments, 3:906.1 -Inspection exemption for slaughter and process-

-Marking, 3:908.5

-Inspection exemption for fallow deer, 3:900.1

DEFINITIONS

Animal biologics, 3:1305.00 Asparagus, 3:1406.6

Avocado trees, registration, 3:3033.2 Bees, wax-salvage plants, 3:2976

Biologics, animal biologics, 3:1305.00 Bovine tuberculosis, 3:759

-Interstate movement into state, 3:756

-Mexican imports, 3:755

-Trichomonosis control, 3:820

Ramps, 3:646.1 Roof drainage, 3:661

Sanitation

-Toilet facilities, 3:663

Siting requirements, 3:646

-Dairy farm score card, 3:482

-Milk pumps, 3:480.8 -Pipeline milking machine installations, 3:480.5

-Pouring milk, 3:481.5

Supplies, storage, 3:664

Tanker loading site requirements, 3:650

-Emergencies, 3:480.76

-Equipment failures, 3:480.76

Tuberculosis

DAIRY PRODUCTS

DASOMET

DATE PALM DISEASE

DAZOMET

DEAD ANIMALS

Fallow deer -Handling and transportation to slaughter establish-

ing, 3:900.1

Air transportation, aircraft waste disposal, 3:770

Avocado nursery stock, certification, 3:3031

Cattle, tuberculosis, 3:759

Citrus fruits, 3:1375.21, 3:1430.9.1

Citrus trees, certification, 3:3001

DEFINITIONS—continued

Commercial feed, 3:2675

Cotton, San Joaquin Valley quality cotton district,

Dairies, third-party testing, 3:551

Deciduous fruit and nut trees, certification, 3:3015.1

Fair improvement allocation procedures, 3:7000 Feed, commercial, 3:2675

Fowl typhoid, 3:784

Garlic, seed garlic certification program, 3:3044.1 Goats, interstate and intrastate movement, 3:760 Grapefruits, 3:1430.17, 3:1430.24

Grapes

-Juice grapes, 3:1437.1

-Pierce's disease control program, 3:3652

-Table grapes, 3:1436.1

-Wine grapes, 3:1658.1, 3:1661.2 Grapevines, certification, 3:3024.1

Juice grapes, 3:1437.1

Lemons, Improved Meyer lemon, 3:3628

Mandarin oranges, 3:1430.46 Meat and meat processing, 3:1180 Nematode-free nursery stock, 3:3055.1 Nursery stock, nematode-free, 3:3055.1 Pest controllers, 3:6000

Pesticides, 3:6000, 3:6145

Pierce's disease control program, 3:3652

Plant nurseries, 3:3055.1

Pome fruit trees, certification, 3:3020.1

Poultry inspection, 3:1200

Pullorum disease, poultry, 3:784 Quarantine of animals, 3:1301 Rice identity preservation, 3:2850

Salad products, 3:1438.24

San Joaquin Valley quality cotton district, 3:3800

Seeds, 3:3850, 3:3856

Sheep, interstate and intrastate movement, 3:760

Swine, 3:790, 3:795.34 Table grapes, 3:1436.1 Tangerines, 3:1430.46

Trichomonosis, bovine, 3:820 Wax-salvage plants, 3:2976 Wine grapes, 3:1658.1, 3:1661.2

DEMODEX FOLLICULORUM

Hogs, disposal of diseased or adulterated carcasses and parts, 3:905.22

DEODORIZERS

Pesticide regulation, exemption, 3:6205

DIAMOND-SKIN DISEASE

Livestock, disposal of carcasses and parts, 3:905.4

DIAPREPES ROOT WEEVIL

Eradication area, 3:3591.19 Interior quarantine, 3:3433

DIAZINON

Pesticide, groundwater contaminant, 3:6800

DICAMBA

Pesticide, usage restrictions, 3:6400, 3:6464

DICHLOBENIL

Pesticide, groundwater contaminant, 3:6800

DICHLORAN

Pesticide, groundwater contaminant, 3:6800

DICHLOROBENZENE

Pesticide, toxic air contaminant, 3:6860

DICHLOROPHENOXYACETIC ACID

Herbicides, 3:6464

DICHLOROPROPENE

Pesticide, toxic air contaminant, 3:6860

DICHLOROVOS

Pesticide, toxic air contaminant, 3:6860

DIETHATYL-ETHYL

Pesticide, groundwater contaminant, 3:6800

DIMETHOATE

Pesticide, groundwater contaminant, 3:6800

DIMETHYLAMINE SALT

Pesticide, groundwater contaminant, 3:6800

DIQUAT DIBROMIDE

Pesticide, groundwater contaminant, 3:6800

DISCIPLINARY ACTIONS

Grapes, marketing licensees, 3:1704-3:1704.2

DISCLOSURE

Pesticides, adverse effects, 3:6210

DISEASES

Asiatic Newcastle disease, 3:800, 3:800.1

Avian influenza, 3:802

Birds

-Asiatic Newcastle disease, 3:800, 3:800.1

-Avian influenza, 3:802

-Duck virus enteritis, 3:801

Brucellosis

See BRUCELLOSIS

Cattle

See CATTLE

Fruit

See specific type

Horses, contagious equine metritis, 3:810

Poultry carcasses and parts

See POULTRY AND POULTRY PRODUCTS

Quarantine

See OUARANTINE

Reporting requirements

-Animals, reportable conditions, 3:797

-Poultry, reportable conditions, 3:797

Swine

See SWINE

Vegetables

See specific type

DISPUTE RESOLUTION

Pesticides, data cost-sharing disputes, 3:6310

DISTRICT AGRICULTURAL ASSOCIATIONS

-Motorized racing contracts, 3:7015

Fair vendor contracts, 3:7010

DISULFOTON

Pesticide

-Groundwater contaminant, 3:6800

-Usage restrictions, 3:6400

DISYSTON

Pesticide, usage restrictions, 3:6400

DITCHES

Pesticides, groundwater protection, 3:6487.2

DIURON

Pesticide, groundwater protection, 3:6487.1-3:6487.5, 3:6800

DOG FOOD, 3:1180.7-3:1180.12

DOMESTICATED PIGEONS

Inspection of slaughtering establishments, 3:900.1

DOURINE

Livestock, disposal of carcasses and parts, 3:905.8

Animal drugs, license processing time, 3:300,

Commercial feed, additives, 3:2676, 3:2700-3:2702

Dairies, drug residues

-Detection, 3:576.1

Dairies, residue detection, 3:576.1

Dairy farms, drug residues, 3:576

Licensing, livestock drugs, 3:300, 3:301

Milk and milk products, drug residues -Tankers, screening tests, 3:576

Milk and milk products, residue detection, 3:576.1

DUCKS

Virus enteritis, 3:801

DUCK VIRUS ENTERITIS, 3:801

DUDAIM MELON

Eradication area, 3:3961

\mathbf{E}

EDEMA

Livestock

-Ante-mortem inspections, 3:903.8

-Disposal of carcasses and parts, 3:905.6

EGGS

Advertising

See also Labeling and packaging, this heading

-Baluts, 3:1356

-Brands

-General requirements, 3:1354

--Registration, 3:1357

-Descriptive terminology, 3:1354

-Fertile eggs, 3:1356

-General requirements, 3:1354

-Registered brands, 3:1357

-Special requirements, 3:1356

Ambient air temperature, ascertaining, 3:1358.5

Animal food, designation, 3:1356.2

Baluts

-Advertising, special requirements, 3:1356 -Definition, 3:1351

Brands -General requirements, 3:1354

-Registration, 3:1357

Definitions -Air cells, 3:1351.4

-Baluts, 3:1351

-Restricted eggs, 3:1356.2

-Shells, 3:1351.2 -Whites, 3:1351.6

-Yolks, 3:1351.8

Dirties, sale, 3:1356.2 Fees, inspections, 3:1358, 3:1358.2

Grading

See Standards, this heading

Incubator rejects, 3:1356.2 Inspections, fees, 3:1358, 3:1358.2 Invoices, 3:1358.4

Labeling and packaging

-Advertising

See Advertising, this heading

-Brands

--General requirements, 3:1354 --Registration, 3:1357

-Descriptive terms requirements, 3:1354

-Exemptions, 3:1354.2 -Fertile eggs, designation, 3:1356

-General requirements, 3:1354 -"Organic" designation, 3:1354

-Penalties, 3:1355

-Polyunsaturates, contents requirements, 3:1356

-Registered brands, 3:1357 -Special requirements, 3:1356

"Organic" designation, 3:1354

Packaging See Labeling and packaging, this heading

Pet food, designation, 3:1356.2

Putrescent whole egg solids

-Pesticide regulations, exemptions, 3:6147

Quality standards

See Standards, this heading

Recordkeeping requirements, 3:1358.4 Reporting requirements, processors and handlers, 3:1358

Restricted eggs

-Bloods, 3:1356.2

-Checked eggs, 3:1356.2 –Definitions, 3:1356.2

-Incubator rejects, 3:1356.2 -Unfit for human consumption, 3:1356.2

Sampling schedule, 3:1353.6 Seized lots, 3:1355

Shells, definition, 3:1351.2 Standards

-Advertising, 3:1354

See also Labeling and packaging, this heading

EGGS-continued

Standards-continued

- -Animal food, 3:1356.2
- -Exemptions, 3:1352.2
- -Marking requirements
 - See Labeling and packaging, this heading
- -Quality ratings, 3:1352
- -Restricted eggs, 3:1356.2
- -Sampling schedule, 3:1353.6
- -Size, 3:1353.4
- -Summary tables, 3:1353.2
- -Tolerances, 3:1353
- -Unfit for human consumption, 3:1356.2

Temperature, ambient or air flow, ascertaining, 3:1358.5

Unfit for human consumption, 3:1356.2

Whites, definition, 3:1351.6 Yolks, definition, 3:1351.8

EMBALMERS AND EMBALMING

Pesticide regulations, exemption of embalming fluids, 3:6147

EMERGENCY MEDICAL SERVICES

Pesticide workers, 3:6726

-Field workers, 3:6766

EMPLOYEES AND EMPLOYERS

Child labor, agricultural pest control operations,

Dairy farms

See DAIRY FARMS

Pesticide workers, safety requirements, 3:6700-3:6795

Poultry processing plants, 3:1222, 3:1226

ENDOSULFAN

Pesticide, usage restrictions, 3:6400

ENVIRONMENTAL PROTECTION AGENCY, U.S.

Pesticides

- -Labeling and packaging requirements, 3:6243
- -Registration data requirements, 3:6159
- -Section 18 exemption for emergency use of unregistered pesticide, 3:6206
- -Tolerances for spray residue on produce, 3:6490

ENVIRONMENTAL QUALITY ACT OF CALIFOR-

Food and Agriculture Department, implementation, 3:200-3:203

EPITHELIOMA

Livestock

- -Ante-mortem inspections, 3:903.5
- -Disposal of carcasses and parts, 3:905.10

Pesticide, groundwater contaminant, 3:6800

FRYTHEMA

Hogs, disposal of diseased or adulterated carcasses and parts, 3:905.20

ETHOFUMESATE

Pesticide, groundwater contaminant, 3:6800

ETHOPROP

Pesticide

- -Groundwater contaminant, 3:6800
- -Usage restrictions, 3:6400

ETHYLENE OXIDE

Pesticide, toxic air contaminant, 3:6860

ETHYL PARATHION

Pesticide, toxic air contaminant, 3:6860

EUGENOL

Pesticide regulations, exemptions, 3:6147

EUROPEAN CORN BORERS

Exterior quarantine, 3:3263

EUROPEAN PINE SHOOT MOTH, 3:3275

EXEMPTIONS

Apples, 3:1400.3, 3:1400.6 Cabbages, sales to U.S. military, 3:1418

Cotton, San Joaquin Valley quality cotton district, 3:3803

Dairies, third-party testing, 3:552 Eggs, standards, 3:1352.2

EXEMPTIONS-continued

Garlic, dehydration lot standards, 3:1682 Grapes, marketing licensure; criminal records exemptions, 3:1702.1

Insects, live insect transportation permit, 3:3558 Milk and milk products, third-party testing, 3:552 Onions, dehydration lot standards, 3:1682 Pest control operations, agricultural, 3:6620 Poultry and poultry products, 3:1610, 3:1611

FAIRS AND EXPOSITIONS

Definition of improvement allocation procedures, 3:7000

District agricultural associations

-Motorized racing contracts, 3:7015

District agricultural associations, vendor contracts,

Improvement allocation procedures, 3:7000-3:7004

- -Applications, 3:7001
- --Actions, 3:7003
- --Contents, 3:7001
- --Procedures, 3:7001
- -Review, 3:7002
- -Commitment agreement, 3:7004
- -Definitions, 3:7000

Motorized racing contracts, 3:7015

Vendor contracts, 3:7010

FARCY

Livestock, disposal of carcasses and parts, 3:905.8

FEDERAL INSECTICIDE, FUNGICIDE, AND **RODENTICIDE ACT (FIFRA)**

Pesticides, exemptions, 3:6147 -Public health emergency, 3:6206

FEES

Agriculture

-Field crop inspection services, 3:2841

-Shipping point inspections, 3:2200-3:2202 Animal biologics, 3:1305.03, 3:1305.04, 3:1305.12 Avocados, inspections, 3:1408.19

Bees, bee colony assessments, 3:2950-3:2952, 3:2954

Cattle

-Slaughterhouse brand inspection services, 3:897.4 Citrus trees, certification program, 3:3004 Common carriers, food cargo inspection, 3:3560 Cotton, pink bollworm control and eradication,

3:3600

Dairy farm follow-up inspection activities, 3:606 Eggs, processor inspections, 3:1358

Food and Agriculture Department -Employees, examinations, 3:126

-Service charges, 3:4600-3:4603
Food imports, air and marine terminal inspection fees, 3:3560

Fruits and vegetables

-Farmers' market operators, 3:1392.8.1

-Marketing, 3:1392.8

-Producer certification, 3:1392.8

Garlic, seed garlic certification program, 3:3044.7 Grapes, wine grape inspections, 3:1656

Grease, enforcement fees for transporters of inedible kitchen grease, 3:1180.3.1, 3:1180.3.2 Horses, drug testing, 3:1280.2

Livestock renderers and collection centers, enforcement fees, 3:1180.3.1, 3:1180.3.2

Meat processing, renderers and collection centers, enforcement fees, 3:1180.3.1, 3:1180.3.2

Pest control operations, agricultural, 3:6505 Plant nurseries, nematode-free certification program, 3:3055.6

Plant quarantine, reimbursable services, 3:3160

-Transportation permit, 3:1466.3

Poultry processing plant licensing, 3:1204 Tomatoes, canning inspections, 3:1330

FENAMINPHOS

Pesticide, usage restrictions, 3:6400, 3:6476

FENAMIPHOS

Pesticide, groundwater contaminant, 3:6800

FERTILIZERS

Advertising

-Guaranteed analysis, 3:2301

-Labeling requirements, 3:2301

Biotics, labeling requirements, 3:2304

Fish emulsion, labeling requirements, 3:2306

-Biotics, 3:2304

- -Caution statement, 3:2300
- -Chelating agents, 3:2305
- -Fish emulsion, percent of solids, 3:2306
- -Guaranteed analysis, 3:2300
- -Guaranteed analysis statement, 3:2303
- -Gypsum materials, 3:2312
- -Hydroponic programs, 3:2307
- -Label information, 3:2303
- -Packaged soil amendments, 3:2308
- -Phosphorus materials, percentages, 3:2309
- -Seed and plant food admixtures, 3:2310
- -Slow release plant nutrients, 3:2311

- -Processing times, 3:300, 3:301

Nonnutritive standards, 3:2302

Phosphorus materials, labeling requirements, 3:2309

Recyclable materials used in, 3:2302

Registration, 3:301, 3:2320

Reporting requirements, tonnage, 3:2321

-Description, 3:2317

-Official samples, 3:2313

-Subsamples, 3:2314

Tonnage, reporting requirements, 3:2321

Red imported fire ants

-Interior quarantine, 3:3432

FISTUL A

Livestock, disposal of carcasses and parts, 3:905.8

FLAX Commercial feed ingredient, 3:2787

FLUKES

Livestock, disposal of carcasses and parts, 3:905.23

FLUOMETURON

Pesticide, groundwater contaminant, 3:6800

Commercial feed, tolerances, 3:2679

Cotton harvest aids, usage restrictions, 3:6470

FLUORINE

Pesticide, usage restrictions, 3:6400 Pesticide, use as, 3:6790-3:6793

Pesticide, groundwater contaminant, 3:6800

Air transport, inspection fees, 3:3560

Fees, air and marine terminal inspection, 3:3560 Fruits

Marine transport, inspection fees, 3:3560

Quarantine, air or marine transport terminal inspec-

Chelating agents, labeling requirements, 3:2305

Experimental, licensing exemption, 3:2319

Labeling and packaging

-Continuous liquid feed products, 3:2307

Licensing

-Business location, 3:2318

-Experimental use, exemption, 3:2319

-Processing time, 3:300

Sampling, 3:2313-3:2317

-Identification requirements, 3:2316

-Procedures, 3:2315

Seed and plant food admixtures, 3:2310 Slow release plant nutrients, labeling requirements,

3:2311

FIRE ANTS

-Eradication area, 3:3591.16

FOLPET

See FRUITS AND VEGETABLES; specific type Imports, air and marine terminal inspection fees,

tion fees, 3:3560

FOOD-continued

Transport, air or marine transport terminal inspection fees, 3:3560

Vegetables

See FRUITS AND VEGETABLES; specific type

FOOD AND AGRICULTURE DEPARTMENT

See also AGRICULTURE; FOOD

Access to information, employee examination records, 3:122

Agricultural inspector/biologist, county, 3:105 Animal biologics

See BIOLOGICS

Animals

See ANIMALS; LIVESTOCK; specific types of animals

Appeals, employee examinations, 3:133 Beef council law assessments, 3:2250-3:2252 California Environmental Quality Act of 1970, implementation, 3:200-3:203

Confidential information, employee examination records, 3:122

Conflict of interest

-Code, 3:2

-Economic poisons enforcement employees, 3:1.1

County officers and employees

-Agricultural commissioner

--Qualifications, 3:103 -Agricultural inspector/biologist, qualifications, 3:105

Appeals, examinations, 3:133

-Deputy county agricultural commissioner, qualifications, 3:104

-Deputy county sealer of weights and measures, qualifications, 3:107

-Examinations, 3:121-3:133

--Agricultural commissioner, qualifications, 3:103

--Announcement of times and places, 3:125

--Appeals, 3:133

-- Confidentiality of records, 3:122

--Contents, 3:121

Deputy county agricultural commissioner, qualifications, 3:104

-- Deputy county sealer of weights and measures, qualifications, 3:107

--Explanations, 3:127

--Fees, 3:126

--General requirements, 3:121

--Inspector/biologist, qualifications, 3:105

--Location, 3:125

-- Lower class qualification requirements, 3:124

--Minimum score, 3:123 --Notice of results, 3:132

--Oral examinations, 3:131

-- Prohibited acts, 3:128, 3:129

--Qualifications, general, 3:101

--Ratings

---Interview, 3:131

---Minimum score, 3:123

---Notice of results, 3:132

---Oral examination, 3:131 ---Written examinations, 3:130

-- Records, confidentiality, 3:122

--Schedule, 3:125

--Sealer of weights and measures, qualifications, 3:106

--Seasonal county standardization inspector, 3:171, 3:172

--Weights and measures inspector, qualifications,

--Written examinations, 3:130

-Fees, examinations, 3:126

-Licensing, 3:151-3:155

-- Charter county certificates, 3:155

--Expiration, 3:151

--Military service personnel, extension of eligibility, 3:154

--Renewal

---Incumbents, 3:152

---Non-incumbents, 3:153

-- Term of validity, 3:151

-Records, confidentiality of employee examinations, 3:122

-Sealer of weights and measures, qualifications, 3:106

FOOD AND AGRICULTURE DEPART-

MENT-continued

County officers and employees-continued

-Seasonal county standardization inspector, 3:171-3:173

Eligibility requirements, 3:173

-Examination, qualifying, 3:171, 3:172

-Weights and measures inspector -Duties, limitations, 3:109

-Qualifications, 3:108

Dairies

See DAIRIES; MILK AND MILK PRODUCTS

Dairy farms

See DAIRY FARMS

Dairy inspection services, certification, 3:598 Dairy inspectors, licensing, 3:590

Dairy products

See MILK AND MILK PRODUCTS

Economic poisons enforcement employees, conflict of interest prohibitions, 3:1.1

See EGGS

Employees

-Registered dairy inspectors, 3:590

Examinations

-Registered dairy inspectors, 3:590

Fair improvements allocation procedures, 3:7000-3:7004

Fairs and expositions

See FAIRS AND EXPOSITIONS

Farms and farming

See AGRICULTURE

-Dairy

See DAIRY FARMS

-County officers and employees, examinations,

-Registered dairy inspector, examination, 3:126

-Service charges, 3:4600-3:4603

-Shipping point inspections, 3:2200-3:2202 Field crops

See AGRICULTURE

Food

See FOOD

Fruit See FRUITS AND VEGETABLES

Hearings, informal, 3:1310-3:1310.3

-Applicable violations, 3:1310

-Conduct, 3:1310.3

-Filing deadlines and procedures, 3:1310.1

-Notification, 3:1310.2

-Schedule, 3:1310.2

Inspections

See also specific subjects of inspection

-Shipping point inspections, fees, 3:2200-3:2202 Licensing

-Dairy inspection services, 3:598

-Milk handlers, 3:2031

-Registered dairy inspectors, 3:590

Livestock

See LIVESTOCK

See MEAT AND MEAT PROCESSING

Meat Inspection Bureau

-Appeals, condemnation actions, 3:1268

-Employees, appointments and promotions, 3:1203

See MILK AND MILK PRODUCTS

Milk handlers, licensing, 3:2031

-Informal hearings, 3:1310.2

-Service requirements, 3:1 Permit Reform Act, 3:300, 3:301

-Appeals procedure, 3:301 -Processing times, 3:300

Poultry

See POULTRY AND POULTRY PRODUCTS

Registered dairy inspectors, licensing, 3:590 Sealer of weights and measures, county, 3:106 Seasonal county standardization inspector,

3:171-3:173

Service charges, 3:4600-3:4603 -Charges for services provided, 3:4603

-Liability and financial responsibility disclaimer, 3:4601

FOOD AND AGRICULTURE DEPART-

MENT-continued

Service charges-continued

-Payment terms, 3:4600

-Schedule of charges, 3:4603

-Services, 3:4600

Service of notice, 3:1

Shipping point inspections, fees, 3:2200-3:2202

Vegetables See FRUITS AND VEGETABLES

Weights and measures inspector, county, 3:108,

FORESTRY

Herbicides, phenoxy herbicide use permit, 3:6443 Phenoxy herbicides, use permit, 3:6443

FORMALDEHYDE

Pesticide, toxic air contaminant, 3:6860

FORMS Milk tankers

-Application for permit, 3:480.9 Appx. A

Pest controllers

-Clopyralid, application restrictions, 3:6576

Plant nurseries

-Nursery stock certificates, 3:3060.5

Quarantine of animals

-Laboratory analysis, 3:1301.9

-Notice of required action, 3:1301.9 -Release of quarantine, 3:1301.9

FOSETYL-AL TECHNICAL

Pesticide, groundwater contaminant, 3:6800

FRUIT AND NUT TREES

Deciduous fruit and nut trees, certification, 3:3015-3:3015.5, 3:3069

FRUIT FLIES Caribbean fruit fly, quarantine, 3:3252

Cherry fruit flies, interior quarantine, 3:3414 Guava fruit flies, eradication area, 3:3591.13

Mediterranean fruit flies -Eradication area, 3:3591.5

-Interior quarantine, 3:3406

Melon fruit flies

-Eradication area, 3:3591.15 -Interior quarantine, 3:3425

Mexican fruit flies -Eradication area, 3:3588

-Interior quarantine, 3:3417 Oriental fruit flies

-Eradication area, 3:3591.2

-Interior quarantine, 3:3423 Peach fruit flies

-Eradication areas, 3:3591.12 -Interior quarantine, 3:3424

FRUIT JUICE BEVERAGES

Milk products plants, storage and handling, 3:568

FRUITS AND VEGETABLES

See also specific type Alkali solutions, testing procedures, 3:1370.16

-Direct marketing certificates, denial or suspension, 3:1392.11

-Exemption permits, revocation or suspension,

Apples See APPLES

Appeals

Apricots

See APRICOTS

Artichokes See ARTICHOKES

Artificial colorings, 3:1365.3 Asparagus

See ASPARAGUS Avocados

See AVOCADOS Bell peppers, damage, 3:1410

Broccoli

See BROCCOLI Brussels sprouts See BRUSSELS SPROUTS

Cabbage See CABBAGE Cantaloupes

See CANTALOUPES

FRUITS AND VEGETABLES-continued

Cauliflower

See CAULIFLOWER

Celery

See CELERY

Cherries See CHERRIES

Citrus fruits

See CITRUS FRUITS; specific type

Colorings, artificial, 3:1365.3

Containers

-Consumer packages, 3:1380.27

-Direct marketing, 3:1392.4

-Experimental containers, permits, 3:1380-3:1380.9
--Application, 3:1380.1, 3:1380.3

-- Marking requirements, 3:1380

-- Numbering requirements, 3:1380.2, 3:1380.8

-- Recordkeeping requirements, 3:1380.9

--Renewals, 3:1380.4

-Shipping quantity restrictions, 3:1380.5

-Experimental packs, 3:1380.9-3:1380.13

--Marking requirements, 3:1380.10

--Permits

-Application, 3:1380.11

---Expiration date. 3:1380.12

---Records, 3:1380.9

-Shipping quantity restrictions, 3:1380.13

-Fiberboard cartons, inside dimensions, 3:1380.21

-Importation provisions, 3:1380.16, 3:1380.17

-Labeling and packaging, 3:1365.9 -Markings, 3:1359

-Penalties, guidelines, 3:3271.2

-Precooled, labeling requirements, 3:1365.5

-Recordkeeping requirements, experimental container permits, 3:1380.9

-Standard containers

--Dimensions, 3:1380.19

-- General provisions, 3:1380.18

--Numerical designations, 3:1380.19

-"Standard pack" designation, 3:1365.10

See CORN

Definitions

-Direct marketing, 3:1392.2

-Processing, 3:1375.18

-Tricessing, 3:1375.21
-Trime of picking," maturity testing, 3:1375.21
Direct marketing, 3:1392.3:1392.11
-Authorization, 3:1392.1
-Conditions of, 3:1392.4

-Contractual agreements, 3:1392.9.1

-Definitions, 3:1392.2

-Emergency, natural disaster, or quarantine

declared, effect, 3:1392.12

-Farmers' markets
--Appeals, 3:1392.11

--Certification, 3:1392.6 ---Fees, 3:1392.8

--Fees, 3:1392.8.1

--Operators, compliance requirements, 3:1392.9

--Penalties, 3:1392.10

-- Products allowed, 3:1392.4

-Farming partnerships, 3:1392.9.1

-Farm leases, 3:1392.9.2

-Fees

--Farmers' markets, 3:1392.8, 3:1392.8.1

-- Producers, certification, 3:1392.8

-Intent of article, 3:1392

-Penalties, 3:1392.10

-Producers, certification

--Appeals, 3:1392.11

--Display requirements, 3:1392.4 --Fees, 3:1392.8

-- General requirements, 3:1392.5

--Issuance requirements, 3:1392.7

--Penalties, 3:1392.10

--Processing time, 3:300, 3:301 --Sales on behalf of other producers, 3:1392.4

-Sharecropping agreements, 3:1392.9.1

-Weights and measures, 3:1392.4

Exemptions

-Intrastate exemptions, 3:1390

-Permits, 3:1390.1-3:1390.17 -- Affidavits of permittee, 3:1390.6

--Appeals, 3:1390.9

FRUITS AND VEGETABLES-continued

Exemptions-continued

-Permits-continued -Application, operation pending disposal prohibited, 3:1390.10

--Authority to issue, 3:1390.1 --Compliance, 3:1390.16

-- Denial, suspension, or revocation, 3:1390.7, 3:1390.8, 3:1390.11

--Display, 3:1390.12

-- General requirements, 3:1390.3

--Out-of-state processing provisions, 3:1390.14, 3:1390.15

--Recordkeeping requirements, 3:1390.13 --Unauthorized activities, 3:1390.2, 3:1390.10, 3:1390.17

-Validity period, 3:1390.4, 3:1390.5

Experimental containers and packs

See Containers, this heading

Farmers' markets

See Direct marketing, this heading

Fees for direct marketing
-Farmers' market, certification, 3:1392.8

-Farmers' markets, 3:1392.8.1

-Producers, certification, 3:1392.8

Fiberboard cartons, inside dimensions, 3:1380.21

Fruit baskets, dimensions, 3:1380.19

Grading

See also specific types of fruit or vegetables

-U.S. grade designations, 3:1370.13

Grapefruits

See GRAPEFRUITS

Grapes

See GRAPES Green corn

Guava fruit flies, eradication area, 3:3591.13 Highway inspection stations, sampling provisions, 3:1370.9

Importation provisions, containers, 3:1380.16,

3:1380.17

Inspections -Certificates

--Federal-state shipping point certificates, 3:1370.3

-- Issuance requirements, 3:1370

-Standardization certificate, acceptance, 3:1370.1

-Exemption permits, 3:1390.12

-Highway inspection stations, sampling provisions, 3:1370.9

-Rejection, lot inspections, 3:1370.2

-Samples

--General requirements, 3:1370.8

--Highway inspection stations, 3:1370.9

-Shrinkage, 3:1370.11 -Size requirements, variations, 3:1370.12

-State institutions, delivery to, 3:1370.14 -Substandard produce

--Delivery, direct to broker, 3:1370.5 --Disposition of lots, 3:1370.4

--Reconditioning, 3:1370.4

--Remarking, 3:1370.4 -U.S. grade designations, 3:1370.13

-Wastage, percentage determination methods, 3:1370.10

Juice grapes

See GRAPES

Labeling and packaging

See also Containers, this heading –Colorings, artificial, 3:1365.3

-Consumer packaging requirements, 3:1380.27

-Experimental containers

See Containers, this heading

-Markings on containers, 3:1359
-Obliteration, grade designation, 3:1365.4

-Precooled containers, 3:1365.5

Lemons

See LEMONS

Lettuce See LETTUCE

Limes, 3:1430.33, 3:1430.34

See Direct marketing, this heading

Markings on containers, 3:1359

Melon fruit flies

FRUITS AND VEGETABLES-continued

Melon fruit flies-continued

–Eradication area, 3:3591.15

Melons

See MELONS

-Cantaloupes
See CANTALOUPES

Nectarines

See NECTARINES

Nursery stock

See PLANT NURSERIES

Onions

See ONIONS

Oranges See ORANGES

Organic foods, denial, suspension, or revocation of certification, 3:1391-3:1391.1

Oriental persimmons

See PERSIMMONS

Packaging

See Labeling and packaging, this heading

Packing plants, transportation exemptions,

Peaches

See PEACHES

Peas See PEAS

Penalties

-Civil penalties, guidelines, 3:1371-3:1371.2 -Direct marketing, 3:1392.10

Permit exemptions

See Exemptions, this heading

Pesticide residue tolerances, 3:6490, 3:6492

Plums

See PLUMS Pomegranates

See POMEGRANATES Potatoes See POTATOES

Processing, defined, 3:1375.18

Produce, pesticide residue tolerances, 3:6490, 3:6492

Producers

-Direct marketing regulations

See Direct marketing, this heading

Prunes See PRUNES

Quarantine
See PLANTS; QUARANTINE

Quinces

See QUINCES

Recordkeeping requirements -Exemption permits, 3:1390.13

-Experimental container permits, 3:1380.9

Salad products

See SALAD PRODUCTS Seeds, vegetable

See generally SEEDS Shrinkage, 3:1370.11

Size requirements, variations, 3:1370.12

Substandard produce See Inspections, this heading

Sweet potatoes
See SWEET POTATOES

Table grapes

See GRAPES

Tangerines See TANGERINES

Testing -Alkali solutions, testing procedures, 3:1370.16

-Maturity testing, 3:1370.16 -Service charges, Food and Agriculture Depart-

ment, 3:4600-3:4603

"Time of picking," defined, 3:1375.21

See TOMATOES Transportation, packing plant exemptions,

Tomatoes

3:1370.15 U.S. grade designations, 3:1370.13

Wastage, percentage determination methods, 3:1370.10

Wastes

See WASTE DISPOSAL

Weights and measures, direct marketing, 3:1392.4

FRUITS AND VEGETABLES-continued

Wine grapes See GRAPES

FUNDS

Milk Producer Security Trust Fund, 3:2100-3:2102 -Allocation of handler payments to producers, 3.2042

FURADAN

Pesticide, usage restrictions, 3:6400

GARLIC

Ed. Note: For additional comprehensive information on containers, labeling and packaging, inspections, and marketing, See FRUITS AND VÉGETABLES.

Certification

See Seed garlic certification program, this heading Dehydration lots, 3:1675-3:1688

- -Acreage information reports, 3:1685
- -Inspections
- --Exemptions, 3:1682
- --Sampling requirements
- ---Deadline, 3:1677 ---Procedures, 3:1675
- ---Size requirements, 3:1676
- --Site requirements, 3:1687, 3:1688
- -Loads
- --Identification, 3:1684
- --Information reports, 3:1683, 3:1685 -Lot identification, 3:1684
- -Reporting requirements, 3:1683, 3:1685
- -Standards
- -Cull material, percentage, 3:1679
- --Defects, 3:1681
- --Dirt, percentage, 3:1679
- -- Excessive moisture requirements, 3:1680
- -- Exemptions, 3:1682
- --Insect damage, 3:1681
- --Stiff neck, 3:1681.1

Insect damage, 3:1681

Mono county quarantine area, 3:3559

Pesticide regulations, exemptions, 3:6147

Seed garlic certification program

- -Application, 3:3044.7
 -Certification requirements, 3:3044.4
 -Definitions, 3:3044.1
- -Disclaimer statement, 3:3069
- -Eligibility requirements, 3:3044.4
- -Fees, 3:3044.6
- -General provisions, 3:3044.2
- -Inspections, 3:3044.6
- -Participant responsibilities, 3:3044.3
- -Plantings, 3:3044.5
- -Seals and tags, 3:3044.3
- -Testing, 3:3044.6

GERANIOI

Pesticide regulations, exemptions, 3:6147

GERANIUM OIL

Pesticide regulations, exemptions, 3:6147

GID BLADDER-WORMS

Livestock, disposal of carcasses and parts, 3:905.23

Livestock, disposal of carcasses and parts, 3:905.8

GLASSY-WINGED SHARPSHOOTER

Grapevine loss assistance program, 3:3664-3:3669 Pierce's disease, grapevine loss assistance program, 3:3664-3:3669

GLENN COUNTY

Beekeepers, notice of pesticide application, 3:6655 Propanil use, 3:6462

Brucellosis-reactor goats, ante-mortem inspections,

Interstate and intrastate movement, 3:760-3:760.9

GOATS-continued

Interstate and intrastate movement-continued -Applicability of laws and regulations, 3:760.1

- -Certificate of veterinary inspection, 3:760.2
- -Definitions, 3:760
- -Entry into state
- --Permits, 3:760.3
- --Scabies, 3:760.7
- --Scrapie, 3:760.5
- -Official documents, 3:760.1
- -Records, 3:760.8
- -Scrapie, 3:760.5-3:760.6
- -Violations, 3:760.9

Quarantine by State Veterinarian, 3:760.1

Scabies, entry into state, 3:760.7

- Scrapie
- -Definitions, 3:760
- -Entry into state, 3:760.5
- -Intrastate movement, 3:760.6

GRAIN

Commercial feed ingredient, 3:2778

Feed grain

-Weed pests, dissemination prevention, 3:3556

Pests, 3:327

Wild rice, field crop standards, 3:2836

GRAIN PESTS, 3:3277

GRAMOXONE

Pesticide, usage restrictions, 3:6400

GRAPEFRUITS

See also generally CITRUS FRUITS

Ed. Note: For additional comprehensive information on containers, labeling and packaging, inspections, and marketing, See CITRUS FRUITS and FRUITS AND VEGETABLES.

Citrus districts, defined, 3:1430.18

Containers

- -Average diameter, 3:1430.26
- -Count, 3:1430.26
- -Dimensions, 3:1380.19
- -Marking requirements, 3:1430.13
- -Numerical designations, 3:1380.19, 3:1430.27
- -Citrus districts, 3:1430.18
- -Desert areas, 3:1430.17 -Drying, 3:1430.24
- Desert areas
- -Definition, 3:1430.17
- -Maturity standards, 3:1430.20
- Drying, defined, 3:1430.24
- Insect damage, 3:1430.23
- Maturity standards
- -Desert areas, 3:1430.20
- -General provisions, 3:1430.19
- -Out-of-state fruit, 3:1430.21 -Sample size, 3:1430.22 Serious damage, 3:1430.23

- Standards
- -Average diameter, 3:1430.26
- -Drying, defined, 3:1430.24 -Insect damage, 3:1430.23
- -Serious damage, 3:1430.23 -Tolerances, 3:1430.25

GRAPES

Ed. Note: For additional comprehensive information on containers, labeling and packaging, inspections, and marketing, See FRUITS AND VEGETABLES.

Alternative dispute resolution, marketing enforcement, 3:1703-3:1703.5

Appeals

-Grapevine loss assistance program, hearings, 3:3669

Appeals, marketing licenses

- -Denial, 3:1701.6
- -Disciplinary actions, 3:1704.1

Applications for marketing licenses, 3:1701-3:1701.8

Arbitration, marketing disputes, 3:1703.3, 3:1703.4

- -Grapevines, 3:3024-3:3024.4, 3:3069
- -Pierce's disease control, 3:3656
- -Wine grapes, 3:1662

GRAPES-continued

Commercial feed ingredient, 3:2785

Containers

See also Table grapes, this heading

- -Dimensions, 3:1380.19
- -Juice grapes, 3:1437.1, 3:1437.9 -Numerical designations, 3:1380.19

Definitions

-Juice grapes, 3:1437.1, 3:1437.9

- -Pierce's disease control program, 3:3652
- -Table grapes, 3:1436.1 -"Time of picking," 3:1375.21
- –Wine grapes

See Wine grapes, this heading

Exportation

-Juice grapes, processing requirements, 3:1437

- -Table grapes, processing requirements, 3:1436
- Fees, wine grape inspections, 3:1656

Grapevine loss assistance program, 3:3664-3:3669

- -Appeals, hearings, 3:3669
- -Application forms, 3:3665
- -Determination of eligibility, 3:3667
- -Eligibility, 3:3666
- -Payment criteria, 3:3668
- -Purpose, 3:3664
- -Review of application, 3:3667

Grapevines, certification, 3:3024-3:3024.4, 3:3069 Inspections

- -Pierce's disease, 3:3654
- -Wine grapes

See Wine grapes, this heading

Investigations of marketing violations, 3:1702

- -Containers
- -Marking requirements, 3:1437.10
- Numerical designations, 3:1437.12
- -Definitions, 3:1437.1, 3:1437.9 -Exportation requirements, processors, 3:1437
- -Labeling and packaging, 3:1437.11 See also Containers, this heading
- -Maturity standards
- -Equipment, 3:1437.4
- Sampling requirements, 3:1437.2 Testing, 3:1437.2, 3:1437.3
- Tolerances, not permitted, 3:1437.6
- -Varietal requirements, 3:1437.5
- -Mislabeling, 3:1437.11
- -Processors, exportation requirements, 3:1437 -Standards
- -Defects, definitions, 3:1437.9
- General provisions, 3:1437.7 -Maturity
- See Maturity standards, this subheading
- -Tolerances, 3:1437.8 -Testing, maturity standards, 3:1437.2, 3:1437.3 Loss due to Pierce's disease, assistance program,
- 3:3664-3:3669 See also Pierce's disease control program, this
- heading
- Marketing licensure, 3:1700-3:1706.1 -Alternative dispute resolution, 3:1703-3:1703.5
- --Arbitration hearing, 3:1703.4
- --Complaints filed before January 1998, 3:1703.5
- -Contract, pursuant to, 3:1703.1 --Department procedures, 3:1703.2 --Initiation, 3:1703
- -Request for, 3:1703.3
- -Appeals
- --Disciplinary actions of licensees, 3:1704.1 --License denials, 3:1701.6 -Applications, 3:1701
- -Appeal of denials, 3:1701.6 --Limited liability companies and corporations, 3:1701.2
- --Obtaining application package, 3:1701 --Processing, 3:1701.4 --Renewal, 3:1701.3

- --Sole proprietors, partnerships, and agents, 3:1701.1
- --Submission, 3:1701 -Approval or denial of license, 3:1701.5
- -Bond, 3:1701.8 -Criminal records exemption, 3:1702.1
- -Definitions, 3:1700.1

GRAPES-continued

Marketing licensure-continued

- -Disciplinary actions, 3:1704-3:1704.2
- -Dismissal of violation, 3:1705
- -Duration of license, 3:1701.7
- -Forfeiture of license, 3:1701.7
- -Hearings
- --Accusation, 3:1706.1
- --Arbitration of private disputes, 3:1703.4
- --License denial, 3:1706
- -Investigations, 3:1702
- -Pricing districts, 3:1700
- -Records, 3:1700.2
- --Confidentiality, 3:1700.3
- -Revocation of license, 3:1704.2
- -Settlement of revocation or denial cases, 3:1705
- -Violations, 3:1704
- Maturity testing procedures, 3:1370.16
- Pierce's disease control program, 3:3650-3:3669
- -Authority, 3:3650
- -Certification, 3:3656
- -Definitions, 3:3652
- -Department support, 3:3651
- -Designation of areas, 3:3653
- -Exemptions, 3:3657
- -Grapevine loss assistance, 3:3664-3:3669
- -- Appeals, hearings, 3:3669
- -- Application forms, 3:3665
- -- Determination of eligibility, 3:3667
- --Eligibility, 3:3666
- -- Payment criteria, 3:3668
- --Purpose, 3:3664
- -- Review of application, 3:3667
- -Infested shipments, disposition, 3:3654
- -Inspection of shipments, 3:3654
- -Legislative intent, 3:3650
- -Local implementation, 3:3651
- -Standards for movement, 3:3655
- -Workplans, 3:3651

Processors

- -Juice grapes, exportation requirements, 3:1437
- -Table grapes, exportation requirements, 3:1436
- Raisins, varietal marking requirements, 3:1436.33
- Recordkeeping requirements
- -Marketing --Confidentiality, 3:1700.3
- -- Criminal records exemption, 3:1702.1
- --Licensees, 3:1700.2
- Reporting requirements, processors, 3:1700
- Table grapes
- -Containers
- -- Closed containers, 3:1436.37
- -- Marking requirements, 3:1436.30
- --Numerical designations, 3:1436.38
- -Defects
- -Definition, 3:1436.24
- --General provisions, 3:1436.18
- -Definitions, 3:1436.1
- --Defects, 3:1436.24
- --Serious damage, 3:1436.19
- -Exportation requirements, processing, 3:1436
- -Labeling and packaging, 3:1436.31 See also Containers, this subheading
- -Maturity standards
- --General provisions, 3:1436.12
- -- Testing procedures, 3:1436.3
- --Tolerances, not permitted, 3:1436.17
- -- Varietal requirements, 3:1436.12
- -Mislabeling, 3:1436.31
- -Standards
- --Defects
 - See Defects, this subheading
- --"Girdled" designation, 3:1436.42
- -- Insect damage, 3:1436.18
- --Maturity
- See Maturity standards, this subheading
- --Serious damage, defined, 3:1436.19 --Tolerances, 3:1436.20
- -Testing
- --Equipment regulations, 3:1436.6 --Maturity standards, 3:1436.3
- -- Procedures requirements, 3:1436.5
- -Soluble solids to acid ratio, 3:1436.7
- -- Titration, 3:1436.7

GRAPES-continued

Testing

- -Juice grapes
- See Juice grapes, this heading
- -Maturity testing procedures, 3:1370.16
- -Table grapes
- See Table grapes, this heading
- Time of picking," defined, 3:1375.21
- -Wine grapes
- See Wine grapes, this heading
- Wine grapes
- -Certification, 3:1662
- -Definitions
- -- Defects, inspections, 3:1661.2
- --Load, 3:1658.1
- --Lot, 3:1658.1
- -Fees, inspections, 3:1656
- -Inspections
- --Additional personnel, furnished by winery, 3:1655
- --Certification, 3:1662
- -- Contracts, display requirements, 3:1657
- --Defects, 3:1650.15, 3:1661.2
- --Discontinuance, request for, 3:1661.4
- -- Facilities requirements, 3:1652, 3:1652.1
- --Fees, 3:1656
- --Grading, defects, 3:1661.1, 3:1661.2
- -- Inspection stations, requirements, 3:1652.2
- -- Load, defined, 3:1658.1
- --Lot, defined, 3:1658.1
- --Material other than grapes, 3:1661, 3:1661.1, 3:1661.3
- --Notification requirements, 3:1650, 3:1650.1
- -- Prior agreement, 3:1650.2
- --Reinspection, 3:1658.3
- -- Request for defect inspection, 3:1650.15
- -Sampling requirements
- --Box load, 3:1658.6
- -- Discontinuance, request for, 3:1661.4
- --Gondolas, 3:1658.4
- --In-line collection methods, 3:1659.1
- --Procedures, 3:1658
- --Receiving-hopper sampling, 3:1659 --Soluble solids, collection methods, 3:1660
- --Standard sample container, 3:1660.7
- -- Tubes, use procedure, 3:1658.5
- -Testing -- Equipment, 3:1660.6
- --Refractometer
- ---Accuracy testing, 3:1660.3
 ---Analytical unit, 3:1660.2
- --Soluble solids, 3:1660-3:1360.6
- -Equipment, 3:1660.1, 3:1660.6
- ---Hand sampling tube specifications, 3:1660.5
- -Refractometer, 3:1660.2, 3:1660.3
- -Sample screen, 3:1660.4
- -Varietals, mixed, 3:1658.2
- -Wineries
- -Additional personnel, inspections, 3:1655 Inspection facilities requirements, 3:1652-3:1652.2

GRAPEVINE LOSS ASSISTANCE PROGRAM,

3:3664-3:3669

GREASE

Transporters of inedible kitchen grease, enforcement fees, 3:1180.3.1, 3:1180.3.2

GREENHOUSES

Pesticide applications, ventilation criteria, 3:6769

GROCERY STORES

Milk and milk products inspections, 3:601

GUAVA FRUIT FLIES

Eradication area, 3:3591.13

GUTHION GYPSUM

Pesticide, usage restrictions, 3:6400

Fertilizers, labeling requirements, 3:2312 **GYPSY MOTH**

Eradication area, 3:3591.6

H

HARVESTING

Cotton, 3:6470

- -California Upland and California Pima cotton,
- -Naturally colored cotton, harvesting equipment, 3:3818.5
- -Nonapproved cotton, notice, 3:3822

HAZARDOUS SUBSTANCES

Pesticides

-Toxic air contaminants, 3:6860

Toxic air contaminants, pesticides, 3:6860

HEMORRHAGIC SEPTICEMIA

Livestock, disposal of carcasses and parts, 3:905.8

HEXAZINONE

Pesticide, groundwater contaminant, 3:6800

HOG CHOLERA

Disposal of carcasses and parts, 3:903.4, 3:905.2 HONEY

Ed. Note: For additional comprehensive information on containers, labeling and packaging, inspections, and marketing, See FRUITS AND

VEGETABLES.

See BEES

Containers

-Bulk comb honey, 3:1495.5

-Chunk honey, 3:1495.5 -Color classification, abbreviated markings, 3:1495.1

-Marking requirements, 3:1495 Inspections, highway inspection stations, 3:1370.9

Labeling and packaging

- -Bulk comb honey, 3:1495.5 -Chunk honey, 3:1495.5
- -Color classification
- --Abbreviated markings, 3:1495.1
- -- Determination methods, 3:1495.9 -Crystallized and partially crystallized honey,
- 3:1495.8 -Marking requirements, 3:1495
- -"Unclassified" grade designation, 3:1495.5
- Standards -Bulk comb honey, 3:1495.5
- -Chunk honey, 3:1495.5
- -Color classification
- -- Determination methods, 3:1495.9 -- Markings, abbreviation, 3:1495.1
- -Crystallized and partially crystallized honey, 3:1495.8
- -Foreign material, determination methods, 3:1495.4 -"Unclassified" grade designation, 3:1495.5

HONEYBALL MELONS, 3:1442.5

HONEYDEW MELONS, 3:1442.5 **HOPS**

Commercial feed ingredient, 3:2778

HORSES Brands, location, 3:895.2 Diseased animals, importation regulations,

3:1300-3:1300.15 Diseases, contagious equine metritis, 3:810, 3:810.1

Drug testing

-Shows, competitions, and sales, 3:1280.7 --Fees, 3:1280.2

Fees for shows, competitions, and sales, 3:1280.2 Importation

- -Diseased animals, 3:1300-3:1300.15
- Ownership, change of, 3:1180.2
- -Drug testing, 3:1280.7
- --Fees, 3:1280.2
- -Violations, informal hearings, 3:1310-3:1310.3
- Shows, competitions, and sales

Livestock, disposal of carcasses and parts, 3:905.23

HYDRII I A

Eradication area, 3:3962 Exterior quarantine, 3:3281 Interior quarantine, 3:3410

HYDROCHLORIC ACID

Pesticide, toxic air contaminant, 3:6860

ICTEROHEMATURIA

Sheep, disposal of diseased or adulterated carcasses and parts, 3:905.8

ICTERUS

Livestock, disposal of carcasses and parts, 3:905.8

IMAZETHAPYR

Pesticide, groundwater contaminant, 3:6800

IMIDACLOPRID

Pesticide, groundwater contaminant, 3:6800

IMPERIAL COUNTY

Dudaim melon eradication area, 3:3961 Hydrilla eradication area, 3:3962

IMPORTS Apples, importation exemptions, 3:1400.6 Cottonseed, 3:3821, 3:3821.1 Fruits and vegetables, containers, 3:1380.16

Horsemeat, 3:1180.38

Horses, diseased, 3:1300-3:1300.15 Insects, permit exemptions, 3:3558

Oranges, freeze damaged, 3:1430.41 Pet food processors, 3:1180.7

INCORPORATION BY REFERENCE

Meat and poultry inspection, federal rules, 3:900.1, 3:902

INFLUENZA

Livestock, disposal of carcasses and parts, 3:905.8

INSECTS

Apple maggot

-Exterior quarantine, 3:3266

-Interior quarantine, 3:3421 Apples, 3:1400.23, 3:1400.24

Apricots, damage, 3:1402.3

Artichokes, damage, 3:1404

Asian longhorned beetles, eradication area,

3:3591.18

Asparagus, damage, 3:1406.1

Avocados, damage, 3:1408.4

Beet leafhoppers, control assessments, 3:3601

Bell peppers, damage, 3:1410

Blueberry maggots, exterior quarantine, 3:3266

Boll weevils

-Host-free districts, 3:3595

Broccoli, damage, 3:1414

Brussels sprouts, damage, 3:1416

Burrowing nematodes, exterior quarantine, 3:3271

Cantaloupes, damage, 3:1420.3

Caribbean fruit flies, quarantine, 3:3252

Cauliflower, damage, 3:1424

Celery, damage, 3:1426, 3:1426.1

Cereal leaf beetles, exterior quarantine, 3:3277

Cherry pests

-Cherry fruit flies, interior quarantine, 3:3414

-Damage, 3:1428.4

Quarantine, 3:3256

Citrus fruits, damage, 3:1430.7

Colorado potato beetle, exterior quarantine, 3:3264 Cornstalk borers, exterior quarantine, 3:3272

Cotton pests

- -Boll weevils
- --Eradication area, 3:3591.9
- -Host-free districts, 3:3595
- -Pink bollworms

See Pink bollworms, this heading

-Quarantine, 3:3254

INSECTS-continued

Dead animals, carcass collection centers, 3:1180.23 Diaprepes Root Weevil

-Eradication area, 3:3591.19

-Interior quarantine, 3:3433

European corn borer, exterior quarantine, 3:3263 European pine shoot moth, exterior quarantine,

3:3275

Fire ants

-Eradication area, 3:3591.16

-Interior quarantine, 3:3432

Fruit flies

See FRUIT FLIES; specific type

Garlic, damage, 3:1681

Grapefruits, damage, 3:1430.23

Grapes, table grapes, damage, 3:1436.18 Guava fruit flies, eradication area, 3:3591.13

Gypsy moths

-Eradication area, 3:3591.6

Japanese beetles

-Éradication area, 3:3589

-Exterior quarantine, 3:3280

Lemons, damage, 3:1430.30

Lettuce, damage, 3:1438

Light brown apple moth

-Eradication area, 3:3591.20

-Interior quarantine, 3:3434

Meat, dead animal carcass collection centers, 3:1180.23

Mediterranean fruit flies

-Eradication area, 3:3591.5

-Interior quarantine, 3:3406

Melon fruit flies

-Eradication area, 3:3591.15

-Interior quarantine, 3:3425

Mexican fruit flies

-Eradication area, 3:3588

-Interior quarantine, 3:3417

Nectarines, damage, 3:1446

Nut tree pests, quarantine, 3:3260

Onions, damage, 3:1450, 3:1678 Oriental fruit flies

-Eradication area, 3:3591.2

-Interior quarantine, 3:3423

Peaches, damage, 3:1454.3

Peach fruit flies

-Eradication areas, 3:3591.12

-Interior quarantine, 3:3424

Peach pests, quarantine, 3:3259

Peas, damage, 3:1458.1

Pecan pests, exterior quarantine, 3:3273

Permit, live insect transportation

-Exemptions, 3:3558

-Processing time, 3:300, 3:301

Persimmon root borers, exterior quarantine, 3:3265

Pink bollworms -Eradication area, 3:3590

-Fees, control and eradication, 3:3600

-Host-free districts, 3:3595

-Interior quarantine, 3:3409

Plum curculio, exterior quarantine, 3:3266

Plums, damage, 3:1462.2 Poultry plants, 3:1224, 3:1225

Prunes, damage, 3:1462.2

Quarantine

See QUARANTINE

Quinces, damage, 3:1468

Red imported fire ants -Eradication area, 3:3591.16

-Interior quarantine, 3:3432

Salad products, damage, 3:1438.23

Sugarcane borers, exterior quarantine, 3:3272 Sweet potato weevils

-Control area, 3:3581

-Exterior quarantine, 3:3257 -Interior quarantine, 3:3429

Table grapes, damage, 3:1436.18

Tomatoes, damage, 3:1472

Walnut pests, exterior quarantine, 3:3273 West Indian sugarcane root borer, exterior quaran-

tine, 3:3279 Whitefringed beetles, eradication area, 3:3589.1

INSPECTIONS

Agricultural crops, 3:2840, 3:2841

Animal biologics production facilities, 3:1305.01, 3:1305.11

Ante-mortem inspections, meat and meat processing, 3:903-3:903.17

Apiaries, 3:2924-3:2926

Avocado stock, 3:3033.4

Bees, apiaries, 3:2924-3:2926

Cattle

See CATTLE

Citrus trees, certification program, 3:3003

Commercial feed, 3:2717

-Tax, 3:2750

Cotton

-Used machinery introduced into San Joaquin Valley, 3:3821.1

Crop seed, weed pest screenings, 3:3557

Eggs, fees, 3:1358, 3:1358.2

Food and Agriculture Department
See FOOD AND AGRICULTURE DEPART-**MENT**

Fruits and vegetables
See FRUITS AND VEGETABLES

Garlic

-Dehydration lots, 3:1682

-Seed garlic certification program, 3:3044.6

Goats, certificate of veterinary inspection, 3:760.2 Grapevines, certification program, 3:3024.3

Honey, highway inspection stations, 3:1370.9 Milk and milk products

See MILK AND MILK PRODUCTS

Onions, dehydration lots, 3:1682

Pesticides, 3:6440, 3:6444

Plant nurseries See PLANT NURSERIES

Potatoes, 3:1466.9

Poultry and poultry products

See POULTRY AND POULTRY PRODUCTS

Rabbits, 3:1245, 3:1601

Salad products

See SALAD PRODUCTS

Sheep, certificate of veterinary inspection, 3:760.2 Swine, interstate and intrastate movement

-Veterinary inspection certificate, 3:796.2

INSURANCE

Vegetables See FRUITS AND VEGETABLES

Agricultural pest control operations, licensing

requirements, 3:6524 INTERSTATE COMMERCE

Swine, 3:796-3:796.9

INVESTIGATIONS Grapes, marketing enforcement, 3:1702 Milk and milk products, confidentiality, 3:1806

Quarantined animals, epidemiological investigations, 3:1301.4

-Sample collection, 3:1301.5

Seeds, complaints, 3:3917

INVOICES Commercial feed, special mixes, 3:2683

Eggs, 3:1358.4

ISOXABEN

IPRODIONE Pesticide, groundwater contaminant, 3:6800

ISLAMIC RELIGION

Poultry slaughtering procedures, exemptions, 3:1245.16

Pesticide, groundwater contaminant, 3:6800

JEWISH RELIGION

Kosher food preparation, poultry slaughtering procedures, 3:1245.16

KARNAL BUNT DISEASE

Eradication area, 3:3637 Interior quarantine, 3:3430

KELP

Commercial feed ingredient, 3:2802

KINGS COUNTY

Alligatorweed eradication area, 3:3960

KOSHER FOOD PREPARATION

Poultry slaughtering procedures, religious exemptions, 3:1245.16

LABELING AND PACKAGING

Apples

See APPLES

Apricots

See APRICOTS

Artichokes

See ARTICHOKES

Asparagus

See ASPARAGUS

Avocados

See AVOCADOS

Butter, grades, 3:686

Cabbage

See CABBAGE, subheading: Containers

Cantaloupes

See CANTALOUPES, subheading: Containers

Cauliflower

See CAULIFLOWER, subheading: Containers

Cheese

See CHEESE

Citrus fruits

See CITRUS FRUITS; specific types

Commercial feed

See COMMERCIAL FEED

Dairies

See DAIRIES

Dairy products

See MILK AND MILK PRODUCTS

See EGGS

Feed

See COMMERCIAL FEED

Fertilizers

See FERTILIZERS

Food

See FOOD; specific type

See FRUITS AND VEGETABLES; specific type Garlic, seed garlic certification requirements,

3:3044.3 Grapes

See GRAPES

Meat and meat processing, 3:1180.12

-Insanitary equipment, utensils, rooms, or compartments, tagging, 3:902.8

Milk and milk products

See MILK AND MILK PRODUCTS

Nursery stock, 3:3061

Nuts

See NUTS

Pesticides

See PESTICIDES

Pet food, 3:1180.12 Plant nurseries, stock sales, 3:3061

Seeds

See SEEDS

Tomatoes

See TOMATOES

LABELING AND PACKAGING-continued

Vegetables

See FRUITS AND VEGETABLES; specific type

LABORATORIES

Trichomonosis, testing and diagnosis approval, 3:820.5

LAKE COUNTY

Hydrilla eradication area, 3:3962

LAKES

Weeds, hydrilla

-Eradication area, 3:3962

-Exterior quarantine, 3:3281

-Interior quarantine, 3:3410

LANNATE

Pesticide, usage restrictions, 3:6400

LAURYL SULFATE

Pesticide regulations, exemptions, 3:6147

LEAFHOPPERS

Beet leafhoppers, control assessments, 3:3601

IFASES

Fruits and vegetables direct marketing, farm lease requirements, 3:1392.9.2

LEMONGRASS OIL

Pesticide regulations, exemptions, 3:6147

Ed. Note: For additional comprehensive information on containers, labeling and packaging, inspections, and marketing. See CITRUS FRUITS; FRUITS AND VEGETABLES.

Containers

-Average diameter, 3:1430.32

-Count, 3:1430.32

-Dimensions, 3:1380.19

-Numerical designations, 3:1380.19

-Standard, 3:1430.14

Insect damage, 3:1430.30

Meyer lemons

-Definitions, 3:3628

-Propagation prohibited, 3:3629

-Sale prohibited, 3:3629

Packaging

See Containers, this heading Serious damage, 3:1430.30

Standards

-Average diameter, 3:1430.32

-Insect damage, 3:1430.30

-Serious damage, 3:1430.30 -Tolerances, 3:1430.31

LEPTOSPIROSIS

Livestock, disposal of carcasses and parts, 3:905.8

Ed. Note: For additional comprehensive information on containers, labeling and packaging, inspections, and marketing, See FRUITS AND VĖGETABLES

Consumer, defined, 3:1438.11

Containers

-Cleats, 3:1438.10

-Closed, 3:1438.9

-Count, 3:1438.17

-Fiberboard, 3:1438.12

-Flaps, defined, 3:1438.11

-Lidded, 3:1438.9

-Marking requirements, 3:1438.6

-Numerical designations, 3:1380.19, 3:1438.7

–Packs

See Packs, this heading

-Size variation, 3:1438.16 -"Slight bulge," defined, 3:1438.14

-Standard containers, 3:1438.7, 3:1438.8

-"Two and one-half dozen size," 3:1438.13 Defects

See Head lettuce, this heading

Definitions

-Consumer, 3:1438,11

-Flaps, containers, 3:1438.11

-Retail establishment, 3:1438.11

-"Slight bulge," 3:1438.14

Head lettuce

LETTUCE-continued

Head lettuce-continued

- -Standards
- --Broken midribs, 3:1438.3
- --Bursting, 3:1438.3
- --Defects, 3:1438
- -- "Fairly well trimmed," defined, 3:1438.2
- --Freeze damage, 3:1438.1
- --Insect damage, 3:1438
- --Quality standards, 3:1438.18
- -- Tolerances, standards, 3:1438.5
- --Trimming, 3:1438.2

Insect pests

- -Mosaic virus, host-free district, 3:3611
- -Root aphid host-free districts, 3:3597

Labeling and packaging

-Containers

See Containers, this heading Mosaic virus, host-free district, 3:3611

Packs -Bridge packs, 3:1438.13

-General provisions, 3:1438.8

Retail establishment, defined, 3:1438.11

Root aphid host-free districts, 3:3597 Salad products

See also SALAD PRODUCTS

-Transportation, lettuce for shredding, 3:1438.33

Sampling procedures, 3:1438.21 Standards

See Head lettuce, this heading

Tipburn variety, serious damage, 3:1438.4

Transportation, lettuce for salad products, 3:1438.33

LIGHT BROWN APPLE MOTH

Eradication area, 3:3591.20 Interior quarantine, 3:3434

LIMES Ed. Note: For additional comprehensive information on containers, labeling and packaging, inspections, and marketing, See CITRUS FRUITS and FRUITS AND VEGETABLES.

Serious damage, 3:1430.33

Tolerances, standards, 3:1430.34

LINDANE Pesticide

-Toxic air contaminant, 3:6860 -Usage restrictions, 3:6400

LINSEED OIL

Pesticide regulations, exemptions, 3:6147

Livestock, disposal of carcasses and parts, 3:905.8

LIVER DISEASES

Livestock, disposal of carcasses and parts, 3:905.28

LIVESTOCK See also specific types

Cattle See CATTLE

Dead animals

-Collection centers, 3:1180.21-3:1180.24

--Facilities requirements, 3:1180.21

--Operations requirements, 3:1180.22

-- Pest control, 3:1180.23 -- Recordkeeping requirements, 3:1180.24

-Pet food processing plants, 3:1180.11

-Renderers See Renderers, this heading

-Transportation, 3:1180.13-3:1180.19

--General requirements, 3:1180.13 --Hauling ---Restrictions, 3:1180.14

---Vehicle regulations, 3:1180.17 -- Premises, requirements, 3:1180.19

-- Recordkeeping requirements, 3:1180.15

--Skin removal prohibited, 3:1180.16 --Vehicles

---Identification, 3:1180.18

---Regulations, 3:1180.17

Diseased animals

-Federal regulations, adoption by reference, 3:1300 -Importation regulations

--Disposal, 3:1300.12

LIVESTOCK-continued

Diseased animals-continued

- -Importation regulations-continued
- --Permits
- --Application, 3:1300.1
- ---Display requirements, 3:1300.2 ---Revocation, 3:1300.4
- ---Sale or transfer, 3:1300.13
- -Symptoms requiring, 3:1300.1
- ---Violations, 3:1300.3
- -- Receipt of shipment, 3:1300.11
- --Sale, 3:1300.12, 3:1300.13
- -- Vesicular stomatitis, 3:799
- --Violations, 3:1300.3
- -Permits, importation
- See Importation regulations, this subheading
- -Pet food processing plants, 3:1180.10
- -Renderers
 - See Renderers, this heading
- -Transportation
- See Importation regulations, this subheading

Fallow deer See DEER

Feed

See COMMERCIAL FEED

Horses

See HORSES

Importation, diseased animals

See Diseased animals, this heading

Meat processing
See MEAT AND MEAT PROCESSING **Permits**

-Diseased animals, importation

See Diseased animals, this heading

-Renderers, removal permits, 3:1180.29

See POULTRY AND POULTRY PRODUCTS

Quarantine, 3:1301-3:1301.9

See also QUARANTINE, subheading: Animals

Recordkeeping requirements

- -Dead animals
- --Collection centers, 3:1180.24
- --Transportation, 3:1180.15
- -Renderers, 3:1180.24

Renderers

- -Collection centers
- -- Facilities requirements, 3:1180.21
- -- Operations requirements, 3:1180.22
- --Pest control, 3:1180.23
- -- Recordkeeping requirements, 3:1180.24
- -Containers, waste, 3:1180.28
- -Diseased animals, disposal regulations, 3:1300.12 See also Diseased animals, this heading
- -Enforcement fees, 3:1180.3.1, 3:1180.3.2 -Methods of rendering, 3:1180.26

- -Recordkeeping requirements, 3:1180.30 -Removal permits, 3:1180.29 -Separation from other businesses, 3:1180.25
- -Vehicle cleaning area, 3:1180.27
- Reporting requirements

 -Disease, illness, infection, other conditions, 3:797 Sheep

See SHEEP

Slaughtering procedures

See generally MEAT AND MEAT PROCESS-ING; POULTRY AND POULTRY PROD-

Swine

See SWINE

Transportation

- –Dead animals
- See Dead animals, this heading
- -Diseased animals
 - See generally Diseased animals, this heading

LOCAL AGENCIES

Pest control adviser licenses, 3:6551

LOGGING AND SAWMILLS

Herbicides, phenoxy compounds, 3:6443

LOS ANGELES COUNTY

Alligatorweed eradication area, 3:3960

LUNURON

Pesticide, groundwater contaminant, 3:6800

M

MADERA COUNTY

Hydrilla eradication area, 3:3962

MAGGOTS

See INSECTS

Apple

See APPLES, subheading: Insect pests

MALIC ACID

Pesticide regulations, exemptions, 3:6147

MANCOZEB

Pesticide, toxic air contaminant, 3:6860

MANDARIN ORANGES

Ed. Note: For additional comprehensive information on containers, labeling and packaging. inspections, and marketing. See CITRUS FRUITS and FRUITS AND VEGETABLES.

Containers

- -Count, 3:1430.51
- -Irregular sizes, 3:1430.52
- -Marking requirements, 3:1430.53
- -Numerical designations, 3:1430.50
- -Size, 3:1430.51
- -Standard, 3:1430.14, 3:1430.50
- -Tolerances, 3:1430.51

Definition, 3:1430.46

Packaging
See Containers, this heading

Royal mandarins

- -Containers -- Average diameter, 3:1430.10, 3:1430.45
- -Count, 3:1430.10, 3:1430.13, 3:1430.45
- -Markings, 3:1430.10
- Standards -Color requirements, 3:1430.47
- -Maturity standards, 3:1430.47
- -Serious damage, 3:1430.48
- -Size, 3:1430.51
- -Tolerances, 3:1430.49, 3:1430.51

MANEB

Pesticide, toxic air contaminant, 3:6860

MANGE Livestock, disposal of carcasses and parts, 3:905.19

MARINE TERMINAL OPERATIONS Fees, food import inspections, 3:3560

MARIPOSA COUNTY

Hydrilla eradication area, 3:3962

MARKET MILK

See MILK AND MILK PRODUCTS

MARKETS AND MARKETING

Dairy products

See MILK AND MILK PRODUCTS

Farmer markets

See FRUITS AND VEGETABLES

Fruits and vegetables See FRUITS AND VEGETABLES, subheading: Direct marketing

Grapes, 3:1700-3:1706.1

MEASURING DEVICES

See WEIGHTS and MEASURES

MEAT AND MEAT PROCESSING

-Disposal of carcasses and parts

See Disposal of diseased or adulterated carcasses and parts, this heading

- -Polluted water, 3:910.8
- -Preparation and processing operations, 3:912-3:912.3
- -Product procedures and requirements, 3:910.4 Animal drug residues, 3:910.13

Ante-mortem inspections, 3:903-3:903.17

- -Anasarca, affected with, 3:903.7
- -Anthrax, affected with, 3:903.6

MEAT AND MEAT PROCESSING-continued

- Ante-mortem inspections-continued
- -Biological residues suspected, 3:903.15
- -Brucellosis-reactor goats, 3:903.13
- -Condemned livestock, disposition of, 3:903.12
- -Dead, dying, disabled, or diseased, 3:903.2
- -Devices for identification, 3:903.17
- -Edema, generalized, 3:903.8
- -Emergency slaughter, 3:903.11 -Epithelioma of the eye, 3:903.5
- -Infectious diseases, symptoms of, 3:903.3
- -Metabolic, toxic, nervous, or circulatory disturbances, 3:903.3
- -Nonambulatory livestock, 3:903.1
- -Nutritional imbalances, symptoms of, 3:903.3
- -Parasitic diseases, symptoms of, 3:903.3
- -Parturition, onset of, 3:903.9 -Pens of official establishments, in, 3:903
- -Research, livestock used for, 3:903.16
- -Suspected of being diseased or affected, 3:903.1
- -Swine, disposal due to hog cholera, 3:903.4
- -Tagging, 3:903.17
- -Vaccine livestock, 3:903.10
- -Vesicular diseases, 3:903.14

Beef products, production requirements, 3:910.11 Composition, definitions and standards of,

3:911-3:911.1

- Condemnation, 3:1180.31
- -Appeal, Meat Inspection Bureau, 3:1268 -Disposal and handling of carcasses and parts, 3:907-3:907.4, 3:1180.39-3:1180.41
- Ante-mortem inspection, 3:907.1
- -- Dead livestock, 3:907.2
- --Livers, 3:907.4
- -Official establishments, at, 3:907 -- Specimens for educational, research, and nonfood purposes, 3:907.3
- -Inspection requirements, 3:1180.31
- -Livestock, disposition of, 3:903.12
- -Removal of product, permit, 3:1180.40 -Tagging, 3:1180.32
- -Violations, grounds for, 3:901.1
- Containers
- -Filling, 3:909.7
- -Marking, 3:908.8-3:908.9
- -Renderers, packing house wastes, 3:1180.28 -Reuse of, 3:909.6
- -Storage and distribution of, 3:909.12
- Cooling of heated products, 3:910.15-3:910.18 Corned beef, 3:910.11 Cured pork products, 3:910.12
- Custom slaughterhouses and processing establishments
- -Approval, granting of license, 3:901.9
- -Deer, transportation to, 3:906.1 -Reports, 3:913
- -Schedule of operations, 3:901.11
- Dead animals
- See LIVESTOCK
- Deer meat -Transportation and handling of fallow deer, 3:906.1
- Definitions, 3:1180
- -Identity or composition standards, 3:911-3:911.1 -Labels, 3:909
- Denaturing, 3:1180.34 Disciplinary action, grounds, 3:901.2
- Diseased animals
- See LIVESTOCK Disposal of diseased or adulterated carcasses and
- parts, 3:905-3:905.36, 3:910.1 -Abrasions, 3:905.12
- -Abscesses, 3:905.12
- -Actinomycosis and actinobacillosis, 3:905.7 -Anaplasmosis, 3:905.8
- -Anasarca, affected with, 3:905.6 -Anemia, 3:905.31
- --Infectious, 3:905.8 -Anthrax, 3:905.8
- -Arthritis, 3:905.5
- -Babesiosis, 3:905.8 -Bacillary hemoglobinuria in cattle, 3:905.8
- -Biological residues, 3:905.36
- -Blackleg, 3:905.8

MEAT AND MEAT PROCESSING-continued

Disposal of diseased or adulterated carcasses and parts-continued

- -Bluetongue, 3:905.8 -Brucellosis, 3:905.13 -Bruises, 3:905.12

- -Calves, 3:905.25
- -Carotenosis, 3:905.28
- -Caseous lymphadenitis, 3:905.16
- -Coccidioidal granuloma, 3:905.33
- -Cysticercus bovis
- -Cattle, 3:905.21
- --Hogs, 3:905.22
- -Demodex Folliculorum, hogs, 3:905.20
- -Diamond-skin disease, 3:905.4
- -Doubt as to condition, 3:905
- -Dourine, 3:905.8
- -Edema, generalized, affected with, 3:905.6
- -Emaciation, 3:905.24
- -Epithelioma of the eye, 3:905.10
- -Erythema, hogs, 3:905.20
- -Farcy, 3:905.8
- -Fistula, extensive, 3:905.8
- -Flukes, 3:905.23
- -Foals, 3:905.25
- -Food poisoning, infected carcasses may cause, 3:905.14
- -Forage poisoning, 3:905.8
- -Gid bladder-worms, 3:905.23
- -Glanders, 3:905.8
- -Hemorrhagic septicemia, 3:905.8
- -Hog cholera, 3:905.2
- -Hydatid cysts, 3:905.23
- -Icterohematuria in sheep, 3:905.8
- -Icterus, 3:905.17
- -Infectious bovine rhinotracheitis, 3:905.8
- -Influenza, acute, 3:905.8
- -Kids, 3:905.25
- -Lambs, 3:905.25
- -Lameness, acute inflammatory, 3:905.8
- -Leptospirosis, 3:905.8
- -Lesions
- -- Caseous lymphadenitis, 3:905.16
- -Vaccine lesions, 3:905.8
- -Listeriosis, 3:905.30
- -Liver diseases, 3:905.28 -Malignant epizootic catarrh, 3:905.8
- -Mange, 3:905.19
- -Melanosis, 3:905.11
- -Muscular inflammation, degeneration, or infiltration, 3:905.32
- -Necrobacillosis, 3:905.15 -Neoplasms, 3:905.9
- -Nettle rash, hogs, 3:905.20 -Ochronosis, 3:905.11
- -Odors, foreign and urine, 3:905.34
- -Osteoporosis, generalized, 3:905.8
- -Parasites not transmissible to man, 3:905.23
- -Pigmentary conditions, 3:905.11
- -Pus, 3:905.12
- -Pyemia, 3:905.15 -Radiation, exposure to, 3:905.35
- -"Sawdust" livers, 3:905.28
- -Scab, 3:905.19
- -Scalded hogs, 3:905.27 -Septicemia, 3:905.15
- -Sexual odor of swine, 3:905.18
- -Spotted livers, 3:905.28
- -Stillborn animals, 3:905.26
- -Suffocated livestock, 3:905.27
- -Swamp fever, 3:905.8 -Swine Erysipelas, 3:905.3
- -Tapeworm cysts
- --Cattle, 3:905.21
- --Hogs, 3:905.22
- -Sheep, 3:905.23
- -Telangiectatic livers, 3:905.28
- -Tinea Tonsurans, hogs, 3:905.20
- -Toxic encephalomyelitis (forage poisoning), 3:905.8
- -Tuberculosis, 3:905.1
- -Unborn animals, 3:905.26
- -Urticaria, hogs, 3:905.20
- -Vaccine lesions, 3:905.8

MEAT AND MEAT PROCESSING-continued

Disposal of diseased or adulterated carcasses and parts-continued

- -Vesicular disease, 3:905.29
- -Xanthosis, 3:905.11
- -Young calves, pigs, kids, lambs, foals, 3:905.25 Enforcement fees for renderers and collection centers, 3:1180.3.1, 3:1180.3.2
- Entry of products into official establishments,

Equipment and utensils, 3:902.5

Facilities or inspections, 3:902-3:902.2

Frozen products, 3:910.4

Grounds and facilities, 3:902.4

Horsemeat

- -Human consumption, slaughter requirements, 3:1180.6
- -Importers
- -- Inspection of raw products, 3:1180.38
- -- License, processing time, 3:300, 3:301
- --Pet food
 - See Pet food, this heading
- Inspection requirements and exemptions, 3:900.1
- Hygiene, employee requirements, 3:902.7
- Identity, definitions and standards of, 3:911-3:911.1 Importation, diseased animals, 3:1300-3:1300.15
- Inedible meat, not for human consumption
- -Denaturing requirements, 3:1180.34 -Disposal requirements, 3:1180.39
- --Permit, removal, 3:1180.40 -Transporters, registration, 3:1180.41
- -Identification methods, 3:1180.34
- Insanitary equipment, utensils, rooms, or compartments, tagging, 3:902.8
- Inspections
- -Ante-mortem See Ante-mortem inspections, this heading
- -Definitions, 3:900, 3:1180
- -Facilities, 3:902-3:902.2
- -Federal regulations
- --Amendments, 3:904
- -Conflict with state law, effect, 3:903
- --Future regulations, 3:902
- -Incorporation by reference, 3:900.1, 3:902
- -Terminology, 3:900.2
- -Frequency, 3:1180.31
- -Inspectors
- See Livestock meat inspectors, this heading
- Post-mortem See Post-mortem inspections, this heading
- -Reinspections, 3:910.1 --Designated places, 3:910.2
- -Rejecting products, 3:1180.31, 3:1180.32
- -Scope of, 3:900.1, 3:900.3
- Labeling -Abbreviations of marks of inspection, approval, 3:909.2
 -Approval, 3:909.2-3:909.4
 -Bulk products, 3:909.1

- -Cured products, 3:909.10
- -Custom prepared products, 3:909.9
 -Definitions, 3:909
- -False or misleading, 3:909.5
- -Generically approved, 3:909.13
- -Labeled products, handling of, 3:909.7
- -Obsolete, 3:909.14 -Pet food, 3:1180.12
- -Relabeling requirements, 3:909.8
- -Requirements, 3:909.1
- -Reuse of official inspection marks and containers,
- -Storage and distribution of, 3:909.12
- -Supervision by inspector, 3:909.1
- Licensing
- -Business establishments, 3:901, 3:901.3, 3:1180-3:1180.3
- -Custom slaughterhouse or processing establishments, 3:901.9
- -Inspectors
- See Livestock meat inspectors, this heading
- -Numbers assigned to establishments, 3:901.10
- -Schedule of operations, 3:901.11
- Livestock meat inspectors
- -Clothing and implements, 3:902.3

MEAT AND MEAT PROCESSING-continued

- Livestock meat inspectors-continued
- -Condemnation of product, 3:901.1
- -Disciplinary action, 3:901.2
- -Examinations, 3:901.4
- -Labeling, supervision, 3:909.1
- -Licensing
- --Examinations, 3:901.4
- --General requirements, 3:901.3 --Processing time, 3:300, 3:301
- -Mandatory maintenance training, 3:901.5
- -Marking requirements, 3:908.5
- -Off-premises regulations, 3:901.6
- -On-premises regulations, 3:901.7
- -Overtime work, 3:1180.36
- -Prohibited conduct, 3:901
- -Responsibilities, 3:901.8 -Retention of product for violation, 3:901.1
- -Sanitation, 3:902.3
- Marking
- -Condemned carcasses and parts, 3:904.4 -Containers, 3:908.8-3:908.9
- -Custom slaughtered carcasses, 3:908.11
- -Human food, carcasses and parts passed for, 3:908.5
- -Ink, 3:908.3
- -Inspectors, requirements, 3:908.5
- -Marking devices, 3:908-3:908.2 -Official marks, 3:908-3:908.1, 3:908.5-3:908.6
- -Outside containers, 3:908.8-3:908.9
- -Passed carcasses and parts, 3:904.6 -Removal from establishments without, 3:908.4
- -Sausages, 3:908.6
- -Specialty markings, 3:908.7 -Unmarked inspected products, removal from
- establishment, 3:908.10
- Meat inspection bureau See FOOD AND AGRICULTURE DEPART-
- Mexican style chorizo, 3:911.1 Numbers assigned to establishments, 3:901.10
- Packaging See also Containers, this heading
- -Materials, 3:909.11
 Parts inedible for human consumption, disposal,
- 3:1180 39
- Permit processing times, 3:300
- Pesticide chemicals, 3:910.10 Pet food
- -Dead animals, 3:1180.11
- -Diseased animals, 3:1180.10
- -Facilities requirements, 3:1180.7
- -Horsemeat, identification requirements, 3:1180.4
- -Hours of operation, 3:1180.35 -Importers, 3:1180.7
- -Horsemeat, identification requirements, 3:1180.4
- --Inspection of raw product, 3:1180.38
- --Permits, shipping, 3:1180.4
- -Labeling, 3:1180.12
- -Licensing provisions, 3:1180.37 -Overtime regulations, state employees, 3:1180.36
- Pork
- -Cured products, 3:910.12
- -Trichinae, treatment, 3:910.7
- Post-mortem inspections, 3:904-3:904.20 -Caul or other fat, transferring, 3:904.20 -Condemned carcasses and parts, marking, taking,
- separation, 3:904.4
- -Extent of, 3:904 -Identification of carcass and parts, 3:904.1
- -Marking carcasses and parts --Condemned, 3:904.4

-Pizzles, removal, 3:904.5

- --Passed, 3:904.6 -Passing carcasses and parts, 3:904.6
- -Preputial diverticuli, removal, 3:904.5
- -Retention of carcasses and parts, 3:904.2-3:904.3 -Specified risk materials, 3:904.19
- -Spermatic cords, removal, 3:904.5 -Time of, 3:904
- Poultry
- See POULTRY AND POULTRY PRODUCTS Preparation of products, 3:910.3
- -Additives, 3:912.2-3:912.3

MEAT AND MEAT PROCESSING-continued

Preparation of products-continued

-Cooling of heated products, 3:910.15-3:910.18 -Ingredients, 3:910.5, 3:912.1

-Purpose of rules, 3:912 -Scope of rules, 3:912

Rabbits

See POULTRY AND POULTRY PRODUCTS

Recordkeeping requirements
-Renderers, 3:1180.24, 3:1180.30
-Sanitation, 3:902.13

-Zoo animal food, slaughter regulations, 3:1180.33 Reinspections, 3:910.1

-Designated places, 3:910.2

Rejection of product

See Condemnation, this heading

Renderers

-Collection centers

-- Facilities requirements, 3:1180.21

--Operations requirements, 3:1180.22

-- Pest control, 3:1180.23

-- Recordkeeping requirements, 3:1180.24

-Containers, packing house wastes, 3:1180.28

-Dead animals

See also LIVESTOCK

--Transportation requirements, 3:1180.13-3:1180.19

-Diseased animals, disposal regulations, 3:1300.12 See also LIVESTOCK, subheading: Diseased animals

-Enforcement fees, 3:1180.3.1, 3:1180.3.2

-Hides, inspections not required, 3:898.1 -Methods of rendering, 3:1180.26

-Recordkeeping requirements, 3:1180.30

-Removal permits, 3:1180.29

-Separation from other businesses, 3:1180.25

-Vehicle cleaning area, 3:1180.27

Reports, 3:913.1

-Custom livestock slaughters, 3:913

Research, livestock used for

-Ante-mortem inspections, 3:903.16

-Disposal of condemned carcasses and parts, 3:907.3

Residues

-Animal drugs, 3:910.13

-Pesticide chemicals, 3:910.10

Retention of products, 3:910.1, 3:1180.31

-Tagging chemicals, preservatives, cereals, etc., 3:910.9

-Violations, 3:901.1

Samples of products, water, dyes, etc., 3:910.6 Sanitation

-Corrective actions, 3:902.12

-Employee hygiene, 3:902.7

-Facilities for inspection, 3:902

-Insanitary equipment, utensils, rooms, or compartments, tagging, 3:902.8

-Inspectors, 3:902.3

-Operations, 3:902.6

-Record retention, 3:902.13

-Standard operating procedures, 3:902.9-3:902.11

--Adequacy and effectiveness, verification by department, 3:902.14

Sausages

-Added water, 3:910.14

-Inspector responsibilities, 3:901.8

-Marking, 3:908.6

-Mexican style chorizo, 3:911.1

Slaughter

-Horsemeat for human consumption, 3:1180.6

-Humane, 3:906-3:906.1

-Slaughterer examinations, 3:901.4

-Swine, import into state, 3:796.6-3:796.7
-Zoo animal food, slaughter regulations, 3:1180.33 Tags

-Ante-mortem inspections, 3:903.17

Insanitary equipment, utensils, rooms, or compartments, 3:902.8

-Rejected product, 3:1180.32

Transportation, products not for human consumption, 3:1180.41

Trichinae, treatment of pork, 3:910.7 Violations, condemnation, 3:901.1

MEAT INSPECTION BUREAU

See FOOD AND AGRICULTURE DEPART-MENT

MEDIATION AND MEDIATORS

Organic foods, denial, suspension, or revocation of certification, 3:1391.1

MEDITERRANEAN FRUIT FLIES

Eradication area, 3:3591.5 Interior quarantine, 3:3406

MELANOSIS

Livestock, disposal of carcasses and parts, 3:905.11

MELON FRUIT FLIES

Eradication area, 3:3591.15 Interior quarantine, 3:3425

MELONS

Ed. Note: For additional comprehensive information on containers, labeling and packaging, inspections, and marketing, See FRUITS AND VEGETABLES.

Cantaloupes

See CANTALOUPES

Consumer, defined, 3:1442.8

Containers

-Dimensions, 3:1380.19

-Numerical designations, 3:1380.19, 3:1442.7

-Standards, 3:1442.7 Defects, 3:1442.1

See also Standards, this heading

Definitions

-Consumer, 3:1442.8

-Maturity, 3:1442.3

Honeyball melons, soluble solids testing, 3:1442.5 Honeydew melons, soluble solids testing, 3:1442.5

Maturity, defined, 3:1442.3

Standards

-Defects, 3:1442.1

-Full slip," defined, 3:1442 -General provisions, 3:1442

-Maturity, defined, 3:1442.3

-Soluble solids, testing methods, 3:1442.4, 3:1442.5

-Tolerances, 3:1442.2

-Watermelons, 3:1442.12-3:1442.16

Testing

-Soluble solids, 3:1442.4, 3:1442.5

-Watermelons, 3:1442.11

Watermelons

-Maturity testing, 3:1442.11

-Standards, 3:1442.12-3:1442.16

Pesticide, groundwater contaminant, 3:6800

METALDEHYDE

Pesticide, groundwater contaminant, 3:6800

METAM SODIUM

Pesticide, usage restrictions as, 3:6400

METASYSTOX-R

Pesticide, usage restrictions, 3:6400

METHAMIDOPHOS

Pesticide, usage restrictions, 3:6400

METHANOL

Pesticide, toxic air contaminant, 3:6860

Pesticide, groundwater contaminant, 3:6800

METHIDATHION

Pesticide, usage restrictions, 3:6400

METHIOCARB

METHOMYL Pesticide

-Groundwater contaminant, 3:6800

-Usage restrictions, 3:6400

METHOXYCHLOR

Pesticide, toxic air contaminant, 3:6860

METHYL BROMIDE

Commodity fumigation, 3:6452 Field fumigation, 3:6450, 3:6784

-Buffer zones, 3:6450.2 -Methods, 3:6450.3

-Notice, 3:6450.1

Nursery fumigation, 3:6452

Structural fumigation, 3:6454

Toxic air contaminant, 3:6860

METHYL BROMIDE-continued

Usage restrictions, 3:6400

METHYL ISOTHIOCYANATE

Pesticide

-Groundwater contaminant, 3:6800

-Usage restrictions, 3:6400

METHYL PARATHION

Toxic air contaminant, 3:6860

METOLACHLOR

Pesticide, groundwater contaminant, 3:6800

METRIBUZIN

Pesticide, groundwater contaminant, 3:6800

MEVINPHOS

Pesticide, usage restrictions, 3:6400

MEXICAN FRUIT FLIES

Eradication area, 3:3588 Interior quarantine, 3:3417

MICE

See RODENTS

MILITARY SERVICE

Cabbages, sales exemptions, 3:1418 Food and Agriculture Department employees

-Licenses, extensions, 3:154

MILK AND MILK PRODUCTS See also DAIRIES; DAIRY FARMS

Acidophilus milk, 3:448 Additives

-Candy, imitation milk products, 3:459

-Vitamins and minerals, 3:624

Advertising -Frozen dairy product ingredients, 3:692 -Imitation ice cream and ice milk, 3:467

Agents See also Marketing, this heading

-Marketing violations, 3:1804

-Sales violations, 3:2004 Audits, confidentiality, 3:1806 Beneficial ownership interest defined, Milk Pro-

ducer Security Trust Fund, 3:2100

Bonds, handlers, 3:2041

-Allocation of payments to producers, 3:2042 Bulk milk dispensers, 3:621

Butter

-Grades, 3:686

-Scoring, 3:687 Buttermilk, labeling, 3:607

Cheese

See CHEESE Commercial feed ingredient, 3:2789

Condemnation, 3:571-3:575 Condensed milk

-Goat's milk, 3:676

-Labeling requirements, 3:607.5

Confidential information, audits, 3:1806

Containers

-Brand registration, 3:562

-Identification, 3:493
-Imitation milk products, 3:461

Contracts, milk purchase, 3:2050, 3:2051 Cost components of processing, 3:1811-3:1812

Cream

-Condemnation, 3:571 -Drug residues, 3:576.1

-Milk separation, 3:577 -Pasteurization, 3:586

-Preheated cream, 3:586 -Testers, licensing, 3:499

-Testing
See Testing, this heading -Test sample bottles, 3:515

Dairies See DAIRIES

Dairy farms See DAIRY FARMS

Definitions

-Imitation milk products See Imitation milk products, this heading

-Marketing, 3:1930

-Milk Producer Security Trust Fund

--Beneficial ownership interest, 3:2100

MILK AND MILK PRODUCTS-continued

Definitions-continued

-Milk Producer Security Trust Fund-continued

-Milk, 3:2101

-Package, 3:435

-Third-party testing, 3:551 Diseased animals

See specific animals

Distributors

See also generally Marketing, this heading

-Ingredient and nutritional information, providing, 3:694

-Inspections, 3:576.1, 3:601

Drug residues, prevention, 3:576, 3:576.1

-Testing violations, informal hearings, 3:1310-3:1310.3

Evaporated milk

-Goat's milk, 3:676

Farms

See DAIRY FARMS

Filled products

See Imitation milk products, this heading Food and Agriculture Code, applicability, 3:2001 Frozen dairy products, 3:435-3:441.3

-Ice cream or ice milk

--Imitation

See Imitation milk products, this heading

--Mix, neutralization, 3:443 -Imitation ice cream and ice milk

See Imitation milk products, this heading

-Labeling and packaging

See also generally Labeling and packaging, this heading

--Imitation ice cream and ice milk, 3:460-3:467

--Retail sales outlets, 3:692 -Returns, 3:440

-Temperature, 3:438

-Yogurt

--Frozen yogurt dessert, 3:441.2, 3:441.3

-- Frozen yogurt mix, 3:441, 3:441.1

--Lowfat frozen yogurt dessert, 3:441.2, 3:441.3

-Lowfat frozen yogurt mix, 3:440, 3:441.1

Goat's milk, 3:676

-Condensed or evaporated, 3:676

Handlers

See Marketing, this heading

Hearings, stabilization and marketing plans, 3:2080.3, 3:2080.4

Ice cream or ice milk

See Frozen dairy products, this heading Imitation milk products

-Additives, candy, 3:459

-Advertising

--Ice cream and ice milk, 3:467

-Beverages, served as, 3:474

-Bottling and packaging, 3:475

-Definitions, 3:455

--Bulk, 3:462

--Market milk, 3:476

-Healthfulness, 3:469

-lce cream and ice milk, 3:455-3:467

--Advertising, 3:467

--Artificial colorings and flavorings, 3:465

--Colorings, artificial, 3:465

--Edible oil or fat, 3:456

--Flavorings, artificial, 3:465

-- Fruit imitation ice cream and ice milk, 3:458

--Labeling and packaging, 3:460, 3:466, 3:467

---Bulk, defined, 3:462

---Container, defined, 3:461

--Nonfat milk solids, 3:457

--Nut additives, 3:459

--Reporting requirements, 3:463

--Stabilizers, 3:455

-Weight requirements, 3:464

-Ice milk

See Ice cream and ice milk, this subheading

-Labeling and packaging

See also generally Labeling and packaging, this heading

--Bottling, 3:475

-- Ice cream and ice milk, 3:460, 3:466, 3:467

-Location, 3:470

See generally Marketing, this heading

MILK AND MILK PRODUCTS-continued

Imitation milk products-continued

-Market milk constituents, origin, 3:476

-Out-of-state products, 3:472

-Purity, 3:469

-Sale outside of California, 3:473

Inspections

-Dairy inspectors, registered, 3:590

-Field examinations, market milk, 3:601

-Follow-up fees, 3:606

-Frequency, 3:602

-Laboratory examinations, market milk, 3:601

--Analysis results

---Confirmation, 3:604.1

---Notification, 3:604

---Publication, 3:605

-Market milk

--Field examinations, 3:601

--Laboratory examinations, 3:601

-Procedural guidelines, 3:600

-Publication, laboratory examination results, 3:605

-Registered dairy inspectors, 3:590

-Services, inspection

-Certification, 3:598

--Operational requirements, 3:599

-Tankers, 3:480.9

--Raw milk, 3:576.1

-Violations, informal hearings, 3:1310-3:1310.3

Investigations, confidentiality, 3:1806

Labeling and packaging

-Buttermilk, 3:607

-Condensed milk, 3:607.5

-Definition of package, 3:435

-Frozen dairy products, retail sales, 3:692

-Imitation milk products

See Imitation milk products, this heading -Ingredient and nutritional information, providing,

3:694

-Nonfat dry milk, grade A, 3:607.5 -Package, defined, 3:435

-Quality assurance date, 3:627

Licensing -Butter graders, 3:499.5

-Cream testers, 3:499

-Milk testers, 3:499

-Pasteurizers, 3:498 -Permit Reform Act, 3:300, 3:301

-Samplers, 3:500

-Technicians, 3:501 -Weighers, 3:500

Manufacturers

See also generally Marketing, this heading -Ingredient and nutritional information, providing,

3:694 -Sales violations, 3:2004

Marketing
-Bonds, handlers, 3:2041

-Contracts, purchase of milk, 3:2050, 3:2051

-Cost accounting procedures

--Distributor sales, 3:1950, 3:1951 -Cost components, 3:1811-3:1812 -Definitions, 3:1930

-Export market development, 3:1710-3:1712 -Food and Agriculture Code, applicability, 3:2001 -Handlers

-Allocation of payments to producers, 3:2042

--Bond indemnification agreements prohibited,

3:2041

-Licenses, cancellation, 3:2031 -- Payment regulations, 3:2039, 3:2040

--Sales violations, 3:2004

-Imitation milk products, sale outside of California, 3:473

-Meeting competition

--Multi-unit price, 3:1932

-- Retail sales by wholesale customers, 3:1931

-Milk pooling plans, 3:2080.2

--Hearings, 3:2080.3, 3:2080.4 -Payment regulations, 3:2039

-Penalties

-Agents' violations, 3:1804, 3:2004

-- Handlers, sales violations, 3:2004

See Unlawful practices, this subheading

MILK AND MILK PRODUCTS-continued

--Hearings, 3:2080.3, 3:2080.4

--Agents' violations, 3:1804, 3:2004

-- Contracts, procurement options, 3:2050

See Cost accounting procedures, this subhead-

-- Food and Agriculture Code, Applicability,

--Handlers

See Handlers, this subheading

-Payment regulations, 3:2039

---Competitive, 3:1943

---Enforcement proceedings, burden of proof,

-Localized competition, 3:1944, 3:1945

--Variations allowable, 3:1942

-- Recordkeeping requirements, 3:1831

--Ingredient and nutritional information, provid-

ing, 3:694 --Marketing violations, 3:1804

-Sales violations, 3:2004

Milk pooling plans, 3:2080.2 -Hearings, 3:2080.3, 3:2080.4

Milk products plants
See DAIRIES

-Acidophilus milk, 3:448

Nondairy products

Nonfat milk, labeling, 3:607.5

Pasteurization

-Agents

Sales violations, 3:2004 -Manufacturers, sales violations, 3:2004

-Marketing

See Marketing, this heading

See DAIRIES

Producers

-Allocation of handler's payments, 3:2042

-Security trust fund, 3:2100-3:2102

3:2042

-Beneficial ownership interests, 3:2100

--Milk, eligible, 3:2101

Products resembling milk products

See Imitation milk products, this heading

Quality assurance date, 3:627

Quality ratings, publication, 3:605 Raw milk and raw milk products

Recordkeeping requirements

-Bacteriological examinations

See Testing, this heading

Distributors, 3:1831

-Testing

See Testing, this heading

-Imitation ice cream and ice milk, 3:463

Marketing-continued

-Stabilization plans, 3:2080.2

-Unlawful practices, 3:1801

-- Applicability, 3:1801, 3:1808, 3:2001

--Confidential information, 3:1806

--Cost accounting procedures

--Enforcement proceedings, 3:1946

--Pricing, 3:1940-3:1946

---Discrimination, 3:1941

3:1946

---Terms and conditions, 3:1940

-Terms and conditions, 3:1940

-Wholesalers

Mineral additives, 3:624 Modified milk products

Multi-unit price, 3:1932

See Imitation milk products, this heading

Packaging See Labeling and packaging, this heading

See DAIRIES Penalties

-Marketing violations, 3:1804

Processing plants

-Inspections, 3:601

-Allocation of handler payments to producers,

--Payment of claims, 3:2102

Publication, product quality ratings, 3:605

See Testing, this heading Reciprocity, market milk, 3:476

-Local price variations, 3:1945

Reporting requirements -Drug residues in bulk milk, 3:576.1

MILK AND MILK PRODUCTS-continued

Retail sales by wholesale customers, 3:1931 Retail stores, inspections, 3:601

See Marketing, this heading Stabilization plans, 3:2080.2

-Hearings, 3:2080.3, 3:2080.4

Tankers

- -Application form for permit, 3:480.9 Appx. A
- -Inspection and permitting, 3:480.9

-Permit processing times, 3:300

Temperature requirements, market milk, 3:626 **Testing**

- -Bacteriological examinations, 3:502-3:506
- --Bacterial counts, 3:504
- -- Recordkeeping requirements
- ---Bacterial count record sheets, 3:504
- ---Change procedures, 3:505
- --Sampling methods, 3:502
- --Supervision, 3:502
- -Components, milk and cream, 3:509-3:525
- --Accuracy check, 3:512.2
- -- Equipment, 3:512, 3:512.1
- --Infrared instrumentation, 3:513
- -- Methods approved, 3:509-3:511
- --Procedures, 3:512
- --Retesting, 3:512.2
- --Samples
- ---Bottles, cream samples, 3:515
- ---Milk preservatives, 3:516
- ---Procedures, 3:514
- ---Recordkeeping requirements, 3:525
- ---Storage and testing, 3:517
- ---Weighing, 3:514
- -Cream

See Components, milk and cream, this subheading

- -Cream testers, licensing, 3:499
- -Definition of third-party testing, 3:551
- -Drug residues
- -- Tankers, screening tests, 3:576.1
- --Violations, informal hearings, 3:1310-3:1310.3
- -Milk

See Components, milk and cream, this subheading

- -Milk testers, licensing, 3:499
- -Raw milk
- --Analysis results, 3:604.1
- -Recordkeeping requirements
- --Bacteriological examinations, 3:503-3:506
- -Milk and cream component samples, 3:525
- -Record sheets, bacterial count, 3:504
- -Samplers, licensing, 3:500
- -Sediment tests, 3:573
- -Somatic cells in milk, 3:625
- -Technicians, licensing, 3:501
- -Third-party testing, 3:551-3:554 -- Assignment procedures, 3:553
- -- Definitions, 3:551
- -- Exemptions, 3:552
- --Variations in analysis, 3:554
- -Weighers, licensing, 3:500

Trade products

See Imitation milk products, this heading

Vitamin additives, 3:624

Wholesalers

See Marketing, this heading

Yogurt

See Frozen dairy products, this heading

MILK PRODUCTS PLANTS

See DAIRIES

MINT

Pesticide regulations, exemptions, 3:6147

MOCAP

Pesticide, usage restrictions, 3:6400

MOLASSES

Commercial feed ingredient, 3:2790.5

MOLINATE

- Pesticide
- -Groundwater contaminant, 3:6800
- -Usage restrictions, 3:6400

MOLYBDENUM

Fertilizer ingredient, caution statement, 3:2300

MONTEREY JACK CHEESE

See generally CHEESE

MOSQUITOS

See INSECTS

MOTHS

See also INSECTS

European pine shoot moth exterior quarantine,

Gypsy moth, eradication area, 3:3591.6

- Light brown apple moth -Eradication area, 3:3591.20
- -Interior quarantine, 3:3434

MOTOR CARRIERS

Animals, transporting

- -Dead animals, 3:1180.17, 3:1180.18
- -Diseased poultry carcasses, 3:1243

Livestock renderers, vehicle cleaning areas, 3:1180.27

MOTOR VEHICLES

Fairs

-Racing contracts, 3:7015

MULES

See LIVESTOCK

NAPHTHALENE

Pesticides, toxicity, 3:6860

NAPROPAMIDE

Pesticide, groundwater contaminant, 3:6800

Pesticide, groundwater contaminant, 3:6800

NAVEL ORANGES

See also generally ORANGES

Crop acreage and statistical reporting assessment, 3:1430.44.5

NECROBACILLOSIS

Livestock, disposal of carcasses and parts, 3:905.15

NECTARINES

Ed. Note: For additional comprehensive information on containers, labeling and packaging, inspections, and marketing, See FRUITS AND VEGETABLES.

Containers

- -Dimensions, 3:1380.19
- -Marking requirements, 3:1446.4
- -Numerical designations, 3:1380.19, 3:1446.7
- -Size variation, 3:1446.9
- -Standard containers, 3:1446.7
- -Tolerances, 3:1446.9

Defects, 3:1446

See also Standards, this heading

Fees, transportation permits, 3:1446.13

Insect damage, 3:1446

Labeling and packaging

See Containers, this heading Permits, fees, 3:1446.13

- Standards, 3:1446
- -Defects, 3:1446 -Insect damage, 3:1446
- -Maturity, 3:1446.1
- -Tolerances, 3:1446.9 Transportation, permit fees, 3:1446.13

NEMACUR

Pesticide, usage restrictions, 3:6400

NEMATODES

Citrus trees, burrowing nematode quarantine,

Plant nurseries, nematode-free certification program See PLANT NURSERIES

NEOPLASMS

Livestock, disposal of carcasses and parts, 3:905.9

NETTLE RASH

Hogs, disposal of diseased or adulterated carcasses and parts, 3:905.20

NEVADA COUNTY

Hydrilla eradication area, 3:3962

NEWCASTLE DISEASE, ASIATIC

Poultry, 3:800, 3:800.1

NITRAPYRIN

Pesticide, groundwater contaminant, 3:6800

NONFAT MILK

See MILK AND MILK PRODUCTS

NORFLURAZON

Pesticide, groundwater protection, 3:6487.1-3:6487.5, 3:6800

NOTICE

Beekeepers, notice of pesticide application, 3:6655 Cattle, positive trichomonosis test results, 3:820.6 Citrus fruits, noncompliance notice, 3:1430.16 Cotton

- -California Upland and California Pima cotton har-
- vest, 3:3805
- -Naturally colored cotton production, 3:3818 -Nonapproved cotton, planting or harvesting, 3:3822

Eggs Transfer of brand and container ownership,

Food and agriculture department See FOOD AND AGRICULTURE DEPART-

Grapes, inspection, 3:1650, 3:1650.1

Methyl bromide field fumigation, 3:6450.1 Pest control operations, agricultural -Application notice to property operator, 3:6618,

3:6619

Pesticides

See PESTICIDES

Plant nurseries -Noncompliance with cleanliness standard, 3:3060.4

Poultry processing plants, licensing approval notice, 3:1205

Quarantine of animals

-Notice of Required Action, 3:1301.1 --Form, 3:1301.9

NOXIOUS WEEDS

Agricultural seed

See also generally SEEDS

-Adulterant examination, 3:3879

-Labeling requirements, weed seed, 3:3853

-Weed pest prevention through screening, 3:3557

-Weed seed, incidental occurrence, 3:3901

Alligatorweed eradication area, 3:3960 Dudaim melon eradication area, 3:3961 Feed grain, adulteration prevention, 3:3556

- Hydrilla
- -Eradication area, 3:3962
- -Exterior quarantine, 3:3281

-Interior quarantine, 3:3410

Paraquat, weed control, 3:6466 Permit, possession and transportation, 3:300, 3:301

Seeds

See SEEDS Seeds, noxious weeds, 3:3853

- -Agricultural seed
- --Incidental occurrence, 3:3901

-- Labeling requirements, 3:3853 --Weed pest prevention through screening, 3:3557

- --Weed seed adulterant examination, 3:3879
- -Prohibited noxious weed seeds, 3:3854

-Restricted noxious weed seeds, 3:3855 South American Spongeplant eradication area, 3:3963

Species, list, 3:4500 Weed control, Paraquat, 3:6466

Diseased animals, 3:1300.3, 3:1300.15

Eggs, seized lots, 3:1355

23

See PLANT NURSERIES

NUTS

Ed. Note: For additional comprehensive information on containers, labeling and packaging, inspections, and marketing, See FRUITS AND VEGETABLES.

Culls and screenings, commercial feed ingredient,

Experimental containers, permits, 3:1380-3:1380.9 Pecans pests, exterior quarantine regulations,

Penalties, guidelines, 3:3271.2

Walnuts pests, exterior quarantine regulations, 3:3273

NUT TREES

Deciduous fruit and nut trees, certification, 3:3260 Quarantine regulations, 3:3260



OAK MORTALITY DISEASE

Control program, 3:3700

OAK TREES

Wilt disease, quarantine, 3:3251

Commercial feed ingredient, 3:2791

OCHRONOSIS

Livestock, disposal of carcasses and parts, 3:905.11

OKRA

Pink bollworm host

- -Eradication area, 3:3590
- -Host-free districts, 3:3595

Ed. Note: For additional comprehensive information on containers, labeling and packaging, inspections, and marketing, See FRUITS AND VEGETABLES.

Scale damage, 3:1448

ONIONS

Ed. Note: For additional comprehensive information on containers, labeling and packaging, inspections, and marketing, See FRUITS AND VEGETABLES.

Defects, 3:1450

Dehydration lots, 3:1675-3:1688

- -Acreage information reports, 3:1685
- -Exemptions, inspections, 3:1682
- -Inspections
- -Exemptions, 3:1682
- --Sampling requirements
- ---Deadline, 3:1677
- ---Procedures, 3:1675
- ---Size requirements, 3:1676
- --Site requirements, 3:1687, 3:1688
- -Load identification, 3:1684
- -Load information reports, 3:1683, 3:1685
- -Lot identification, 3:1684
- -Reporting requirements, 3:1683, 3:1685
- -Standards, 3:1678-3:1680
- -Cull material, percentage, 3:1679
- -- Defects, 3:1678
- --Dirt, percentage, 3:1679
- --Excessive moisture requirements, 3:1680

Insect damage, 3:1450

Reporting requirements, dehydration lots, 3:1685

Sprout damage, 3:1450.2 Standards, 3:1450

- -Defects, 3:1450, 3:1678 Dehydration lots
- See Dehydration lots, this heading
- -Insect damage, 3:1450
- -Sprout damage, 3:1450.2
- -Tolerances, 3:1450.3

ORANGES

See also MANDARIN ORANGES

ORANGES—continued

Ed. Note: For additional comprehensive information on containers, labeling and packaging inspections, and marketing, See CITRUS FRUITS and FRUITS AND VEGETABLES.

Assessments

-Crop acreage and statistical reporting assessment, 3:1430.44.5

Color

See Standards, this heading

Containers

- -Average diameter, 3:1430.45
- -Count, 3:1430.45
- -Dimensions, 3:1380.19
- -Marking requirements, 3:1430.13
- -Numerical designations, 3:1380.19
- -Standard, 3:1430.14

Crop acreage and statistical reporting assessment, 3:1430.44.5

Freeze damage, 3:1430.39-3:1430.43

- -Delayed evidence, 3:1430.43
- -Determination methods, 3:1430.40
- -Examination requirements, 3:1430.42
- -Imported fruit, 3:1430.41
- -Serious damage, 3:1430.39
- -Tolerances, 3:1430.44

Labeling and packaging

See Containers, this heading

Maturity standards

- -General provisions, 3:1430.36
- -Soluble solids testing, 3:1430.38

Packaging

See Containers, this heading

Serious damage, 3:1430.39

- -Color
- -- Acceleration, 3:1430.37
- -- Determination, 3:1430.35
- -Freeze damage, 3:1430.39-3:1430.43
- -Maturity, 3:1430.36, 3:1430.38
- -Sample size, 3:1430.38
- -Serious damage, 3:1430.39
- -Tolerances, 3:1430.44

Testing, soluble solids to acid ratio, 3:1430.38

ORDRAM

Pesticide, usage restrictions, 3:6400

ORGANIC FOODS

Denial, suspension, or revocation of certification

- -Appeals, 3:1391
- –Mediation, 3:1391.1

ORIENTAL FRUIT FLIES

Eradication area, 3:3591.2 Interior quarantine, 3:3423

ORIENTAL PERSIMMONS

See PERSIMMONS

ORYZAI IN

Pesticide, groundwater contaminant, 3:6800

OSTEOPOROSIS

Livestock, disposal of carcasses and parts, 3:905.8

Livestock meat inspectors, 3:1180.36

OVINE BRUCELLOSIS

Rams, entry into state, 3:760.4

OXYBISPHENOXYARSINE Pesticide, toxic air contaminant, 3:6860

OXYDEMETON-METHYL

Minimal exposure pesticide, 3:6790-3:6793 Pesticide

- -Groundwater contaminant, 3:6800
- -Usage restrictions, 3:6400

OZONIUM ROOT ROT

Exterior quarantine, 3:3261 Interior quarantine, 3:3401

PACKAGED COMMODITIES

See LABELING AND PACKAGING; WEIGHTS AND MEASURES

Pesticides, antifouling paint additive

- -Application regulations, 3:6488, 3:6489
- -Average release rate, 3:6900
- -Dealer requirements, 3:6488

PALM TREES

Date palm disease, interior quarantine, 3:3419 Lethal yellowing and lethal decline, exterior quarantine, 3:3282

PARAQUAT

Cotton harvest aids, usage restrictions, 3:6470 Pesticide, usage restrictions, 3:6400 Weed control, 3:6466

PARASITES

Livestock

-Ante-mortem inspections, 3:903.3

Pesticide, usage restrictions, 3:6400

-Disposal of carcasses and parts, 3:905.23

PARATHION

Pesticide, groundwater contaminant, 3:6800

PARATHION-METHYL

PARTNERSHIPS

Fruits and vegetables -Direct marketing, contractual agreements,

3:1392.9.1

PARTURITION Livestock, ante-mortem inspections, 3:903.9

PASTEURIZED PROCESS CHEESE AND **CHEESE PRODUCTS**

See CHEESE

PEACHES Ed. Note: For additional comprehensive information on containers, labeling and packaging, inspections, and marketing, See FRUITS AND

VEGETABLES.

- Containers
- -Dimensions, 3:1380.19
- -Marking requirements, 3:1454.10 -Numerical designations, 3:1380.19, 3:1454.14
- -Standard containers, 3:1454.14
- -Tolerances, 3:1454.5, 3:1454.16

Defects, 3:1454.3

See also Standards, this heading

- -Little peach disease, exterior quarantine, 3:3259 Mosaic disease
- --Exterior quarantine, 3:3262
- -Interior quarantine, 3:3400
- -Peach fruit flies -- Eradication areas, 3:3591.12
- --Quarantines, 3:3424 -Peach yellows, exterior quarantine, 3:3259
- -Red suture disease, exterior quarantine, 3:3259

-Rosette disease, exterior quarantine, 3:3276 Insect damage, 3:1454.3

See also Diseases, this heading

Labeling and packaging See Containers, this heading

Maturity standards, 3:1454.4 Peach fruit fly, eradication areas, 3:3591.12

See Diseases, this heading

Quarantines

See Diseases, this heading

Size variations, 3:1454.16 Standards, 3:1454.3

- -Defects, 3:1454.3 -Diseases
- See Diseases, this heading

PEACHES—continued

Standards-continued

-Insect damage, 3:1454.3 See also Diseases, this heading

-Maturity, 3:1454.4

-Size variations, 3:1454.16 -Tolerances, 3:1454.5, 3:1454.16

PEACH FRUIT FLIES

Eradication areas, 3:3591.12 Interior quarantine, 3:3424

PEANUTS

Commercial feed ingredient, 3:2793

Ed. Note: For additional comprehensive information on containers, labeling and packaging, inspections, and marketing, See FRUITS AND VEGETABLES.

Defects, 3:1458.1 Insect damage, 3:1458.1 Overmature, defined, 3:1458 Poorly filled pods, 3:1458.2 Standards, 3:1458.1 Tolerances, 3:1458.4

PEBULATE

Pesticide, groundwater contaminant, 3:6800

PECANS

Insect pests, exterior quarantine regulations, 3:3273

PENALTIES

Bee colony assessment fees, 3:2952 Commercial feed, 3:2746, 3:2766

Dairy products, marketing

See MILK AND MILK PRODUCTS

Eggs, labeling and packaging, 3:1355

Fruits and vegetables

-Direct marketing, 3:1392.10 -Guidelines, 3:1371-3:1371.2

Milk and milk products, marketing

See MILK AND MILK PRODUCTS

Pesticides

See PESTICIDES

Swine, interstate and intrastate movement violations, 3:796.9

Tomato inspection station violations, 3:1339.6,

PENTACHLORONITROBENZENE

Pesticide, toxic air contaminant, 3:6860

PENTACHLOROPHENOL

Pesticide, toxic air contaminant, 3:6860

PEPPER

White pepper, exemption for pesticide regulations, 3:6147

PEPPERMINT

Pesticide regulations, exemptions, 3:6147

PEPPERS

Bell peppers, damage, 3:1410

Avocados, byproducts usage, 3:1408

Cattle, interstate livestock entry permits, 3:755.3, 3:756.3, 3:820.2

Citrus fruits

See CITRUS FRUITS

Food and Agriculture Department

-Processing times, 3:300, 3:301

Fruits and vegetables

See FRUITS AND VEGETABLES, subheading: Exemptions

Goats, interstate livestock entry permits, 3:760.3 Insects, importation exemptions, 3:3558 Livestock

See LIVESTOCK

Meat and meat processing, 3:1180.4, 3:1180.29

Milk tankers, 3:480.9

-Application form, 3:480.9 Appx. A

-Processing time, 3:300 Nectarines, fees, 3:1446.13

Pesticides

See PESTICIDES

Plants, special quarantine permits, 3:3154 Plums, export transportation, 3:1462, 3:1462.1 **PERMITS**—continued

Potatoes, transportation, 3:1466.3

Prunes, export transportation, 3:1462, 3:1462.1

Quarantine, plants, 3:3154

Sheep, interstate livestock entry permits, 3:760.3

Swine, 3:300, 3:301

PERSIAN MELONS

See generally MELONS

PERSIMMONS, 3:1460-3:1460.4

Ed. Note: For additional comprehensive information on containers, labeling and packaging, inspections, and marketing, See FRUITS AND VEGETABLES

Containers

-Size variation, 3:1460.4

-Tolerances, 3:1460.3

Defects, 3:1460

Insects, root borers, 3:3265

Ouarantine, root borers, 3:3265

Size variations, 3:1460.4

Standards

-Defects, 3:1460

-General provisions, 3:1460

-Insect damage, root borers, 3:3265

-Maturity, 3:1460.1

-Size variation, 3:1460.4

-Tolerances, 3:1460.3

PERSONAL PROTECTIVE EQUIPMENT

Pesticide workers, 3:6738

-Enforcement actions, 3:6128

-Penalties for failure to use equipment, 3:6130

PEST CONTROL

Oak mortality disease, 3:3700

PEST CONTROLLERS

See also PESTICIDES, subheading: Worker safety

Accident reports, 3:6634

Business operations, 3:6630-3:6634

Certification of private applicators, 3:6580-3:6584 Continuing education, private applicators, 3:6584

Definitions, 3:6000

Environmentally harmful materials, usage restrictions, 3:6400

Equipment identification, 3:6630

Fumigation and pesticide use

-Chloropicrin, structural fumigation, 3:6454

-Enclosed space, procedures, 3:6782

-Field fumigation, 3:6784

-Methyl bromide, structural fumigation, 3:6454

-Safety requirements, 3:6780

Pesticides

See PESTICIDES

Private applicators, 3:6580-3:6584

Protection of persons, animals, and property,

Recordkeeping requirements, pesticide use, 3:6624 Reporting requirements, accidents, 3:6634

Restricted materials, 3:6400

Safety requirements -Protection of persons, animals, and property,

TURAL

See PESTICIDES, subheading: Worker safety PEST CONTROL OPERATIONS, AGRICUL-

See also PESTICIDES Accident reports, 3:6634

Advisers

-Alternatives to pesticides, consideration, 3:6426 -Licensing

--Education requirements, 3:6550

--Public agencies, 3:6551

--Qualifications, 3:6550

-- Recommendations, 3:6556 Agricultural use reports, 3:6626

Aircraft pilots, certification

-Apprentice pilot, supervision, 3:6540

-Pesticide handling requirements, 3:6544 -Registration requirements, 3:6542

Aldicarb, crop application tables, 3:6458

Animals, protection, 3:6614

PEST CONTROL OPERATIONS, AGRICULTUR-

AL-continued

Application notice to property operator, 3:6618, 3:6619

Applicator licensing

-Categories, 3:6530

-Denial, suspension, or revocation, 3:6534

-Examinations, 3:6530

Backflow protection, equipment, 3:6610 Bonds, security, 3:6524

Business operations, 3:6630-3:6634

Continuing education requirements, 3:6511

Approval of courses, 3:6512

-Records, 3:6513

Crop-dusting

-Drift control, liquid herbicides, 3:6460 -Pilots

See Aircraft pilots, certification, this heading -Protection of persons, animals, and property, 3:6614

Definitions, 3:6000

Drift control, liquid herbicides, 3:6460

Employees, age restrictions, 3:6612

Environmentally sound management, advisory committee, 3:6256

Equipment

-Backflow protection, 3:6610

-Cleaning, 3:6608

-Identification, 3:6630

-Standards, 3:6600, 3:6601

See Licensing, this heading

Exemptions, vector control, 3:6620 Fees, examinations, 3:6505

Fumigation

Examinations

-Chloropicrin Field fumigation, 3:6450

-Use, 3:6784 -Commodities, 3:6782

-Enclosed spaces, 3:6782

-Field fumigation, 3:6450, 3:6784 -Methyl bromide, field fumigation, 3:6450

Buffer zones, 3:6450.2 --Methods, 3:6450.3 --Notice, 3:6450.1

-Use, 3:6784

-Plant nurseries, 3:6452

-Safety requirements, 3:6780

Herbicides -Cotton harvest aids, 3:6470

-Drift control, liquid herbicides, 3:6460

-Paraquat, weed control, 3:6466

-Phenoxy herbicides, control areas, 3:6464 -Propanil, control areas, 3:6462 Insurance certificate, licensing requirement, 3:6524

Japanese beetles

See INSECTS

Labeling

-Applicability of use requirements, 3:6601 -Display at work site, 3:6602

Licensing

-Advisers See Advisers, this heading

-Aircraft pilots See Aircraft pilots, certification, this heading -Applications, 3:6502, 3:6510

Applicators

-Bonds, security, 3:6524 -Categories, 3:6522

-Changes, notice, 3:6508

See Applicator licensing, this heading

 Continuing education requirements, 3:6511 -Approval of courses, 3:6512

-Duration of validity, 3:6500 -Examinations, 3:6504

-Fees, examinations, 3:6505

-Insurance certificate, 3:6524 -Renewals, 3:6510

Measurements, accuracy, 3:6604 Methyl bromide, field fumigation

See Fumigation, this heading Minors, restrictions, 3:6612 Mixtures of pesticides

-Accurate measurements, 3:6604

PEST CONTROL OPERATIONS, AGRICULTUR-

AL-continued

Mixtures of pesticides-continued

-Uniform mixture, 3:6606

Notice to operator of property

-Completion of treatment, 3:6619

-Prior to treatment, 3:6618

Operator identification numbers, 3:6622

Operator licenses

See Licensing, this heading

Paraquat, weed control herbicide, 3:6466

Personal protective equipment, applicability of requirements, 3:6601

Persons, protection, 3:6614

Pesticides

See also PESTICIDES

-Active ingredients, identification list, 3:6198.5

-Aldicarb, crop application tables, 3:6458

-Critical need determination, 3:6198

-Produce, pesticide residue tolerances, 3:6490 Pest Management Advisory Committee, 3:6256

Produce, pesticide residue tolerances, 3:6490,

3:6492

Property -Consent to apply, 3:6616

-Notice to operator, 3:6618, 3:6619

-Protection, 3:6614

Protection of persons, animals, and property, 3:6614

Public agencies, exemptions, 3:6620

Recordkeeping requirements
-Continuing education, 3:6513

-Pesticide use, 3:6624

Reporting requirements

-Accident reports, 3:6634

-Agricultural use reports, 3:6626

-Monthly summary reports, 3:6627

-Negative use reports, 3:6628

Runoff

-Groundwater protection, 3:6487.4

Site identification numbers, 3:6623

Sweet potato weevil control area, 3:3581

Vector control exemptions, 3:6620

Weed control, Paraquat, 3:6466

Wellhead protection, 3:6609

PESTICIDE REGULATION DEPARTMENT

Conflict of interest, 3:1.1, 3:3

PESTICIDES

See also PEST CONTROLLERS; PEST CON-TROL OPERATIONS, AGRICULTURAL

Access to information

-Registration reevaluation report, 3:6254

-Registration renewal report, 3:6254

-Regulatory program reports, 3:6110-3:6118

Accident reports, 3:6634

Acrolein, toxic air contaminant, 3:6860

Active ingredients, identification list, 3:6198.5

Adverse effects
-Disclosure, 3:6210

-Permit field inspections, 3:6444

See PEST CONTROL OPERATIONS, AGRI-CULTURAL

Agricultural commodities, fumigation

-Chloropicrin, use, 3:6452

-Methyl bromide, use, 3:6452

Agricultural pest control advisers

See PEST CONTROL OPERATIONS, AGRI-CULTURAL

Agricultural use permits, 3:6420, 3:6428

See also Permits, this heading

Air contaminants list, 3:6860

Aldicarb, crop application tables, 3:6458

Antifouling paints

See Tributyltin, this heading

Applicators

See PEST CONTROL OPERATIONS, AGRI-**CULTURAL**

Arsenic acid, toxic air contaminant, 3:6860 Arsenic pentoxide, toxic air contaminant, 3:6860 Arsenic trioxide, toxic air contaminant, 3:6860 Assessments

-Mill assessment collection, 3:6382-3:6396

PESTICIDES-continued

Assessments-continued

-Mill assessment collection-continued

-- Disbursement criteria, 3:6390-3:6396

---Apportionment of funds, 3:6393

-Counties, reimbursement, 3:6391

---Effectiveness evaluation, 3:6394

-Minimum reimbursement, 3:6395

---Purpose, 3:6390 ---Residual funds, 3:6396

--Exemptions, 3:6384

--Penalties, 3:6382

--Rate, 3:6386

-- Reporting requirements, 3:6388

-Pesticide registrants, 3:6197, 3:6197.5

Azinphos-methyl, 3:6486.7

Basagran, 3:6457

Bees, protection from, 3:6650-3:6656

See also BEES

-Registration of pesticide, data submission, 3:6187 Bentazon, 3:6457

Brand name registration, 3:6152

Bromoxynil, 3:6790-3:6793

Butyl mercaptan, registration limitations, 3:6361 California Labor Code, worker safety regulations,

Cancellation

See Registration, this heading

Captan, toxic air contaminant, 3:6860

Carbaryl, toxic air contaminant, 3:6860

Carbofuran, usage restrictions on alfalfa, 3:6474

Carbon disulfide, toxic air contaminant, 3:6860

Caution statements, legibility, 3:6240

Certification

See Regulatory program, this heading Chlorine, toxic air contaminant, 3:6860

Chloropicrin, use

-Field fumigation, 3:6450, 3:6784

-Structural fumigation, 3:6454

Chromic acid, toxic air contaminant, 3:6860

Citrus/bee protection area, 3:6656

Cleansing agents, exemptions, 3:6205

Clopyralid, application restrictions, 3:6576 Aquatic and marine environments, 3:6950

Commercial feed, pesticide residues prohibited,

Conditional registration, 3:6200

Containers

-Delivery, 3:6672

-Draining, 3:6684

-Exemptions, 3:6686

-Home use, exemptions, 3:6686

-Labeling requirements, 3:6676

--Service containers, 3:6678

-Prohibited containers, 3:6680

-Rinsing, 3:6684 -Service container label, 3:6678

-Storage areas, posting, 3:6674 -Transportation, 3:6682 Copper sulfate, prohibited use, 3:6920 Counties

Mill assessment disbursement criteria,

3:6390-3:6396 -Regulatory program reports, 3:6392 Creosol, toxic air contaminant, 3:6860

Critical need determination, 3:6198

Dairy animals, pesticide residues, 3:401 Data submission requirements, registration

See Registration, this heading Dealers

-Appropriate products, 3:6564

–Labeling, supplemental, 3:6566 -Recordkeeping requirements, 3:6562

-Restricted materials, responsibilities, 3:6568

-Sales, reporting requirements, 3:6562

-Supervision, 3:6560 Decontamination facilities

-Field workers, 3:6768

-Handlers, 3:6734

Definitions, 3:6000 -"Intended to be used," 3:6145

Deodorizer, exemption, 3:6205

Dichlorobenzene, toxic air contaminant, 3:6860

Dichloropropene, toxic air contaminant, 3:6860

PESTICIDES-continued

Dichlorovos, toxic air contaminant, 3:6860

Disposal, 3:6670-3:6686

Dispute resolution, data cost-sharing issues, 3:6310

Drift control, liquid herbicides, 3:6460

Emergency medical care, workers, 3:6726, 3:6766 Employees

See also Worker safety, this heading

-Protective equipment or safety equipment not used by, penalties, 3:6130

-Regulatory program, inspection interviews, 3:6141 **Employers**

See also Worker safety, this heading

-Safety responsibilities, 3:6702

Enforcement actions, 3:6128

Environmentally harmful materials, use by structural pest control operators, 3:6400

Environmentally sound practices, advisory committee, 3:6256

Environmental Protection Agency (U.S.)

-Labeling and packaging requirements, 3:6243

Equipment

See Worker safety, this heading

Ethylene oxide, toxic air contaminant, 3:6860 Ethyl parathion, toxic air contaminant, 3:6860

Exemptions

-Cleansing agents, 3:6206

-Containers, 3:6686

-Deodorizer, 3:6205

-Mill assessment collection, 3:6384 -Minimal exposure pesticides, 3:6791

-Products, 3:6147

-Research authorization, 3:6268

-Restricted materials, 3:6402

-Restricted materials permit, 3:6414

-Unregistered products, emergency use, 3:6206 Federal authority, adoption by reference, 3:6196

Federal standards, interpretation of safety regulations consistent with, 3:6701

Fees See also Assessments, this heading

-Registration, 3:6148

-- Amendments, 3:6148.5 --Interim certificate, 3:6168

--Renewal, 3:6216-3:6217

Fenamiphos, 3:6476 Field fumigation

-Chloropicrin, use, 3:6450, 3:6784

-Methyl bromide, use, 3:6450-3:6450.3, 3:6784

Folpet, 3:6790-3:6793

Formaldehyde, toxic air contaminant, 3:6860 Forms, permits for possession and usage, 3:6424

Fumigation

-Chloropicrin, use, 3:6784 -Enclosed spaces, 3:6782

-Field fumigation, 3:6782

-Methyl bromide, use, 3:6784

-Safety requirements, 3:6780

Greenhouse ventilation, 3:6769 Groundwater protection

-Artificial recharge basins, 3:6487.2

-Canal and ditch banks, use inside, 3:6487.2 -Engineered rights-of-way within protection areas,

3:6487.3

-Leaching protection areas, 3:6487.5

-Permit, restrictions, 3:6416 -Research authorization, 3:6416

-Restricted chemicals, 3:6487.1-3:6487.5, 3:6800 -Restricted materials, 3:6400

-Runoff protection areas, 3:6487.4 -Specific numerical values, 3:6804

Hazard communication -Field workers, 3:6761

-Handlers, 3:6723

Hazardous areas, worker safety, 3:6706 Health hazards, permit inspections, 3:6444

Herbicides

-Cotton harvest aids, 3:6470

-Drift control, liquid herbicides, 3:6460 -Phenoxy herbicides, 3:6464

-Propanil, 3:6462

Home use, exemptions, 3:6686

Hydrochloric acid, toxic air contaminant, 3:6860 Inspections

PESTICIDES-continued

Inspections-continued

- -Regulatory program
- --Authority, 3:6140

--Employee interviews, 3:6141 "Intended to be used," defined, 3:6145

Labeling and packaging, 3:6235-3:6243

- -Acceptance requirements, 3:6238
- -Brand registration name, 3:6235
- -Caution statement, 3:6240, 3:6242
- -Containers, 3:6676, 3:6678
- -Dealers, supplemental labeling, 3:6566
- -Display at work site, 3:6602

-Environmental Protection Agency (U.S.) requirements, 3:6243

- -Legibility, 3:6240
- -Manufacturer's name and address, 3:6239
- -Misbranding, 3:6300 -Name and address of manufacturer, 3:6239 -Placement of label, 3:6237
- -Registration number. 3:6241
- -Scope of regulations, 3:6243
- -Service container label, 3:6678
- -Trademarks, 3:6235
- -Warning statement, 3:6240, 3:6242

Licensing

-Dealers

See generally Dealers, this heading

-Pesticides

See Registration, this heading

Limitations

See Registration, this heading

Lindane, toxic air contaminant, 3:6860

Liquid chemical sterilants, 3:6146

Mancozeb, toxic air contaminant, 3:6860

Maneb, toxic air contaminant, 3:6860

Medical supervision of employees, 3:6728

Metam sodium, 3:6400

Methanol, toxic air contaminant, 3:6860

Methoxychlor, toxic air contaminant, 3:6860 Methyl bromide

- -Field fumigation, 3:6450-3:6450.3, 3:6784
- -Structural fumigation, 3:6454

-Toxic air contaminant, 3:6860

Methyl isothiocyanate, 3:6400 -Toxic air contaminant, 3:6860

Methyl parathion, toxic air contaminant, 3:6860

Minimal exposure pesticides

- -Bromoxynil (Buctril, Bronate), 3:6790
- -Conditions of use, 3:6792 -Exemptions, 3:6791
- -Folpet, 3:6790
- -Oxydemeton-methyl (Megasystox-R), 3:6790
- -Propargite (Omite, Omite CR, Comite), 3:6790

Misbranding, 3:6300 Naphthalene, toxic air contaminant, 3:6860

Nonagricultural permits

- -Applications, 3:6430
- -Requirements, 3:6420

Notice

- -Permits, notice of intent to use pesticide, 3:6434
- -Registration
- --Data submission requirements, 3:6194
- --Decision, 3:6255
- -Proposed assessments, 3:6197.5

- Nursery fumigation -Chloropicrin, use, 3:6450
- -Methyl bromide, use, 3:6450
- Oxybisphenoxyarsine, toxic air contaminant, 3:6860

Oxydemeton-methyl, 3:6790-3:6793

Packaging

See Labeling and packaging, this heading Paint

See Tributyltin, this heading

Paraquat, 3:6466

Penalties

- -Mill assessment collection, 3:6382
- -Regulatory program, civil penalties, 3:6130

Pentachloronitrobenzene, toxic air contaminant,

Pentachlorophenol, toxic air contaminant, 3:6860 Permits

-Adverse effects, field inspection provisions, 3:6444

PESTICIDES—continued

Permits-continued

- -Alternative methods, duty to consider, 3:6426
- -Duration, 3:6422
- -Evaluation of pesticide prior to issuance, 3:6432
- -Forms, 3:6424
- -Mitigation methods, duty to consider, 3:6426
- -Monitoring, 3:6436
- -Nonagricultural permits
- --Applications, 3:6430
- --Requirements, 3:6420
- -Notice of intent to use, 3:6434
- -Pesticide registration

See Registration, this heading

- -Phenoxy herbicides, use on timberland, 3:6443
- -Requirements, 3:6420
- -Restricted materials

See Restricted materials, this heading -Review, 3:6442

-Timberland, use of phenoxy herbicides, 3:6443 Pest controllers

See PEST CONTROLLERS

Pesticide Regulation Department, conflict of interest, 3:1.1, 3:3

Pest Management Advisory Committee, 3:6256

Phenol, toxic air contaminant, 3:6860

Phenoxy herbicides, 3:6464

-Timberland use permit, 3:6443

Phosphine, toxic air contaminant, 3:6860

Phosphorus, toxic air contaminant, 3:6860 Potassium permanganate, toxic air contaminant,

Produce, pesticide residue tolerances, 3:6490, 3:6492

Propargite, 3:6790-3:6793

Propoxur, toxic air contaminant, 3:6860

Propylene oxide, toxic air contaminant, 3:6860

Protective equipment or safety equipment not used by employee, 3:6130

Recordkeeping requirements

- -Dealers, 3:6562 -Use records, 3:6624

Reevaluation of pesticide

See Registration, this heading

- Registration
- -Access to information
- -Reevaluation report, 3:6254
- --Renewal report, 3:6254
- -Active ingredients, identification list, 3:6198.5
- -Adverse environmental effects, disclosure, 3:6210
- -Amendments, fees, 3:6148.5
- -Application, 3:6170
- Data submission requirements See Registration, this heading
- -Dilution recommended, 3:6238
- --Document requests, 3:6171 --Forms, 3:6170.5 --Suspension, noncompliance of data submission
- requirements, 3:6196.1 -Toxicity data, 3:6172
- -Assessments, 3:6197, 3:6197.5 -Bees, hazard data submission, 3:6187
- -Brand names, 3:6152 -Caution statements, 3:6242
- -Certification requirements, 3:6157, 3:6168
- -Change of name of registrant, 3:6154
- -Conditional, 3:6200
- -Critical need determination, 3:6198
- -Data submission requirements
 --Acute effects data, dietary risk assessment,
- 3:6193.5 -Analytical chemistry data, 3:6192
- -Applicator exposure data, 3:6177
- -Bees, hazard data, 3:6187
- -Closed system compatibility, 3:6188
- --Combination of products data, 3:6192 -Contamination data, 3:6192
- -Cost sharing, 3:6310-3:6314
- -Dermal absorption data, 3:6176 -Dietary risk assessment, acute effects data,
- 3:6193.5 -Dilution recommendation, 3:6238
- -- Document requests, 3:6171
- -- Drift data, 3:6192

PESTICIDES—continued

Registration-continued

- -Data submission requirements-continued
- Efficacy claim, 3:6186
- -Environmental chemistry data, 3:6192
- -- Environmental effects data, 3:6192
- --Environmental Protection Agency (U.S.), data required, 3:6159
- --Federal authority, adoption by reference, 3:6196
- --Field reentry data, 3:6182
- --Foliar residue data, 3:6181
- --Indoor exposure data, 3:6183
- New crop use data, 3:6189
- Noncompliance, suspension provisions, 3:6196.1
- Notice, required submission of data, 3:6194
- Phytotoxicity data, 3:6192
- --Poisoning treatment plan, 3:6178 --Residue testing method data, 3:6184, 3:6185
- --Rodenticides, 3:6180
- Soil residue data, 3:6181
- -Spray adjuvant data, 3:6179
- Studies submitted, acceptability, 3:6195
- --Suspension, noncompliance, 3:6196.1
- -Toxicity data, 3:6172
- --Volatile organic compound data, 3:6191 -Date effective, 3:6156

- -Definitions, 3:6145 -Disclosure statement, adverse environmental
- effects, 3:6210 -Environmental Protection Agency (U.S.), data required, 3:6159
- -Evaluation criteria, 3:6158
- -Evaluation time frames, 3:6151 -Exemptions
- -Cleansing agents, 3:6205
- -- Deodorizers, 3:6205
 -- Unregistered products, emergency use, 3:6206
- -Federal authority, adoption by reference, 3:6196
- -Fees, 3:6148
- -Amendments, 3:6148.5
- Interim certificate, 3:6168 -Renewals, 3:6216-3:6217
- -Interim registration certificate, 3:6168
- -Limitations
- --Butyl mercaptan, 3:6361
- -Notice
- -Data submission requirements, 3:6194 -Reevaluation of product, 3:6223
- -Numbering requirements, labeling, 3:6241 -Reevaluation, 3:6220 Access to information, public report, 3:6254
- -- Consultation with public agencies,
- 3:6252-3:6255
- -Continuous reevaluation, 3:6226 --Criteria, 3:6221
- -- Data requirements, 3:6222
- -Determinations, 3:6224 -Notice of decision, 3:6255
- -Notice to registrant, 3:6223 -Reporting requirements, 3:6225 -Registration number, labeling requirements,
- 3:6241
- -Renewal, 3:6215-3:6217
- -- Access to information, public report, 3:6254 --Consultation with public agencies,
- 3:6252-3:6255 -Notice of decision, 3:6255 -Reporting requirements
- -Reevaluation report, 3:6254
- -- Renewal report, 3:6254 -Studies submitted, acceptability, 3:6195
- -Suspension --Noncompliance of data submission requirements,
- 3:6196.1
- -Transfer, 3:6153 -Unregistered products, 3:6301
- --Emergency exemption, 3:6206 --Warning statements, 3:6242
- Regulatory program
- -Access to information, public reports, 3:6110-3:6118
- -Adverse environmental effects, 3:6110-3:6118 --Disclosure by registrant, 3:6210
- --Public reports, 3:6110

PESTICIDES—continued

Regulatory program-continued

- -Certification, 3:6100-3:6122
- -Consultation with public agencies, 3:6122
- -Counties, reporting requirements, 3:6392
- -Definitions, 3:6000
- -Emergency actions, public reports on, 3:6118
- -Employee interviews, 3:6141
- -Inspection authority, 3:6140
- -Notice of final decision, 3:6116
- -Purpose, 3:6100
- -Severance, 3:6102
- -Standards, 3:6110
- -Sunset review of regulations, 3:6142
- -Violations, penalties and fines, 3:6130
- Reporting requirements -Accident reports, 3:6634
- -Agricultural use reports, 3:6626
- -County regulatory programs, 3:6392
- -Dealers, sales, 3:6562
- -Mill assessment collection, 3:6392
- -Mill tax, 3:6388
- -Monthly summary use reports, 3:6627
- -Negative use reports, 3:6628
- -Reevaluation of product, 3:6225
- -Registration reevaluation report, 3:6254
- -Regulatory program, public reports on, 3:6110-3:6118
- -Research authorization, 3:6266
- -Sales, 3:6388
- -School site use reports, 3:6625
- Research authorization, 3:6260-3:6272
- -Application, 3:6262
- -Certificate, display requirements, 3:6272
- -Charges for subject materials prohibited, 3:6270
- -Conditions of research activities, 3:6260
- -Denial or termination, 3:6260
- -Display requirements, certificate, 3:6272 -Exemptions, 3:6268
- -General provisions, 3:6260
- -Groundwater protection, 3:6416
- -Human exposure protocol, 3:6260
- -Notification requirements, 3:6264
- -Reporting requirements, 3:6266
- Research studies involving human participants, 3:6710

Residues

- -Field inspection provisions, 3:6444
- -Limitations, 3:6492
- -Produce, tolerances, 3:6490

Restricted materials

- -Dealers' responsibilities, 3:6568
- -Designation list, 3:6400
- -Exempt materials, 3:6402
- -Permits
- -- Duration, 3:6422
- --Exemptions, 3:6414
- --Forms, 3:6424
- --General provisions, 3:6412
- -Groundwater protection, restrictions, 3:6416
- -Supervision standards, 3:6406 Safety
- See also Worker safety, this heading –Equipment, 3:6738
- -General provisions, 3:6720
- -Minimal exposure pesticides, 3:6793
- -Respiratory protection, 3:6739
- -Studies involving human participants, 3:6710
- -Workers
- See Worker safety, this heading

Sales, reporting requirements, 3:6388

School site use reports, 3:6625

Sodium cyanide, toxic air contaminant, 3:6860 Sodium dichromate, toxic air contaminant, 3:6860

Storage, 3:6670-3:6686

Storage areas, posting, 3:6674

- Structural fumigation
- -Chloropicrin, use, 3:6454
- -Methyl bromide, use, 3:6454
- Studies involving human participants, 3:6710
- Sunset review of regulations, 3:6142 Surface water contamination prevention, 3:6960
- Suspension
- See Registration, this heading

PESTICIDES—continued

Timberland, phenoxy herbicide permit, 3:6443

- Toxic air contaminants, 3:6860
- -Identification criteria, 3:6890
- Training, worker safety, 3:6724
- -Field workers, 3:6764 Transportation, 3:6670-3:6686
- Tributyltin
- -Cooling water systems, use in, 3:6910
- -Paint additive
- --Application regulations, 3:6488
- --Average release rate, 3:6900
- --Dealer requirements, 3:6574
- --Restrictions, 3:6489

Trifluralin, toxic air contaminant, 3:6860

- Unregistered products, 3:6301
- -Emergency exemption, 3:6206
- Use requirements, 3:6450-3:6489
- -Enforcement actions, 3:6128
- -Misbranding, 3:6300
- -Penalties and fines, 3:6130
- -Unregistered products, 3:6301

Warnings, posting requirements, 3:6776 Warning statement, legibility, 3:6240

- Weights and measures
- -Accuracy, 3:6604
- -Uniform mixtures, 3:6606
- Wellhead protection, 3:6609
- Worker safety, 3:6700-3:6795
- -Antimicrobial agents, 3:6720
- -Applicability, 3:6700
- -Application-specific information for handlers, 3:6723.1
- -Change area, 3:6732
- -Closed systems, 3:6746
- -Coveralls, 3:6736
- -Decontamination facilities
- --Handlers, 3:6734
- -Emergency medical care, 3:6726
- -Equipment
- -Maintenance, 3:6744
- -- Personal protective equipment, 3:6738
- -- Respiratory protection, 3:6739
- -Standards, 3:6742
- -Federal standards, interpretation of regulations consistent with, 3:6701
- -Field workers
- -- Application-specific information, 3:6761.1
- -- Decontamination facilities, 3:6768
- -- Early entry requirements, 3:6771
- --Emergency medical care, 3:6766 --Employer responsibilities, 3:6760
- --Field entry after pesticide application, 3:6770
- ---Entry interval adjustments, 3:6774
- --Entry interval tables, 3:6772
- --Field work during application prohibited, 3:6762
- -- Hazard communication, 3:6761
- --Pesticide application process, contamination pre-
- vention, 3:6762
 --Training, 3:6764
- --Warnings, posting requirements, 3:6776
- -Fumigation, safety equipment, 3:6780
- -General provisions, 3:6720 -Greenhouse ventilation, 3:6769
- -Hazard communication, 3:6723
- -Hazardous areas, 3:6706
- -Labor Code, applicability, 3:6704
- -Light, adequacy, 3:6740 -Medical supervision, 3:6728
- -Personal protective equipment, 3:6738
- Respiratory protection, 3:6739
 Responsibilities, employers and employees,
- -Solitary work, 3:6730
- -Studies involving human participants, 3:6710 -Testing requirements, cholinesterase, 3:6728
- -Training, 3:6724
- **PET FOOD** Eggs, 3:1356.2
- Importers
- -Inspection of raw products, 3:1180.38

Xylene, toxic air contaminant, 3:6860

-License, processing time, 3:300, 3:301

PET FOOD-continued

Meat or poultry imported into California, shipping permit, 3:1180.4

Meat processing
See MEAT AND MEAT PROCESSING

Poultry processing plants, preparation, 3:1263

Processor's license, processing time, 3:300, 3:301 Work schedule, notice to food and agriculture director, 3:1180.35

PETS

Food

-Inspection requirements and exemptions, 3:900.1

Inspection of slaughtering establishments, 3:900.1

PHENETHYL PROPIONATE

Pesticide regulations, exemptions, 3:6147

Pesticide, toxic air contaminant, 3:6860

PHENOXY HERBICIDES

Control areas, 3:6464

Timberland use permit, 3:6443

PHENYLETHYL PROPIONATE

Pesticide regulations, exemptions, 3:6147

PHEROMONES Pesticide regulations, exemptions, 3:6147

PHORATE

- Pesticide
- -Groundwater contaminant, 3:6800 -Usage restrictions, 3:6400

Pesticide, usage restrictions, 3:6400

Hazardous air pollutant

-Pesticides, 3:6860

PHOSPHORUS

Pesticide, toxic air contaminant, 3:6860

PHOSTOXIN Pesticide, usage restrictions, 3:6400

PIERCE'S DISEASE

Citrus shipments, 3:3662-3:3663.5 Control program, 3:3650-3:3669

PIGEONS, DOMESTICATED

Inspection of slaughtering establishments, 3:900.1

PIGS

See SWINE

PINE TREES European pine shoot moth, exterior quarantine,

3:3275

PINK BOLLWORMS See INSECTS

PLACER COUNTY

Propanil use, 3:6462

PLANT NURSERIES Certification of nursery stock

-Disclaimer statement, 3:3069 Chrysanthemums, white rust disease eradication area, 3:3636

Fees, nematode-free certification program, 3:3055.6 Fumigation, 3:6452

- Inspections
- -Certificate contents, 3:3060.5
- -Cleanliness standards, 3:3060.2 -Enforcement, 3:3060.4
- -In-ground stock, shipping certification, 3:3060.6 -Nematode-free stock
- See generally Nematode-free certification program, this heading -Noncompliance with cleanliness standard,

-Origin inspection, out-of-state stock, 3:3064

- 3:3060.4 -Nursery inspections, 3:3060, 3:3060.1
- -Seeds, 3:3060 Labeling and packaging, stock sales, 3:3061
- Licensing, processing time, 3:300, 3:301
- Nematode-free certification program -Application, 3:3055.6

PLANT NURSERIES—continued

Nematode-free certification program-continued

- -Certification requirements, 3:3055.5
- -Definitions, 3:3055.1
- -Eligibility, 3:3055.4
- -Farm planting material, 3:3640 -Fees, 3:3055.6
- -General provisions, 3:3055.2
- -Participant responsibilities, 3:3055.3

Notice

-Noncompliance with cleanliness standard, 3:3060.4

Nursery stock certificates, 3:3060.5

-Suspension or revocation, 3:3060.4

Quarantine

See PLANTS

Roses, nursery stock grading standards, 3:3062 Sales license, processing time, 3:300, 3:301 Seeds

- See also SEEDS
- -Inspections, 3:3060

Stock

- -California certified and registered stock programs See Nematode-free certification program, this heading
- -Grading standards, 3:3062
- -Labeling and packaging requirements, 3:3061
- -Out-of-state, origin inspection, 3:3064
- -Processing time for sales license, 3:300, 3:301

PLANT QUARANTINE

See PLANTS

PLANTS

See also specific type

See CITRUS FRUITS; CITRUS TREES

Disease control

See also Quarantine, this heading

- -Oak mortality disease control, 3:3700
- -Pierce's disease control, 3:3658-3:3661

Fees, reimbursable services, 3:3160 **Fruits**

See FRUITS AND VEGETABLES

Herbicides

See also PEST CONTROL OPERATIONS, AGRICULTURAL; PESTICIDES

- -Drift control, liquid herbicides, 3:6460
- -Phenoxy herbicides, control areas, 3:6464
- -Propanil, 3:6462

Nurseries

See PLANT NURSERIES

Permits

- -Possession or transportation of pests, processing time, 3:300, 3:301
- Special quarantine permits, 3:3154
- Pierce's disease control, 3:3658-3:3669
- -Certification, 3:3660
- -Citrus shipments, 3:3662-3:3663.5
- -Exemptions, 3:3661
- -Grapevine loss assistance program, 3:3664-3:3669
- -Species, 3:3658
- -Standards for movement, 3:3659

Quarantine

- -Exterior quarantine
- --Apples, cedar-apple rust disease, 3:3274
- --Blueberry maggot, 3:3266
- --Burrowing nematode, 3:3271
- --Caribbean fruit fly, 3:3252 --Cedar-apple rust disease, 3:3274
- --Cereal leaf beetle, 3:3277
- --Cherry fruit fly, 3:3256 --Chestnut bark disease, 3:3251
- --Citrus pests, 3:3250
- --Colorado potato beetle, 3:3264
- --Corn, European corn borer, 3:3263
- --Cornstalk borers, 3:3272
- --Cotton pests, 3:3254
- --European corn borer, 3:3263
- --European pine shoot moth, 3:3275
- -- Japanese beetle, 3:3280
- --Lethal decline, palm trees, 3:3282
- --Lethal yellowing, palm trees, 3:3282
- --Little peach disease, 3:3259
- --Nematode, burrowing, 3:3271

PLANTS-continued

Ouarantine-continued

- -Exterior quarantine-continued
 -Nut tree pests, 3:3260
- --Oak wilt disease, 3:3251
- --Ozonium root rot, 3:3261
- --Palm trees, lethal decline, 3:3282
- --Palm trees, lethal yellowing, 3:3282
- --Peaches, little peach disease, 3:3259
- -- Peaches, Red suture disease, 3:3259
- --Peach mosaic disease, 3:3262
- -- Peach rosette disease, 3:3276
- --Peach yellows, 3:3259 --Pecan pests, 3:3273
- -- Persimmon root borer, 3:3265
- --Pine trees, European pine shoot moth, 3:3275 --Plum curculio, 3:3266
- --Potatoes, Colorado potato beetle, 3:3264 --Red suture disease, 3:3259
- --Sugarcane, West Indian sugarcane root borer,
- --Sugarcane borers, 3:3272
- --Sweet potato weevil, 3:3257
- -- Tomato yellow leaf curl virus, 3:3286
- --Walnut pests, 3:3273
- --West Indian sugarcane root borer, 3:3279 -Federal experimental shipments exempted, 3:3153
- -Federal regulations, incorporation by reference,
- -- Postentry quarantine, 3:4603
- -- Reimbursable services, 3:3160
- -Interior quarantine
- -Cherry fruit fly, 3:3414
- -- Chrysanthemum white rust disease, 3:3428
- --Citrus tristeza virus, 3:3407
- --Cotton, pink bollworm, 3:3409
- --Date palm disease, 3:3419
- --Hydrilla, 3:3410
- --Mediterranean fruit fly, 3:3406
- --Melon fruit fly, 3:3425
- --Mexican fruit fly, 3:3417
- --Oriental fruit fly, 3:3423
- --Ozonium root rot, 3:3401 --Peach fruit fly, 3:3424
- -- Peach mosaic disease, 3:3400
- --Pink bollworm, 3:3409 --Sweet potato weevil, 3:3429
- -Pests requiring no action, 3:3152 -Special permits, 3:3154

Seeds

See SEEDS Tests and inspections, Food and Agriculture Department service charges, 3:4600-3:4603

Vegetables See FRUITS AND VEGETABLES

Weeds See NOXIOUS WEEDS

PLUMS

Ed. Note: For additional comprehensive information on containers, labeling and packaging, inspections, and marketing, See FRUITS AND VEGETABLES.

Containers

- -Dimensions, 3:1380.19
- -Marking requirements, 3:1462.10
- -Minimum diameter definitions, 3:1462.20
- -Numerical designations, 3:1380.19, 3:1462.15
 -Packing requirements, 3:1462.17
 -Size designation, 3:1462.10, 3:1462.11

- -Size variation, 3:1462.16, 3:1462.20
- -Standard container, 3:1462.15

-Tolerances, 3:1462.6 Defects, 3:1462.2, 3:1462.3

Insect damage

See Standards, this heading

Labeling and packaging See Containers, this heading

Permits, export transportation, 3:1462 Quarantine, curculio, 3:3266

- -Defects, 3:1462.2, 3:1462.3
- -General provisions, 3:1462.2
- -Heat damage, 3:1462.5

PLUMS-continued

Standards-continued

- -Insect damage
- -Curculio, exterior quarantine, 3:3266
- -General requirements, 3:1462.2
- -Maturity, 3:1462.4, 3:1462.9
- -Minimum diameter definitions, 3:1462.20
- -Size variations, 3:1462.16, 3:1462.20
- -Tolerances, 3:1462.6
- -Varietals, 3:1462.9
- Transportation, export permit, 3:1462
- Varietals, 3:1462.9

POISONS

Commercial feed, use prohibited, 3:2677

POISONS, ECONOMIC

See PESTICIDES

POME FRUIT TREES

Nursery stock, certification, 3:3020-3:3020.5,

POMEGRANATES

Ed. Note: For additional comprehensive information on containers, labeling and packaging, inspections, and marketing, See FRUITS AND VEGETABLES.

Containers

- -Marking requirements, 3:1464.8
- -Size variation, 3:1464.9
- -Tolerances, 3:1464.9 Defects, 3:1464

Labeling and packaging See Containers, this heading

Maturity standards -General provisions, 3:1464.3

-Testing procedures, 3:1464.4

- Sampling procedures, quality compliance, 3:1464.2 Standards, 3:1464-3:1464.4 -Defects, 3:1464
- -General provisions, 3:1464

-Maturity

See Maturity standards, this heading -Quality compliance, sampling procedures,

3:1464.2

-Serious damage, 3:1464.1 Testing, maturity standards, 3:1464.4

POTASSIUM METHYLDITHIOCARBAMATE

Pesticide, usage restrictions, 3:6400

POTASSIUM PERMANGANATE Pesticide, toxic air contaminant, 3:6860

POTASSIUM SORBATE

Pesticide regulations, exemptions, 3:6147

POTATOES Ed. Note: For additional comprehensive information on containers, labeling and packaging, inspections, and marketing, See FRUITS AND

VEGETABLES. Certification of seed potatoes, 3:1466.10, 3:3035 Colorado potato beetle, exterior quarantine, 3:3264

- Containers
- -Marking requirements
- --In-state processors, 3:1466.7 --Out-of-state processors, 3:1466.1

Definitions -Mislabeling, 3:1466.15

Diseases -Colorado potato beetle, exterior quarantine, 3:3264

-Soft rot, 3:1466.8 -Wet rot, 3:1466.8

Fees -Transportation permit, 3:1466.3

Grading See also Standards, this heading -Grade marking requirements, 3:1466.14

Inspections, 3:1466.9

-General provisions, 3:1466.9 Labeling and packaging

–Containers See Containers, this heading

- -Grade marking requirements, 3:1466.14
- -Mislabeling, defined, 3:1466.15
- Maturity standards, 3:1466.17

POTATOES—continued

Permits, transportation, 3:1466.3

Processors

-In-state, marking requirements, 3:1466.7

-Out-of-state, marking requirements, 3:1466.1 Seed potatoes

-Certification, 3:1466.10, 3:3035

-Greening and green ends, exemption, 3:1466.11

-Pesticide safety regulations, thiophanate-methyl, 3:6795

Soft rot, 3:1466.8

Standards, 3:1466.4 -Decay, 3:1466.8

-Defects, 3:1466.8

-Grade marking requirements, 3:1466.14

-Inspections, 3:1466.9

-Maturity, 3:1466.17

-Mislabeling, 3:1466.15

-Quarantine, Colorado potato beetle, 3:3264

-Seed potatoes

-- Certification, 3:1466.10, 3:3035

--Greening and green ends, exemption, 3:1466.11

-Soft rot, 3:1466.8

-Wet rot, 3:1466.8

Transportation, permit fees, 3:1466.3

Wet rot, 3:1466.8

POTATOES, SWEET

See SWEET POTATOES

POULTRY AND POULTRY PRODUCTS

Appeals, condemned products, 3:1268

Avian influenza, 3:802

California Pure Food Act, compliance, 3:1269

Canning and canned products

-General requirements, 3:1262 -Standards, 3:1260.1

Cereals, tagging requirements, 3:1264, 3:1270

Chemicals, tagging requirements, 3:1264, 3:1270

Classifications

-Exemptions

-Federal inspectors, 3:1610

--Slaughter on premises, 3:1611

-Federal inspectors, exemptions, 3:1610

-Inspections, 3:1601
-Labeling and packaging

--Marking requirements, 3:1604 --Mislabeling, 3:1608

--Point or origin, marking requirements, 3:1608

-Sampling procedures, 3:1601

-Terminology, 3:1605 Condemned products -Appeals, 3:1268

-Denaturing, 3:1254

-Diseased parts, 3:1250-3:1253

-Polluted water contamination, 3:1230

Containers, removal of official identification marks, 3:1257

Definitions -Inspections, 3:1200

-Production, 3:1613

-Pullorum disease, 3:784

-Slaughtering procedures, 3:1245.2, 3:1613

-Typhoid disease, 3:784

Denaturing, condemned products, 3:1254

Diseased carcasses and parts

-Condemnation, specific diseases, 3:1250 -Containers, 3:1243

-Disposal, 3:1249

-Exceptions, 3:1251

-Livers, disposal, 3:1253

-Vehicles, transportation, 3:1243

Diseases

-Asiatic Newcastle disease, quarantine regulations, 3:800, 3:800.1

-Avian influenza, interstate transportation regulations, 3:802

-Definitions

--Pullorum disease, 3:784

-- Typhoid disease, 3:784

-Duck virus enteritis, 3:801

-Pullorum disease

--Definitions, 3:784

--Interstate transportation regulations, 3:784.2

--Intrastate transportation regulations, 3:784.1

POULTRY AND POULTRY PROD-

UCTS-continued

Diseases-continued

-Reportable conditions, 3:797

-Salmonella gallinarum

See Typhoid disease, this subheading

-Salmonella pullorum

See Pullorum disease, this subheading

-Typhoid disease

--Definitions, 3:784

--Interstate transportation regulations, 3:784.2

--Intrastate transportation regulations, 3:784.1

Duck virus enteritis disease, 3:801

Eggs

See EGGS

Federal regulations

See Inspections, this heading

Fees, processing plant licensing, 3:1204

Fowl typhoid

See Diseases, this heading

Inspections

-Ante-mortem inspection, 3:1245

-Appeal requirements, product condemnation, 3:1268

-Applicability, 3:1201

-Cereals, tagging requirements, 3:1264, 3:1270

-Chemicals, tagging requirements, 3:1264, 3:1270

-Definitions, 3:900.1, 3:1200

-Federal regulations

-Adoption by reference, 3:902

-- Amendments, 3:904

--Conflict with state law, 3:903

--Future regulations, 3:902 --Incorporation by reference, 3:900.1

-Scope, 3:900.1

-Terminology, 3:900.2 -Inspectors

See Inspectors, this heading

-Marking requirements, 3:1255, 3:1256

-Post mortem inspection

--Abdominal and thoracic viscera, 3:1247 --Giblets, removal, 3:1247

-Recordkeeping requirements, 3:1266

-- Techniques, 3:1248

-- Time requirements, 3:1246 -Recordkeeping requirements, post mortem examinations, 3:1266

-Reinspection, 3:1260

-Reporting requirements, information furnished by plant operator, 3:1267

-Sampling, classification, 3:1601 -Scope of, 3:900.1, 3:900.3, 3:1202

-Spices, tagging requirements, 3:1264, 3:1270

-Tagging, chemicals, cereals, or spices, 3:1264,

-Uninspected products, 3:1263

Inspectors

-Abuse prohibited, 3:1240 -Appeal requirements, product condemnation,

3:1268 -Appointments, 3:1203

-Clothing requirements, 3:1241

-Conditions of employment, 3:1241 -Daily log, 3:1241

-Duties, 3.1241

-Hours of plant operation, 3:1242

-Identification cards, 3:1239 -Inhumane slaughter, tagging requirements, 3:1245.15

-Interference prohibited, 3:1240

-Licensing
--Applications, 3:1235

-- Processing time, 3:300, 3:301

-Qualifications, 3:1235

-Revocation, 3:1241

-Minimum number required, 3:1237 -Office space requirements, 3:1241

-Promotions, 3:1203

-Reporting requirements, 3:1236, 3:1266 -Right of access, 3:1208, 3:1238

-Supervision requirements, 3:1241 -Training, slaughtering procedures, 3:1245.14

-Violations, reporting requirements, 3:1236

Islamic slaughter methods, exemptions, 3:1245.16

POULTRY AND POULTRY PROD-

UCTS-continued

Kosher slaughtering procedure, exemptions,

3:1245.16 Labeling

-Classifications

See Classifications, this heading

Containers, removal of official identification marks, 3:1257

-Marking requirements, 3:1255, 3:1256

-Mislabeling, 3:1608

-Obsolete labels, 3:1259

-Official identification, removing or defacing,

-Point of origin, marking requirements, 3:1614

-Relabeling, 3:1258

Licensing

-Processing plants

See Poultry processing plants, this heading

Marking requirements, 3:1255, 3:1256

-Official marks, 3:908.6-3:908.7

Meat Inspection Bureau See FOOD AND AGRICULTURE DEPART-

MENT Moisture content, standards, 3:1260.1

Pet food

-Imported meat, shipping permit, 3:1180.4

-Preparation, 3:1263 Pies, meat content standards, 3:1260.1

Poultry processing plants

-Additives, use of, 3:912.2-3:912.3 -Canned products

See Canning and canned products, this heading -Chilling procedures, 3:1223, 3:1223.1

-Compliance, 3:1208

-Condemned products, polluted water contamina-tion, 3:1230

-Construction and renovation specifications, 3:1207

-Detergents, use, 3:1225 -Employees, diseased persons prohibited, 3:1226

-Equipment
--Accessibility, 3:1218

-Materials, 3:1217

-- Restrictions, usage, 3:1219 --Sanitation, 3:1221

-- Tagging, unsanitary equipment, 3:1244, 3:1270

-Facilities requirements, 3:1206-3:1217

-Batteries, 3:1217

-Blood disposal, 3:1212

-Ceilings, 3:1211 --Chilling vats, 3:1217

--Construction requirements, general, 3:1210

--Conveyers, 3:1217

--Cooling racks, 3:1217 --Drainage, 3:1213

--Drawings and specifications, 3:1207 --Dressing rooms, 3:1215

-Equipment, materials, 3:1217

--Floors, 3:1211 --Freezing rooms, 3:1217

--General requirements, usage, 3:1210 --Holding pens, live poultry, 3:1217

--Lavatories, 3:1215

--Lighting, 3:1216 --Plumbing, 3:1213

-- Refuse containers, 3:1217 --Renovations, 3:1207

-- Sanitary facilities, 3:1215 --Specifications, construction, 3:1207

-Toilets, 3:1215

--Utensils, materials, 3:1217 --Ventilation, 3:1216 -Walls, 3:1211

--Water supply, 3:1214
-Fees, licensing, 3:1204
-Freezing procedures, 3:1223, 3:1223, 1
-Germicides, use, 3:1225

-Ingredients, use of, 3:912.1 -Insecticides, use, 3:1225

-Inspectors, right of access, 3:1208 -Laboratories, sampling, 3:1261

-Licensing

Application, 3:1204, 3:1205

-- Approval notice, 3:1205

POULTRY AND POULTRY PROD-

UCTS-continued

Poultry processing plants-continued

- -Licensing-continued
- --Compliance, 3:1208
- -- Construction, plans and specifications required, 3:1207
- --Fees, 3:1204
- -- Processing time, 3:300, 3:301
- --Subsidiary plants, 3:1206
- -Marking requirements, 3:1255, 3:1256
- -Mechanical pickers, accessibility, 3:1218
- -Official identification, removing or defacing,
- -Operation log, 3:1266
- -Pet food, 3:1263
- -Pets, prohibited, 3:1224
- -Preparation and processing operations, 3:912-3:912.3
- -Reports, 3:913.1
- -Rodenticides, use, 3:1225
- -Rooms, tagging of unsanitary areas, 3:1244,
- -Sampling, laboratory examinations, 3:1261
- -Sanitation

See also Facilities requirements, this subheading

- --Batteries, 3:1221
- --Catchbasins, 3:1227
- --Chilling procedures, 3:1223
- -- Chilling vats or tanks, 3:1221
- -- Compartments, 3:1220
- -- Containers, used, 3:1228
- --Conveyers, 3:1221
- --Cooling procedures, 3:1223
- -- Dead animals prohibited, except officially slaughtered, 3:1229
- -- Detergents, use, 3:1225
- --Disease, infected employees prohibited, 3:1226
- -- Dressed poultry, 3:1222
- --Employees, 3:1222
- --Employees, disease prohibited, 3:1226 --Equipment, 3:1221 --Floors, 3:1220

- --Fly-breeding material prohibited, 3:1227
- --Freezing procedures, 3:1223
- --Freezing rooms, 3:1220 --General requirements, 3:1210
- --Germicides, use, 3:1225
- --Lavatories, 3:1215
- -- Loading docks, 3:1227
- --Nuisances prohibited, 3:1227
- --Operations and procedures, 3:1222
- --Outer premises, 3:1227
- -- Pets, prohibited, 3:1224
- --Rooms, 3:1220
- -- Tagging, unsanitary equipment, utensils, or rooms, 3:1244, 3:1270
- --Utensils, 3:1220, 3:1221
- —Vermin, prohibited, 3:1224
- -Slaughter See Slaughtering procedures, this heading

-Tagging

- --Slaughter procedures, inhumane, 3:1245.15
- -- Unsanitary equipment, utensils, or rooms, 3:1244, 3:1270
- -Temperature requirements, 3:1223, 3:1223.1 -Uninspected products, 3:1263
- -Utensils, tagging of unsanitary utensils, 3:1244, 3:1270
- -Vermin, prohibited, 3:1224
- -Violations, slaughtering procedures, 3:1245.1, 3:1245.15
- -Waste disposal, refuse containers, 3:1217 Preparation and processing operations, 3:912-3:912.3

Pullorum disease

- See Diseases, this heading
- Quarantine, 3:1301-3:1301.9
- See also QUARANTINE, subheading: Animals -Asiatic Newcastle disease, 3:800, 3:801
- Recordkeeping requirements, post mortem examinations, 3:1266
- Religious slaughtering procedures, exemptions, 3:1245.16

POULTRY AND POULTRY PROD-

UCTS—continued

Reporting requirements

- -Disease, illness, infection, other conditions, 3:797
- -Information furnished by plant operator, 3:1267
- -Inspectors, 3:1266

Slaughtering procedures, 3:1245.1-3:1245.16

- -Argon gas, 3:1245.6
- -Captive bolt, 3:1245.10
- -Carbon dioxide gas, 3:1245.6
- -Cardiac arrest, induced by electrocution, 3:1245.9
- -Carotid artery severance, 3:1245.12
- -Cervical dislocation, 3:1245.11
- -Decapitation, 3:1245.13 -Definitions, 3:1245.2, 3:1613
- -Electrocution, 3:1245.7, 3:1245.9
- -Exemption, poultry slaughtered where produced, 3:1611
- -Gas chambers, facilities requirements, 3:1245.5
- -General provisions, 3:1245.1
- -Handling requirements, 3:1245.3
- -Humane methods required, 3:1245.1
- -Inhumane slaughter, tagging procedures, 3:1245.15
- -Inspector training requirements, 3:1245.14
- -Islamic methods, exemptions, 3:1245.16
- -Kosher methods, exemptions, 3:1245.16
- -Methods permitted, 3:1245.4
- -Point of origin, marking requirements, 3:1614
- -Religious methods, exemptions, 3:1245.16
- -Ritualistic slaughter, 3:1245.16 -Stunning, electrical, 3:1245.8
- -Violations, 3:1245.1

Special products, requirements, 3:1265

Spices, tagging requirements, 3:1264, 3:1270

- Standards
- -Canned products, 3:1260.1
- -Moisture content, 3:1260.1
- -Pies, meat content, 3:1260.1

Temperature requirements See Poultry processing plants, this heading

Typhoid disease See Diseases, this heading

- Waste disposal
- -Diseased carcasses and parts, 3:1249, 3:1253
- -Processing plant refuse containers, 3:1217

POULTRY INSPECTORS

See POULTRY AND POULTRY PRODUCTS

PROCESS CHEESE

See CHEESE, subheading: Pasteurized process cheese

See FRUITS AND VEGETABLES

PROMETON

Pesticide

-Groundwater protection, 3:6487.1-3:6487.5, 3:6800

PROMETRYN

Pesticide, groundwater contaminant, 3:6800

PROPANIL

Herbicide ingredient, control areas, 3:6462 Pesticide, usage restrictions, 3:6400, 3:6464

PROPARGITE

Pesticide, use as, 3:6790-3:6793

PROPOXUR

Pesticide, toxic air contaminant, 3:6860

PROPYLENE OXIDE

Pesticide, toxic air contaminant, 3:6860

Pesticide, groundwater contaminant, 3:6800

PROPYZAMIDE

Ed. Note: For additional comprehensive information on containers, labeling and packaging, inspections, and marketing, See FRUITS AND

VEGETABLES. Containers

- -Dimensions, 3:1380.19
- -Marking requirements, 3:1462.10
- -Minimum diameter definitions, 3:1462.20

PRUNES-continued

Containers-continued

- -Numerical designations, 3:1380.19, 3:1462.15
- -Packing requirements, 3:1462.17
- -Size designation, 3:1462.10, 3:1462.11
- -Size variations, 3:1462.16, 3:1462.20
- -Standard container, 3:1462.15
- -Tolerances, 3:1462.6
- Defects, 3:1462.2, 3:1462.3
- Insect damage, 3:1462.2
- Labeling and packaging

See Containers, this heading

Permits, export transportation, 3:1462, 3:1462.1

- Standards, 3:1462.2 -Defects, 3:1462.2, 3:1462.3
- -Insect damage, 3:1462.2
- -Minimum diameter definitions, 3:1462.20
- -Size variation, 3:1462.16
- -Size variations, 3:1462.20
- -Tolerances, 3:1462.6

Transportation, export permit, 3:1462, 3:1462.1

PSEUDORABIES

Swine, movement into state, 3:796.4

PYEMIA

Livestock, disposal of carcasses and parts, 3:905.15

PYRAZON

Pesticide, groundwater contaminant, 3:6800



Inspection of slaughtering establishments, 3:900.1

- QUARANTINE Animals, 3:1301-3:1301.9
- -Appeals, 3:1301.2
- -Hearings, 3:1301.3 -Definitions, 3:1301
- -Destruction required, 3:1301.1
- --Compensation, 3:1301.9 -Epidemiological investigation, 3:1301.4
- --Laboratory analysis form, 3:1301.9
- -Sample collection, 3:1301.5
- -Hearings
- --Appeals, 3:1301.3
- -Informal, 3:1301.1
- -Noncompliance by owner, 3:1301.1, 3:1301.8
- -Notice of Required Action, 3:1301.1
- --Form, 3:1301.9
- -Release of quarantine, 3:1301.6 --Form, 3:1301.9
- -Reportable conditions, 3:1301.7
- -Segregation or isolation required, 3:1301.1
- -Treatment required, 3:1301.1 -Violations, 3:1301.8
- Apples

See APPLES Berries, blueberry maggots, 3:3266

Birds -Asiatic Newcastle disease, 3:800, 3:800.1

Blueberry maggots, 3:3266

Caribbean fruit flies, 3:3252

- Cattle
- -Interstate movement into state, 3:756.1
- -Mexican imports, 3:755.1
- Cherries, cherry fruit flies, 3:3414 Chestnut trees, bark disease, 3:3251
- Chrysanthemum white rust disease, 3:3428 Citrus fruits
- -Citrus tristeza virus, interior quarantine, 3:3407 -Insect pests, 3:3250

-Citrus pests, 3:3250

Citrus trees

- -Burrowing nematodes, 3:3271
- -Citrus tristeza virus, interior quarantine, 3:3407 Colorado potato beetle, 3:3264
- -Cornstalk borers, 3:3272
- -European corn borer, 3:3263

QUARANTINE—continued

-Insect pests, 3:3254

-Pink bollworms, interior quarantine, 3:3409

Date palm disease, 3:3419

Diaprepes Root Weevil, 3:3433

Direct advertising, effect of quarantine emergency, 3:1392.12

European corn borers, 3:3263

European pine shoot moth exterior quarantine, 3:3275

Fire ants, 3:3432

Food, air or marine transport facilities, 3:3560

- -Caribbean fruit flies, 3:3252
- -Cherry fruit flies, 3:3414
- -Mediterranean fruit flies, 3:3406
- -Melon fruit flies, 3:3425
- -Mexican fruit flies, 3:3417
- -Oriental fruit flies, 3:3423
- -Peach fruit flies, 3:3424

Garlic, Mono county quarantine area, 3:3559

Goats, 3:760.1 Hydrilla

- -Exterior quarantine, 3:3281
- -Interior quarantine, 3:3410

Insects

See Fruit flies, this heading: INSECTS; specific type of insect

Karnal bunt disease, 3:3430

Light brown apple moth, 3:3434

Mediterranean fruit flies, 3:3406

Melon fruit flies, 3:3425

Mexican fruit flies, 3:3417

Moths

-European pine shoot moth exterior quarantine, 3:3275

Nuts

-Pecans, insect pests, 3:3273

-Walnuts, insect pests, 3:3273

Nut trees, 3:3260

Oak trees, wilt disease, 3:3251

Oriental fruit flies, 3:3423

Ozonium root rot, 3:3261, 3:3401

Palm trees

- -Date palm disease, interior quarantine, 3:3419
- -Lethal yellowing and lethal decline, exterior quarantine, 3:3282

Peaches

See PEACHES

Peach fruit flies, 3:3424

Persimmons, root borers, 3:3265

Pine trees, European pine shoot moth, 3:3275

See PLANTS; specific type

Plums, curculio, 3:3266

Potatoes, Colorado potato beetle, 3:3264

Poultry, Asiatic Newcastle disease, 3:800, 3:800.1

Red imported fire ants, 3:3432

Sheep, 3:760.1

Sugarcane

- -Borers, exterior quarantine, 3:3272
- -West Indian sugarcane root borer, exterior quarantine, 3:3279

Sweet potatoes, weevils

- -Exterior quarantine, 3:3257
- -Interior quarantine, 3:3429

Swine

- -Interstate and intrastate movement, 3:796.1
- -Vesicular exanthema disease, 3:790-3:792.1

-Yellow leaf curl virus, exterior quarantine, 3:3286 Weeds, hydrilla, 3:3281, 3:3410

QUINCES

Ed. Note: For additional comprehensive information on containers, labeling and packaging, inspections, and marketing, See FRUITS AND VEGETABLES.

Containers

- -Size variation, 3:1468.2
- -Tolerances, 3:1468.1

Standards

- -Defects, 3:1468
- -General provisions, 3:1468

QUINCES-continued

Standards-continued

- -Insect damage, 3:1468
- -Serious damage, 3:1468
- -Size variation, 3:1468.2
- -Tolerances, 3:1468.1

R

RABBITS

Meat processing

-Ed. Note: For further detailed information, See generally POULTRY AND POULTRY PROD-

Slaughtering procedures

See POULTRY AND POULTRY PRODUCTS

RACING

Fairs, motorized racing contracts, 3:7015

RADIATION

Livestock, disposal of carcasses and parts, 3:905.35

RAISINS

Varietal marking requirements, 3:1436.33

RANCHES

See CATTLE; LIVESTOCK; SHEEP

RASPBERRIES

See generally BERRIES

See RODENTS

RECORDKEEPING REQUIREMENTS

See ACCESS TO INFORMATION

Animal biologics, 3:1305.10

See also LIVESTOCK

-Collection centers for animal carcasses, 3:1180.24

-Transportation of dead animals, 3:1180.15 Cattle

See CATTLE

Dairies, 3:503-3:506

Dairy products

See MILK AND MILK PRODUCTS

Dead animal haulers, 3:1180.15

Eggs, 3:1358.4

Feed lots, 3:856-3:858

Fruits and vegetables

-Exemption permits, 3:1390.13

-Experimental container permits, 3:1380.9

Goats, interstate and intrastate movement, 3:760.8 Grapes, marketing

-Confidentiality, 3:1700.3
-Criminal records exemption, 3:1702.1

-Licensees, 3:1700.2

Livestock

See LIVESTOCK

Meat and meat processing

-Dead animal carcass collection centers, 3:1180.24

-Renderers, 3:1180.24, 3:1180.30

-Zoo animal food, slaughter regulations, 3:1180.33 Milk and milk products

-Bacteriological examinations testing, 3:503-3:506

-Distributors, 3:1831

-Local price variations, 3:1945

-Milk and cream components testing, 3:525 Open records

See ACCESS TO INFORMATION

Pest control operations, agricultural

-Continuing education, 3:6513 -Pesticide use, 3:6624

Pesticides

See PESTICIDES

Poultry processing, post-mortem inspection, 3:1266 Renderers, 3:1180.24, 3:1180.30

Sheep, interstate and intrastate movement, 3:760.8 Swine, interstate and intrastate movement, official documents, 3:796.1

Zoo animal food, slaughtering, 3:1180.33

RECYCLING

Fertilizers, recyclable materials used in, 3:2302

RED IMPORTED FIRE ANTS

Eradication area, 3:3591.16 Interior quarantine, 3:3432

REFUSE

See WASTE DISPOSAL

REGISTRATION

See also CERTIFICATES AND CERTIFICA-TION

Apples, controlled atmosphere storage, 3:1400.42, 3:1400.43

Avocado trees, 3:3033.1-3:3033.5, 3:3069

Beef cattle, out-of-state processors, 3:2250 Dairies, brand registration, 3:561, 3:562

Economic poisons

See PESTICIDES

Eggs, brand registration, 3:1357

Fertilizers, 3:2320

Grapevines, 3:3024-3:3024.4, 3:3069

Pesticides

See PESTICIDES

Seeds, 3:3906

Tomatoes

-Handlers, 3:1472.7.2 -Repackers, 3:1472.7.1

RENDERERS See MEAT AND MEAT PROCESSING

REPORTING REQUIREMENTS

Cattle, reportable conditions, 3:797 -Trichomonosis, positive test results, 3:820.6 Commercial feed, inspection and analysis report,

3:2717, 3:2719

Dairy products

-Drug residues in bulk milk, 3:576.1

-Imitation ice cream and ice milk, 3:463 Eggs, processors and handlers, 3:1358

Fertilizers, tonnage reports, 3:2321

Grape processors, 3:1700 Meat and meat processing, 3:913.1

-Custom livestock slaughters, 3:913

Milk and milk products

-Drug residues in bulk milk, 3:576.1 -Imitation ice cream and ice milk, 3:463

Pest controllers, accident reports, 3:6634

Pesticides, county regulatory programs, 3:6392 Quarantine of diseased animals, 3:1301.7 Tomato processors, acreage and load information,

3:1340.1, 3:1340.2

RESEARCH AND DEVELOPMENT

3:907.3

Livestock used for

-Ante-mortem inspections, 3:903.16 -Disposal of condemned carcasses and parts,

Pesticide studies involving human participants, 3:6710

RESPIRATORS

Pesticide workers, 3:6739

RETAIL STORES Milk and milk products inspections, 3:601

Commercial feed ingredient, 3:2794

Identity preservation, 3:2850-3:2857 -Colored bran rice, production and handling,

-Conventionally bred specialty rice, production and

handling, 3:2851 -Definitions, 3:2850

3:2852

-Hearings, 3:2853-3:2856 -Injunctive relief, 3:2857

Wild rice, field crop standards, 3:2836 RICOTTA CHEESE

See generally CHEESE

RIMSULFURON Pesticide, groundwater contaminant, 3:6800

RIVERSIDE COUNTY

Alligatorweed eradication area, 3:3960

RODENTICIDES

Pest controllers

See PEST CONTROLLERS

RODENTS

Meat, dead animal carcass collection centers, 3:1180.23

Poisons

See PESTICIDES

Poultry plants, 3:1224, 3:1225

ROMANO CHEESE

See generally CHEESE

ROSEMARY

Pesticide regulations, exemptions, 3:6147

ROSES

Nursery stock grading standards, 3:3062

RYE

Commercial feed ingredient, 3:2795

S

SAFFLOWER

Commercial feed ingredient, 3:2795.5

SAFFLOWER SEEDS

Field crop standards, 3:2836

SALAD PRODUCTS

Cabbages, exemptions, 3:1418

Containers

- -Closed, defined, 3:1438.45
- -Master containers, 3:1438.44 -Standard, 3:1438.42

Defects, 3:1438.23, 3:1438.29

Definitions, 3:1438.24

- -Clean, 3:1438.27
- -Closed containers, 3:1438.45
- -Moisture, excessive, 3:1438.28

Insect damage, 3:1438.23

Restricted produce, 3:1438.26

Standards

- -Clean, defined, 3:1438.27
- -Defects, 3:1438.23, 3:1438.29
- -Lettuce, packaging requirements, 3:1438.22
- -Minimum requirements, 3:1438.23, 3:1438.25
- -Moisture
- -- Excessive, 3:1438.28
- -Sampling requirements, 3:1438.30
- -Restricted produce, 3:1438.26
- -Sampling requirements, moisture, 3:1438.30
- -Tolerances, 3:1438.29

Transportation, lettuce for shredding, 3:1438.33

SAN JOAQUIN VALLEY QUALITY COTTON **DISTRICT, 3:3800-3:3830**

SAUSAGES

See MEAT AND MEAT PROCESSING

SCAB

Livestock, disposal of carcasses and parts, 3:905.19

SCABIES

Goats and sheep, entry into state, 3:760.7

SCHOOLS AND SCHOOL DISTRICTS

Pesticide use reports, 3:6625

SCRAPIE

Sheep and goats

- -Definitions, 3:760
- -Entry into state, 3:760.5
- -Intrastate movement, 3:760.6

SEEDS

Agricultural seed

- -Botanical name list, 3:3899
- -Common name list, 3:3899
- -Schedule, 3:3899
- -Testing fees, 3:3902
- -Weed seeds, incidental occurrence schedule, 3:3901

Assessment fees, 3:3906

SEEDS-continued

Certification

- -Approved agencies, 3:3875
- -Cooperation, 3:3876
- -Fees, 3:3877

Cleaning, defined, 3:3856

Complaints

- -Investigations, 3:3917
- -Mediation --Notice, 3:3915.1
- --Procedures, 3:3918
- --Required, 3:3915
- -Procedures, 3:3916 Conditioning, defined, 3:3856

Containers

- -Hermetically sealed, 3:3864
- -Labeling requirements, 3:3867

Crop seed, weed pest prevention through screening, 3:3557

Definitions

- -Cleaning, 3:3856
- -Conditioning, 3:3856
- -Inspections, 3:3850

Fees

- -Certification, 3:3877 -Testing, 3:3883, 3:3902

Germination

- -Mixtures testing, 3:3885
- -Standards, 3:3865
- -Tests, 3:3881

Hearings, inspections, 3:3887

Inspections

- -Crop seed, weed pest screenings, 3:3557
- -Enforcement hearings, 3:3887
- -Hearings, 3:3887
- -Noxious weed seeds, 3:3853-3:3855
- -- Labeling requirements, 3:3853
- --Prohibited seed, 3:3854
- -Restricted seed, 3:3855 -"Origin inspected warehouse" designation,
- 3:3890-3:3892 -Sampling requirements
- --Classification, 3:3871
- --Forwarding provisions, 3:3873
- -"Stop-sale" order, 3:3889

Investigation of complaints, 3:3917 Labeling and packaging

- -Blank spaces, 3:3862
- -Containers, 3:3864, 3:3867

- -"Free," 3:3862 -"None," 3:3862 -Type designation, 3:3863
- Licensing, sales, 3:300, 3:301
- Mediation of complaints -Notice, 3:3915.1
- -Procedures, 3:3918 -Required, 3:3915

Mixtures, germination tests, 3:3885

Noxious weed seeds

- -Crop seed adulteration, prevention through screen-
- -Incidental occurrence in agricultural seed, 3:3901
- -Labeling requirements, 3:3853
- -Prohibited seed, 3:3854
- -Restricted seed, 3:3855 "Origin inspected warehouse" designation, 3:3890-3:3892

Purity analysis, 3:3880 Registration, assessment fees, 3:3906

Safflower seeds, field crop standards, 3:2836

- Sales, license processing times, 3:300, 3:301 Schedules, 3:3899-3:3902
- -Agricultural seeds, 3:3899 -Testing fees, 3:3902
- -Vegetable seeds, germination standards, 3:3900
- -Weed seeds, incidental occurrence, 3:3901 Standards
- -Germination, 3:3865
- -Purity analysis testing, 3:3880
- -Safflower seeds, 3:2836
- -Tolerances, 3:3882
- -Vegetable seed germination, 3:3900
- Testing, 3:3878-3:3885
- -Fees, 3:3883, 3:3902

SEEDS-continued

Testing-continued

- -Germination tests, 3:3881
- -Indistinguishable seed, 3:3878
- -Mixtures, germination, 3:3885
- -Noxious weed seed extermination, 3:3879
- -Purity analysis, 3:3880
- -Service charges of Food and Agriculture Department, 3:4600-3:4603
- -Tolerances, 3:3882

Vegetable seed

- -Germination standards, 3:3900
- -Testing fees, 3:3902

SELENIUM

Commercial feed premixes, 3:2676

SEPTICEMIA

Livestock, disposal of carcasses and parts, 3:905.15

SESAME

Pesticide regulations, exemptions, 3:6147

SESAME PRODUCTS

Commercial feed ingredient, 3:2796.5

SEVIN

Pesticide, usage restrictions, 3:6400

SHARECROPPING

Direct marketing of fruits and vegetables, contractual agreements, 3:1392.9.1

Fruits and vegetables direct marketing agreements, 3:1392.9.1

SHASTA COUNTY

Hydrilla eradication area, 3:3962

South American Spongeplant eradication area,

SHEEP

Diseases

Brucellosis, entry of rams into state, 3:760.4

See also LIVESTOCK -Importation, 3:1300-3:1300.15

-Reportable conditions, 3:797 Importation

- -Diseased animals, 3:1300-3:1300.15
- Interstate and intrastate movement, 3:760-3:760.9 -Applicability of laws and regulations, 3:760.1
- -Certificate of veterinary inspection, 3:760.2
- -Definitions, 3:760
- -Entry into state -Diseased animals, 3:1300-3:1300.15 -Ovine brucellosis, 3:760.4
- --Permits, 3:760.3
- -Scabies, 3:760.7 -Scrapie, 3:760.5
- -Official documents, 3:760.1
- -Records, 3:760.8
- -Scrapie, 3:760.5-3:760.6

-Violations, 3:760.9

See generally MEAT AND MEAT PROCESSING Ovine brucellosis, entry of rams into state, 3:760.4

Quarantine by State Veterinarian, 3:760.1

Scabies, entry into state, 3:760.7

- Scrapie
- –Definitions, 3:760 -Entry into state, 3:760.5
- -Intrastate movement, 3:760.6

SIMAZINE Pesticide, groundwater protection, 3:6487.1-3:6487.5, 3:6800

SLAUGHTERING AND SLAUGHTERHOUSES See CATTLE; MEAT AND MEAT PROCESS-ING; Poultry and poultry products

SODIUM CHLORIDE

SODIUM CYANIDE Pesticide

- -Toxic air contaminant, 3:6860
- -Usage restrictions, 3:6400

SODIUM DICHROMATE

Pesticide, toxic air contaminant, 3:6860

Pesticide regulations, exemptions, 3:6147

SODIUM FLUOROACETATE

Pesticide, usage restrictions, 3:6400

SODIUM LAURYL SULFATE

Pesticide regulations, exemptions, 3:6147

SORGHUM PRODUCTS

Commercial feed ingredient, 3:2797

SOUTH AMERICAN SPONGEPLANT

Eradication area, 3:3963

SOYBEAN OIL

Pesticide regulations, exemptions, 3:6147

SOYBEANS

Commercial feed ingredient, 3:2798

SQUAB

Inspection of slaughtering establishments, 3:900.1

STARLICIDE

Pesticide, usage restrictions, 3:6400

STATE VETERINARIAN

Quarantine of animals, 3:1301-3:1301.9 See also QUARANTINE

STERILIZATION

Medical devices, liquid chemical sterilants, 3:6146

California certified strawberry plants, 3:3049-3:3049.5, 3:3069

STRYCHNINE

Pesticide, usage restrictions, 3:6400

SUDDEN OAK DEATH, 3:3700

SUGARCANE

Ouarantine

- -Borers, exterior quarantine, 3:3272
- -West Indian sugarcane root borer, exterior quarantine, 3:3279

SULFOMETURON-METHYL

Pesticide, groundwater contaminant, 3:6800

SULFOTEPP

Pesticide, usage restrictions, 3:6400

SULFURYL FLUORIDE

Pesticide, usage restrictions, 3:6400 Toxic air contaminant, 3:6860

SUNFLOWER PRODUCTS

Commercial feed ingredient, 3:2798.5

SUPRACIDE

Pesticide, usage restrictions, 3:6400

SURFACE WATER

Pesticide contamination prevention, 3:6960

SUTTER COUNTY

Propanil use, 3:6462

SWAMP FEVER

Livestock, disposal of carcasses and parts, 3:905.8

SWEET POTATOES

Containers

- -Dimensions, 3:1380.19
- -Numerical designations, 3:1380.19

- -Control area, 3:3581
- -Exterior quarantine, 3:3257
- -Interior quarantine, 3:3429

SWINE

Brucellosis

- -Control areas, 3:795.34, 3:795.35
- -Movement into state, 3:796.5
- Definitions
- -Brucellosis control areas, 3:795.34
- -Interstate and intrastate movement, 3:796
- -Vesicular exanthema disease, 3:790
- Diseases
- -Brucellosis
- See Brucellosis, this heading
- -Definition of vesicular exanthema, 3:790
- -Hog cholera, disposal of carcasses and parts, 3:903.4, 3:905.2
- -Pseudorabies

See Pseudorabies, this heading

-Reportable conditions, 3:797

SWINE-continued

Garbage-fed swine, disease prevention, 3:794-3:794.5

- -Direct fire cooking equipment, 3:794.4
- -Facilities construction regulations, 3:794
- -Feeding operations, 3:794.2
- -Garbage cooking operations, 3:794.1
- -Permit, processing time, 3:300, 3:301
- -Sanitation requirements, 3:794.3
- -Steam treating equipment, 3:794.5
- Hog cholera, disposal of carcasses and parts. 3:903.4, 3:905.2

Importation violations, informal hearings, 3:1310-3:1310.3

Interstate and intrastate movement, 3:796-3:796.9

- -Brucellosis, movement into state, 3:796.5
- -Definitions, 3:796
- -Documentation, 3:796.1
- -Entry permits, 3:796.3
- -Feedyards, 3:796.8
- -Immediate slaughter after movement into state, 3:796.6
- -Pseudorabies, movement into state, 3:796.4
- -Quarantine, 3:796.1
- -Slaughter plants, import permit, 3:796.7
- -Veterinary inspection certificate, 3:796.2
- -Violations, 3:796.9

Meat

See generally MEAT AND MEAT PROCESSING Permits

-Garbage feeding to swine, processing time, 3:300, 3:301

Pseudorabies

- -Control regulations, 3:795.60
- -Herd eradication, mandatory, 3:795.62
- -Identification methods, 3:795.61
- -Movement into state, 3:796.4
- -Testing, 3:795.60, 3:795.62
- Quarantine regulations
- -Vesicular exanthema, 3:790-3:792.1
- Reportable conditions, 3:797

Vesicular exanthema, 3:790-3:782.1

- -Definitions, 3:790
- -Quarantine regulations
- -- Destruction of infected animals, 3:790.2
- --Disinfection requirements, 3:792, 3:792.1
- --Garbage, transportation, 3:791.1
- --Transportation regulations, 3:791

SWINE ERYSIPELAS

Livestock, disposal of carcasses and parts, 3:905.3

TAGS

Meat and meat processing
See MEAT AND MEAT PROCESSING

See also generally CITRUS FRUITS

Ed. Note: For additional comprehensive information on containers, labeling and packaging, inspections, and marketing, See FRUITS AND VEGETABLES.

Containers

- -Count, 3:1430.51
- -Dimensions, 3:1380.19
- -Irregular sizes, 3:1430.52
- -Marking requirements, 3:1430.53
- -Numerical designations, 3:1380.19, 3:1430.50
- -Size, 3:1430.51
- -Standard, 3:1430.50 Definition, 3:1430.46
- Standards
- -Color requirements, 3:1430.47
- -Maturity standards, 3:1430.47
- -Serious damage, 3:1430.48
- -Size, 3:1430.51
- -Tolerances, 3:1430.49, 3:1430.51

TANKERS

Milk tankers

- -Application form for permit, 3:480.9 Appx. A
- -Inspection and permitting, 3:480.9
- -Permit processing times, 3:300

Dairy farms, 3:480.7, 3:480.75, 3:480.76, 3:481.5

TAPEWORM CYSTS

- Livestock, disposal of carcasses and parts
- -Cattle, 3:905.21
- -Hogs, 3:905.22
- -Sheep, 3:905.23

TAXATION

Commercial feed, tonnage tax, 3:2750

TEBUTHIURON

Pesticide, groundwater contaminant, 3:6800

TEHAMA COUNTY

Beekeepers, notice of pesticide application, 3:6655

TELONE Pesticide, usage restrictions, 3:6400

TEMIK Pesticide, usage restrictions, 3:6400

Avocados, 3:1408.2, 3:1408.3, 3:1408.6.1

-Trees, 3:3033.4

Brucellosis, bovine, 3:752, 3:752.3

Cattle -Brucellosis, 3:752, 3:752.3

-Tuberculosis, 3:759

Citrus fruits, maturity standards, 3:1430.5, 3:1430.6

Citrus trees, certification program, 3:3003 Fruits and vegetables, maturity testing, 3:1370.16

Garlic, seed garlic certification program, 3:3044.6 Melons, 3:1442.4, 3:1442.5

Oranges, maturity standards, 3:1430.38 Pesticides, 3:6184, 3:6185

Pomegranates, 3:1464.4 Quarantined animals, epidemiological investiga-

tions, 3:1301.4

-Sample collection, 3:1301.5 Service charges of Food and Agriculture Depart-

ment, 3:4600-3:4603 Swine, pseudorabies, 3:795.60, 3:795.62

Tomatoes, soluble solids, 3:1333.1 Trichomonosis, 3:820.1-3:820.5

Watermelons, 3:1442.11

THIMET

Pesticide, usage restrictions, 3:6400 **THIOBENCARB**

Pesticide, usage restrictions, 3:6400

THIODAN Pesticide, usage restrictions, 3:6400

THIOPHANATE-METHYL

Indoor applications, use requirements, 3:6795

THYME

Pesticide regulations, exemptions, 3:6147

TOILET FACILITIES

Dairies, 3:663 Dairy farms, 3:663

Pesticide workers

-Field workers, 3:6768 -Handlers, 3:6734

Poultry plants, 3:1215 Tomato inspection stations, 3:1339.4

TOMATOES

Ed. Note: For additional comprehensive information on containers, labeling and packaging, inspections, and marketing, See FRUITS AND VÉGETABLES.

Canning, 3:1330-3:1340.4

-Color determination requirements, 3:1332, 3:1332.3 -Commercial repacker registration, 3:1472.7.1

-Containers See Containers, this heading

-Fees, inspections, 3:1330, 3:1330.1 -Field identification tags, 3:1331

-Grading

TOMATOES-continued

Canning-continued

- -Grading-continued
- -- Acceptance inspection, 3:1334
- -- Color determination requirements, 3:1332, 3:1332.3
- --Green tomatoes, 3:1332.3
- --Limited use tomatoes, certification, 3:1333
- --Regrading requirements, 3:1337
- -- Sampling requirements, 3:1335
- --Soluble solids, testing, 3:1333.1
- --Standards

See Standards, this heading

- -Grading tables
- --Mechanical, 3:1336
- --Space requirements, 3:1339.2
- -Standard, 3:1336.5
- -Inspections
- --Delivery and acceptance, 3:1334
- --Fees, 3:1330, 3:1330.1
- -- Sampling requirements, 3:1335
- -Inspection stations
- -Alternate stations, 3:1340.3
- -Capacity requirements, 3:1339.1
- -- Constructed after 1986, order of operations, 3:1339.7
- --Conveyers, 3:1339.4
- -- Delivery requirements, 3:1340
- -- Drainage facilities, 3:1339.5
- -- Dumping prohibitions, 3:1339.5
- -- Equipment requirements, 3:1339.3
- -- Facilities requirements, general, 3:1339
- --Floor space requirements, 3:1339.2
- --Office space, 3:1339.2
- -- Public access required, 3:1340.4
- --Reporting requirements, acreage and load information, 3:1340.1, 3:1340.2
- -- Right of access, 3:1340.4
- --Safety requirements, 3:1339, 3:1339.4
- --Sanitation requirements, 3:1339, 3:1339.4
- --Toilet facilities, 3:1339.4 --Violations, 3:1339.6, 3:1340.4
- --Waste disposal, 3:1339.4
- --Weighing
- ---Prior to grading, 3:1339.7 ---Weighmasters, 3:1339.7
- -Labeling and packaging
- See Labeling and packaging, this heading
- -Limited use tomatoes, certification, 3:1333
- -Mold, 3:1332.2
- -Penalties, inspection station violations, 3:1339.6, 3:1340.4
- -Processors, acreage and load information report, 3:1340.1, 3:1340.2
- -Repackers, registration requirements, 3:1472.7.1
- -Reporting requirements, acreage and load information, 3:1340.1, 3:1340.2
- -Varietal labeling requirements, 3:1472.4
- Color determination requirements, 3:1332, 3:1332.3 Containers
- -Dimensions, 3:1380.19
- -Green tomato container size requirements, 3:1472.6
- -New containers, 3:1472.7
- -Numerical designations, 3:1380.19
- -Size requirements, 3:1472.6
- -Standard container dimensions, 3:1380.19
- -Varietal labeling requirements, 3:1472.4 Defects
- See Standards, this heading
- Dried tomato pomace, labeling requirements,
- Fees, inspections, 3:1330, 3:1330.1
- "Greenhouse grown," designation, 3:1472.8
- Handlers, registration, 3:1472.7.2
- Labeling and packaging, 3:1472.6
- -Containers
 - See Containers, this heading
- -Dried tomato pomace, 3:2802 -"Greenhouse grown," designation, 3:1472.8
- -Varietal marking requirements, 3:1472.4
- -"Vine ripened," designation, 3:1472.5 Mold. 3:1332.2

Registration requirements

TOMATOES-continued

Registration requirements-continued

- -Handlers, 3:1472.7.2
- -Repackers, 3:1472.7.1

Repackers, registration requirements, 3:1472.7.1

Reporting requirements, processor acreage and load information, 3:1340.1, 3:1340.2

Safety requirements, inspection stations, 3:1339,

Sampling requirements, 3:1335

Sanitation requirements, inspection stations, 3:1339, 3:1339.4

Soluble solids, testing, 3:1333.1

- Standards
- -Catfaces, 3:1472.2
- -Color determination requirements, 3:1332, 3:1332.3
- -General provisions, 3:1472
- -Gray wall defect, 3:1333.2
- -"Greenhouse grown," designation, 3:1472.8
- -Green tomatoes, 3:1332.3
- -Growth cracks, 3:1472.1
- -Insect damage, 3:1472
- -Limited use tomatoes, certification, 3:1333
- -Material other than tomatoes, rejection provisions, 3:1332.4
- -Mold, 3:1332.2
- -Percentage chart, official, 3:1338
- -Repackers, registration requirements, 3:1472.7.1
- -Tolerances, 3:1472.3
- -Varietal marking requirements, containers, 3:1472.4
- -"Vine ripened," designation, 3:1472.5
- -Worm damage, 3:1332.1
- Tags, field identification, 3:1331
- Testing, soluble solids, 3:1333.1
- "Vine ripened," designation, 3:1472.5
- Violations, inspection stations, 3:1339.6, 3:1340.4
- Waste disposal, inspection stations, 3:1339.4 Weighing and weighmasters, inspection stations, 3:1339.7
- Worm damage, 3:1332.1

Yellow leaf curl virus, exterior quarantine, 3:3286

TRANSPORTATION

- Apples, 3:1400.12
- Citrus fruits, 3:1430.1
- Deer, transport to slaughter establishment, 3:906.1 Fallow deer, transport to slaughter establishment, 3:906.1
- Fruits and vegetables, 3:1370.15
- Grease, enforcement fees for transporters of inedible kitchen grease, 3:1180.3.1, 3:1180.3.2
- Insects, live, 3:3558 Lettuce, salad products, 3:1438.33
- Livestock
- -Dead or diseased animals See LIVESTOCK
- -Fallow deer, 3:906.1
- Meat and meat processing, 3:1180.41
- Nectarines, 3:1446.13
- Noxious weeds, 3:301
- Pesticides, 3:6670-3:6686
- Plums, 3:1462, 3:1462.1
- Potatoes, 3:1466.3 Poultry, diseased carcasses and parts, 3:1243
- Prunes, 3:1462, 3:1462.1

TREES

- See also specific type
- Deciduous fruit and nut trees, certification, 3:3015-3:3015.5, 3:3069
- Nursery stock
- See generally PLANT NURSERIES
- Oak mortality disease control, 3:3700
- Pome fruit trees, nursery stock certification, 3:3020-3:3020.5, 3:3069

TRIALLATE

Pesticide, groundwater contaminant, 3:6800

Pesticide, usage restrictions, 3:6400

TRIBUTYL PHOSPHOROTRITHIOATE

Cotton harvest aids, usage restrictions, 3:6470

TRIBUTYL PHOSPHOROTRITHIOITE

Cotton harvest aids, usage restrictions, 3:6470

TRIBUTYLTIN

Antifouling paint additive

- -Application requirements, 3:6488, 3:6489
- -Average release rate, 3:6900
- -Dealer requirements, 3:6488, 3:6574
- Cooling water systems
- -Prohibited use, 3:6910

TRICHOMONOSIS

Bovine, 3:820-3:820.8

TRIFLUMIZOLE

Pesticide, groundwater contaminant, 3:6800

TRIFLURALIN

Pesticide, toxic air contaminant, 3:6860

TRUSTS Milk Producer Security Trust Fund, 3:2100-3:2102 -Allocation of handler payments to producers, 3:2042

TUBERCULOSIS

Cattle

- -Interstate movement into state, 3:758-3:758.1

-Mexican imports, testing, 3:755.4-3:755.5 Livestock, disposal of carcasses and parts, 3:905.1

TULARE COUNTY Alligatorweed eradication area, 3:3960

Hydrilla eradication area, 3:3962

TYPHOID Fowl typhoid, 3:784-3:784.2



URTICARIA Hogs, disposal of diseased or adulterated carcasses and parts, 3:905.20



VACCINES

Brucellosis, bovine, 3:752 Livestock lesions, disposal of carcasses and parts,

3:905.8

VALENCIA ORANGES Crop acreage and statistical reporting assessment,

See FRUITS AND VEGETABLES; specific type

3:1430.44.5 **VEGETABLES**

VEGETATION

See PLANTS

Noxious weeds

See NOXIOUS WEEDS

VERNOLATE Pesticide, groundwater contaminant, 3:6800

VESICULAR STOMATITIS, 3:799

VETERINARIAN, STATE

Quarantine of animals, 3:1301-3:1301.9 See also QUARANTINE

VETERINARIANS

Trichomonosis -Inspection certificates, 3:820.1

VINCLOZOLIN

Pesticide, groundwater contaminant, 3:6800

-Testing and diagnosis approval, 3:820.5

Milk and milk products, additives, 3:624 **VOLATILE ORGANIC COMPOUNDS (VOCs)**

Pesticides, data submission requirements, 3:6191

WALNUTS

Insect pests, exterior quarantine, 3:3273

WARNINGS

Pesticides, 3:6242

- -Field warnings, 3:6776
- -Legibility, 3:6240

WASTE DISPOSAL

Aircraft garbage, 3:770-3:774

- -Collection regulations, 3:772
- -Definitions, 3:770
- -Disposal methods, 3:774
- -License, processing time, 3:300, 3:301
- -Retention and maintenance, 3:771
- -Segregation requirements, 3:773
- -Transportation regulations, 3:772
- -Violations, informal hearings, 3:1310-3:1310.3

Boat garbage, 3:300, 3:301, 3:770-3:774 Definitions

- -Aircraft, 3:770-3:774
- -Boats, 3:770-3:774

Dehydrated garbage, commercial feed ingredient,

Livestock renderers, 3:1180.28

Meat packing plants, 3:1180.28

Swine vesicular exanthema disease, 3:791.1

Tomato inspection stations, 3:1339.4

Vessel and aircraft garbage, 3:770-3:774 -Violations, informal hearings, 3:1310-3:1310.3

WATERMELONS

Maturity testing, 3:1442.11

Standards, 3:1442.12-3:1442.16

- -Discoloration within edible flesh, 3:1442.15
- -Heart cracks, 3:1442.14
- -Overripe, 3:1442.12
- -Rind rot, 3:1442.13
- -White heart, 3:1442.16

WATER POLLUTION AND CONTROL

Cooling water systems

-Tributyltin, prohibited use, 3:6910

Paint, marine antifouling

- -Application regulations, 3:6488, 3:6489
- -Dealer requirements, 3:6488
- -Pesticide, use as
- --Average release rate, 3:6900

Tributyltin

- -Antifouling paints containing
- -- Application regulations, 3:6488, 3:6489
- -- Dealer requirements, 3:6488
- --Pesticide, average release rate, 3:6900
- -Cooling water systems, prohibited use, 3:6910

WEEVILS

Diaprepes Root Weevil

- -Eradication area, 3:3591.19
- -Interior quarantine, 3:3433

Sweet potato weevils

- -Control area, 3:3581
- -Exterior quarantine, 3:3257
- -Interior quarantine, 3:3429

WEIGHTS AND MEASURES

Apricots, 3:1402.8

Commercial feed, 3:2703

Deputy county sealer of weights and measures, qualifications, 3:107

Fruits and vegetables, direct marketing, 3:1392.4 Inspector of weights and measures

See FOOD AND AGRICULTURE DEPART-MENT

Pesticides, 3:6604, 3:6606

Rabbits, meat processing, 3:1607

Sealers of weights and measures, county, 3:106

WELLS

Pesticide application prohibitions, 3:6609

WHEAT

Commercial feed ingredient, 3:2800

Karnal bunt disease

-Eradication area, 3:3637

-Interior quarantine, 3:3430

WILD RICE

Field crop standards, 3:2836



XANTHOSIS

Livestock, disposal of diseased or adulterated carcasses and parts, 3:905.11

Pesticide, toxic air contaminant, 3:6860



Commercial feed ingredient, 3:2801

YOLO COUNTY

Propanil use, 3:6462

YUBA COUNTY

Hydrilla eradication area, 3:3962 Propanil use, 3:6462



Pesticide regulations, exemptions, 3:6147

ZINC PHOSPHIDE

Pesticide, usage restrictions, 3:6400

zoos

Animal food, slaughter regulations, 3:1180.33

·			•